



PAKOLAISNEUVONTA

# THE CREATION OF UNDOCUMENTED MIGRANTS

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# The Finnish Refugee Advice Centre

- The Finnish Refugee Advice Centre is a non-governmental organization founded in 1988 by other Finnish NGOs.
- Legal aid and advice for asylum seekers, refugees, and other foreigners in Finland.
- Legal aid and advice for victims of human trafficking.
- Legal advice for undocumented migrants and for people who are in ambiguous situations regarding their residence permits and for those at risk of becoming undocumented migrants.

# Issuing residence permits in cases where aliens cannot be removed from the country

- Aliens Act Section 51 before: Aliens residing in Finland are issued with a temporary residence permit if they cannot be returned to their home country or country of permanent residence for temporary reasons of health or if they cannot actually be removed from the country.
- **1.7.2015** Amendment; now the applicant is required to try the voluntary return option before the residence permit is possible to have.
- If a person doesn't want to try to return voluntarily and decides to stay in Finland, she/he becomes undocumented.

# Humanitarian protection

- **16.5.2016** Aliens Act Section 88a concerning Humanitarian Protection abolished.
- Used to be one of the grounds of international protection.
- Extended permits on the grounds of humanitarian protection are not possible anymore.
- A person has to have new grounds to apply for a residence permit, otherwise she/he is deported back to her/his homecountry or stays undocumented in Finland.

# Termination of reception services

- Reception services continue until the asylum application has been processed
- **1.7.2015** Amendment; If a person receives an enforceable decision of refusal of entry but the police is unable to remove her/him from Finland and she/he does not return to the home country voluntarily -> a person may use reception services for 30 days

# Termination of reception services

- Children who have arrived in Finland without a guardian are an exception. Their reception services will not end. In other words, children can continue to live at the reception centre until they are removed from Finland.
- The director of the reception centre can decide that the services continue for a reasonable time because of special personal reasons.

# Other changes

- **1.9.2016** Amendments
- Time to appeal -> Administrative Court 21 days, Supreme Administrative Court 14 days
- Fee for the legal counsel is based on the case not the time spent
- The legal counsel does not usually participate in asylum interviews.
  - The legal counsel is allowed to be present but she/he will only be paid if there are special reasons why she/he needs to be there

# Asylum procedures

- There is a risk that people in vulnerable situations are not recognized
- Some who have received negative decisions are truly afraid to return to their home country-> They stay in Finland as undocumented migrants



# The Finnish Refugee Advice Centre

- Focus on recognizing undocumented migrants who are in very vulnerable situations, for example
- Pregnant women,
- Minors,
- Asylum seekers whose need for protection hasn't been noticed
- Victims of human trafficking and other crimes
- Traumatized victims of torture

# Remarks

- Most common wish: To have a residence permit in Finland
- Most common problems: no work and no right to work, no income , no passport, insecurity, no information about rights, fear of refusal of entry, no access to services/justice
- Risk of exploitation and becoming a victim of a crime
- Situations vary
- Need for anonymous and confidential legal advice



Thank you! 😊

*[www.pakolaisneuvonta.fi](http://www.pakolaisneuvonta.fi)*