

FINLAND

Finland is a state party to the United Nations Convention Relating to the Status of Refugees and its Protocol, as well as to the International Covenant on Civil and Political Rights and its First and Second Optional Protocols. The Aliens Act of 1991, as amended, and the Aliens Decree of 1994 govern the asylum process in Finland.¹

3,170 people applied for asylum in 2000; at the end of the year, there were approximately 1,300 applications pending first instance decisions, and 250 awaiting decision on appeal.² In 2001, 1,650 asylum applications were lodged.³ In the first quarter of 2002, 391 applications were filed.⁴ Approximately ten percent of asylum seekers are detained on arrival.⁵

Asylum seekers whose identity and travel route cannot be established are frequently detained in police custody for up to four days.⁶ Moreover, detention may be imposed if there is reasonable cause to believe that the asylum seeker will commit a crime or go into

¹ DANISH REFUGEE COUNCIL, LEGAL AND SOCIAL CONDITIONS FOR ASYLUM SEEKERS AND REFUGEES IN WESTERN EUROPEAN COUNTRIES at 68, *available at* <http://www.english.drc.dk/publications/> (May 2000) [hereinafter DRC W. EUR. REPORT 2000].

² U.S. COMMITTEE FOR REFUGEES, WORLD REFUGEE SURVEY 2001 at 220 *available at* <http://preview.refuges.org/world/worldmain.htm> (Immigration and Refugee Services of America 2001) [hereinafter USCR WORLD REFUGEE SURVEY 2001].

³ UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, NUMBER OF ASYLUM APPLICATIONS SUBMITTED IN 30 INDUSTRIALIZED COUNTRIES, 1992-2001, (May 31, 2002), *available at* http://www.unhcr.ch/cgi-bin/texis/vtx/home/+NwwBmem_Xx8wwwwqwwwwwwwwhFqAIRERfIRfgItFqA5BwBo5Boq5AFqAIRERfIRfgIcFqEvXafDm1BGowcoSnmagd1DBGon5Dzmxwwwwww/opendoc.pdf (last accessed Aug. 29, 2002) [hereinafter *Asylum Applications Lodged in 1992-2001*].

⁴ UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, ASYLUM TRENDS IN 28 INDUSTRIAL COUNTRIES: JANUARY TO MARCH 2001—JANUARY TO MARCH 2002, *available at* <http://www.unhcr.ch/cgi-bin/texis/vtx/home/+2wwBmelFXx8wwwwwwwwwwwhFqAIRERfIRfgItFqA5BwBo5Boq5AFqAIRERfIRfgIcFqF+8afDm15BGowcoSnmagd1DBGon5Dzmxwwwwww/opendoc.pdf> (June 13, 2002) (last accessed Aug. 29, 2002) [hereinafter *Asylum Trends in 28 Industrialized Countries*].

⁵ E-mail from Sari Sirva, Refugee Advice Centre, Finland, to Jaya Ramji, Debevoise & Plimpton (Dec. 4, 2001) (on file with Debevoise & Plimpton).

⁶ DRC W. EUR. REPORT 2000, *supra* note 1, at 71.

hiding.⁷ If detention is extended by the local District Court beyond the initial four days, detainees are typically transferred to prison, despite the fact that the Aliens Act provides that detainees should be held in separate detention facilities.⁸ Government policy states that asylum seekers should be detained only as an extreme security measure.⁹

The Ministry of the Interior and the Ministry of Labor have undertaken to establish a closed reception center for detained asylum seekers near Helsinki. These facilities are expected to open in 2002.¹⁰

Asylum seekers must typically register with the reception center closest to their point of entry.¹¹ There are approximately 19 reception centers, many of them run by state and local governments with several run by the Finnish Red Cross. Asylum seekers may stay at the centers throughout the asylum adjudication process, including the duration of any appeals. Centers are open and asylum seekers may attend classes both inside and outside the center to help train for work and eventual integration into Finnish society.¹² Free health care is provided to asylum seekers through the reception centers.¹³ Cooking facilities are generally available in the reception centers.¹⁴ Asylum seekers may choose to stay outside the reception center, without consequence of losing financial assistance.¹⁵

Is there independent review of the detention decision? Yes.

The decision to detain an asylum seeker is made by a senior officer of the police or by a senior officer of the frontier guard (the latter only has the authority to detain for 48

⁷ UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, RECEPTION STANDARDS FOR ASYLUM SEEKERS IN THE EUROPEAN UNION at 71 (July 2000) [hereinafter UNHCR EU REPORT 2000].

⁸ DRC W. EUR. REPORT 2000, *supra* note 1, at 71.

⁹ MINISTRY OF INTERIOR, GOVERNMENT DECISION-IN-PRINCIPLE ON IMMIGRATION AND REFUGEE POLICY PROGRAMME, 8. DETENTION OF ALIENS (adopted Oct. 1997) (on file with Debevoise & Plimpton).

¹⁰ E-mail from Sari Sirva, Refugee Advice Centre, Finland, to Jaya Ramji, Debevoise & Plimpton (Feb. 13, 2002) (on file with Debevoise & Plimpton) [hereinafter Refugee Advice Centre Correspondence].

¹¹ UNHCR EU REPORT 2000, *supra* note 7, at 68.

¹² DRC W. EUR. REPORT 2000, *supra* note 1, at 74-75.

¹³ UNHCR EU REPORT 2000, *supra* note 7, at 69.

¹⁴ DRC W. EUR. REPORT 2000, *supra* note 1, at 74.

¹⁵ UNHCR EU REPORT 2000, *supra* note 7, at 74.

hours).¹⁶ This decision is based on whether the asylum seeker's identity is clear, whether she has entered with a valid visa, and whether there is a risk of flight or criminal activity.¹⁷ The officer who has made the detention decision must inform the local District Court of the detention at the latest, the day after detention. The Court must hear the case within four days of detention, and may then extend detention for up to fourteen days. This review may be substantive, but often lasts only fifteen to twenty minutes, which limits the thoroughness of the review. Detainees are rarely released by courts.¹⁸ The police may release detained asylum seekers on their own initiative.¹⁹

Are there limits on the period of detention? No.

As long as detention is reviewed every fourteen days, there are no limits on length of detention.²⁰ In practice, asylum seekers are typically detained for three to eight weeks.²¹

Is there a periodic review of detention? Yes; every fourteen days.

After the initial four days, the decision to continue detention is automatically reviewed by the court of first instance every fourteen days.²²

Is there access to government-funded legal aid? Limited.

It is difficult for detained asylum seekers to access legal assistance. The Finnish Refugee Advice Centre (FRAC) has a contract with the Ministry of Labour to provide free legal advice to asylum applicants, but FRAC is rarely informed of detained asylum seekers.²³

¹⁶ Letter from Marjo Waismaa, Senior Adviser, Ministry of the Interior, Finland, to Jaya Ramji, Debevoise & Plimpton (Jan. 14, 2002) (on file with Debevoise & Plimpton) [hereinafter Ministry of the Interior Correspondence].

¹⁷ Refugee Advice Centre Correspondence (Feb. 13, 2002), *supra* note 10.

¹⁸ Ministry of the Interior Correspondence, *supra* note 16, at 2; Refugee Advice Centre Correspondence (Feb. 13, 2002), *supra* note 10.

¹⁹ DRC W. EUR. REPORT 2000, *supra* note 1, at 71.

²⁰ DRC W. EUR. REPORT 2000, *supra* note 1, at 71.

²¹ Refugee Advice Centre Correspondence (Feb. 13, 2002), *supra* note 10.

²² Refugee Advice Centre Correspondence (Feb. 13, 2002), *supra* note 10; Ministry of the Interior Correspondence, *supra* note 16, at 2; DRC W. EUR. REPORT 2000 *supra* note 1 at 71.

²³ EUROPEAN COUNCIL ON REFUGEES AND EXILES, STUDY ON THE AVAILABILITY OF FREE AND LOW-COST LEGAL ASSISTANCE FOR ASYLUM SEEKERS IN EUROPEAN STATES at 104, available at <http://www.ecre.org/research/legalassistance/index.shtml>

Most detained asylum seekers retain private counsel as they are eligible for legal aid for bail hearings. Police who handle asylum cases for detainees provide lists of lawyers to these asylum seekers, but not all of the lawyers are members of the Bar or fully qualified.²⁴

Asylum seekers may be appointed a private solicitor free of charge for the appeals process, but UNHCR reports that detained asylum seekers may have difficulty gaining access to legal aid at the appeals level.²⁵ This appointment is facilitated through the normal legal aid scheme, which is financed by the government. In practice, few legal aid attorneys have immigration experience and FRAC lawyers handle the majority of appeals.

Alternatives to detention: None.

Vulnerable groups: Unaccompanied minors are typically accommodated in special areas of reception centers. All unaccompanied minors are appointed a legal representative, who is present at all asylum interviews.²⁶

(November 2001) [hereinafter ECRE EUR. STUDY 2001]; UNHCR EU REPORT 2000, *supra* note 7, at 67.

²⁴ ECRE EUR. STUDY 2001, *supra* note 23, at 105.

²⁵ DRC W. EUR. REPORT 2000, *supra* note 1, at 70; UNHCR EU REPORT 2000, *supra* note 7, at 67-68.

²⁶ DRC W. EUR. REPORT 2000, *supra* note 1, at 70, 75.