

**Government
Migration Policy
Programme**

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1. Programme objectives and means

According to the Government's Strategy Document, the overall purpose of the migration policy programme is to define migration policy values, with the aim of respecting human and fundamental rights, to reinforce a culture of good governance and to combat migration-related threats.

The programme also seeks to form a comprehensive framework for migration policy planning and implementation, especially with regards to immigration into Finland from outside the EU and the EEA. Moreover, the programme aims to promote the development of a multi-value, multicultural and non-discriminating society and thus foster Finland's internationalisation process, improve international competitiveness and serve as a means of responding to the challenges posed by an ageing workforce and population as a whole.

The idea of an active migration policy is enshrined in the objectives of the migration policy programme.

The following means are to be employed to further the objectives of the migration policy programme:

- the immigration of foreign employees and their family members shall be promoted to safeguard the availability of a skilled workforce and strengthen the skills matrix of the population,
- the opportunities for immigrants to be treated equally and without discrimination in society shall be improved,
- the development of multi-value and multicultural work communities shall be promoted and the conditions to supervise the employment terms of foreign employees shall be improved,
- the actual possibilities for all immigrants, especially women and children, for integration, participation and family life shall be strengthened,
- particular attention shall be given to the best interests of the child and the education and integration of children and young people,
- the UNHCR's protection mission, refugee prevention and the resettlement of refugees shall be promoted and supported,
- the strengthening and implementation of legislation concerning the EU's work towards legislation governing international protection and the harmonisation of national legislation and aims shall be fostered,
- the legal safety of persons seeking international protection in the spirit of the Refugee Convention shall be strengthened whilst the efficient processing of applications for asylum and a safe, dignified return or refoulement shall be ensured,
- reception facilities in able to maintain the capacity of asylum-seekers to be active shall be ensured,
- the opportunities for all immigrants to be treated as public administration customers in accordance with good governance, especially the possibility to have their applications processed flexibly and without undue delay, shall be strengthened,
- any disadvantages immigration to Finland causes to countries of departure shall be reduced, and
- it shall be ensured that the opportunities of job-seekers resident in Finland to gain employment are not impaired in practice.

It is proposed an implementation programme be prepared to carry out the migration policy programme.

The Government plans to consider issues related to migration and ethnic relations regularly in a ministerial working group and to provide the Parliament with a report on migration policy, ethnic relations and integration once every electoral term. The policy programme will be implemented within the spending limits and the budget.

2. Migration policy values

Migration policy values are the values of society as a whole. These values are integrated into the values enshrined in human rights conventions to which Finland is a signatory, in the Constitution, in legislation guiding the activities of public administration and in other legislation. These values include:

- the rule of law
- furthering the implementation of human and fundamental rights
- combating racism and discrimination, promoting real equality
- the best interests of the child
- the principle of good governance and other legal principles in administration, transparency

The impression legislation and policy programmes give of migration policy, however, does not always conform to immigrants' experiences of Finnish reality or the occasional even critical tone of Finnish migration policy research. This is why it is important to raise the status of the values proclaimed by migration policy and by organisations carrying out migration policy so as to ensure these values are implemented in practice. The allocation of resources and effective communications can help establish the central position of shared values.

3. Policy guidelines and measures

3.1. The promotion of work-related immigration

Promotion of work-related immigration to prevent the future shortfall in labour and to strengthen the skills matrix of the population base

As the population ages over the upcoming years, the supply of labour will decrease in Finland. In Finland, the availability of labour is expected to become a problem more rapidly than in many other European countries. Ageing affects large age groups in the working population. A shrinking labour supply also has regional implications. Smaller age groups of younger, mobile employees are also likely to give rise to shortfalls in knowledge and skills in different regions of Finland.

Among other actions, work-related immigration will be fostered in response to this future dwindling workforce and shortfalls in knowledge and skills. The promotion of work-related immigration will give broad consideration to the arrival of foreign nationals to work for employers in the private and public sector in Finland, the immigration of and business conditions for foreign self-employed persons, as well as any foreign nationals such as students and family members subsequently joining the labour market. Many of the means of promoting work-related immigration referred to in this programme also improve the conditions for expatriates to return to Finland should they wish to do so.

The promotion of work-related immigration calls for various players such as the state, municipalities, labour market and other organisations to work together.

Immigration and migrants are a way for society to pull through from the difficulties caused by the ageing work force and other challenges within the operating environment. Immigrants can help ease the shortage of labour, widen the skill-base and make innovations. It must, however, be taken into account that immigrants are not merely an instrument for solving a problem, but they will become a part of that society whose problems are being solved. A humane point of view is central when developing an immigration policy. It is important to promote actions, which make Finland a better place to live, stay, start a business and work without having to encounter discrimination, racism or pressure to emigrate due to such reasons.

The possibility of family life for foreign workers in Finland is a significant factor in promoting work-related immigration. The presence of a family furthers commitment to work and society. The decision of moving the family should be primarily a decision for the employee and his/her family. The decision should not be excessively conditioned by the permit process. Furthermore, the family members of employees or students residing in Finland under a temporary residence permit should also, as a rule, receive residence permits.

The promotion of work-related immigration with the means set out in this programme is a step towards a more active immigration policy. Active immigration policy is included as means to promote employment in the Government Policy Programme for Employment.

- 1) **Policy guideline: Work-related immigration shall be promoted. The workforce leaving the labour market shall be replaced and the skills matrix strengthened, thus securing the conditions for economic growth and entrepreneurship. At the same time, the aim is to safeguard opportunities for integration, participation, family, fair treatment and non-discrimination.**

Measures: Work-related immigration shall be promoted using the means referred to in this programme in cooperation with the organisations responsible and partners. Key partners are labour market organisations and non-governmental organisations working with immigrants.

Organisations responsible: To be mentioned further on in conjunction with each policy guideline.

Costs and cost sharing: To be assessed below in conjunction with each policy guideline.

Utilising the attractions of Finland more effectively than earlier

Finland has many pull factors when competing for mobile labour across borders. According to various reports, these factors include clean nature, general stability and safety, well-functioning public services, the recognition of international companies and a reasonable wage level. Foreign researchers and students frequently appreciate the high standard of Finnish educational institutions and research bodies and the opportunity to complete a degree or qualification in a mainstream international language. Expatriate self-employed persons usually value Finland's interesting business environment.

However, these positive attributes are quite often overshadowed by other factors such as the difficult language, cold climate and high taxation, which are considered negative. This is why Finland's pull factors must be made better known. This involves a need to increase the cooperation between various organisations, using existing networks and creating new networks.

It is also important to communicate Finland's pull factors to families with children, who are a major resource. Children learn the local language in day care centres and schools and often integrate much more easily than adults. Families develop closer ties with society, which in turn adds to the likelihood of their remaining in Finland.

Different pull factors partly act in different ways in different groups of foreign nationals. There are also differences in whether the pull factors are examined at close hand or from further afield, from the perspective of a short-term or longer-term stay, or from the aspect of a family with children or a single immigrant.

- 2) **Policy guideline: A strategic, long-term policy shall be engaged in to make Finland's pull factors and the inherent opportunities to work, run a business and study in Finland better known.**

Measures:

- **A strategic, long-term policy shall be promoted in collaboration with different players such as Finland's missions abroad, the Academy of Finland, universities, schools of economics, polytechnics and Finnpro. Improved information shall be disseminated through various educational institutions and companies operating outside Finland.**
- **The Ministry of Labour is drawing up a strategy to implement the policy.**

Organisations responsible: Ministry of Labour, Ministry for Foreign Affairs, Ministry of Trade and Industry, Ministry of Education, Ministry of the Interior, Association of Finnish Local and Regional Authorities

Costs and cost sharing: To be studied in conjunction with preparing the strategy.

Increasing contractual cooperation with countries of departure

Except for Australians and New Zealanders on working holidays and Ingrian Finns, Finnish migration policy has not included any special treatment in granting entry and work permits to nationals of different countries of departure or foreign nationals arriving from certain areas. However, in future it is expected there will be a need to develop employment agency services offered abroad. In the same context, there would also be a need to take advantage of the potential for broader contractual cooperation in the area of labour migration. Besides information about jobs and working in Finland, activities could involve language learning in the initial stage, and possibly any further training and various arrangements to make the return easier.

The purpose of cooperation is to promote controlled immigration and to support recruitment by employers operating in Finland. Cooperation is linked to the development of such a guidance system that enables the provision of basic information on working life and society as well as required training services prior to entry in Finland (policy guideline no. 16). The network of Finnish missions will play a key role in implementing cooperation.

Since engagement in public authority activities in the territory of a foreign state requires contractual arrangements, it is appropriate to choose states that are suitable for the purpose with regards to both administrative costs and operating efficiency for contractual partners. When considering suitability, attention should be given to such factors as population figure, age structure, standard of education, population mobility principles, distance of country from Finland and the conditions for integrating residents of the country in Finland.

The labour administrations of Finland and Estonia have traditionally had good cooperative relations. Prospects for cooperation with other new EU countries, such as Poland, are also good. Poland has a central location in Europe, a large population and traditions of labour mobility. The Polish population is relatively young and well-educated. It must, however, be taken into account that two EU countries cannot enter into contractual arrangements that are discriminatory to citizens of other EU countries.

Some labour mobility projects have been implemented and are in progress between Finland and its neighbours. A joint Finnish-Russian labour mobility project carried out as an Interreg project has resulted in the arrival of the first employees from Russia to Eastern Finland. Under the North Calotte Labour Market to the Barents Labour Market project, the labour authorities from four countries have created a joint website to encourage labour mobility in North Calotte, a region comprising all the areas situated to the North of the Arctic Circle in Europe.

It is more practical to continue cooperation in the field of labour mobility as separate projects. The projects can be implemented in cooperation with labour market organisations and employers requiring labour, and more permanent working methods and processes can be developed.

3) **Policy guideline: Cooperation on labour mobility shall be increased with other EU countries, Finland's neighbouring areas and other countries that Finland considers potentially significant sources of labour.**

Measures: Negotiations shall be held on starting cooperation with particularly the Polish authorities with the aim of increasing labour mobility within the scope of Community regulations.

Organisations responsible: Ministry of Labour, Ministry for Foreign Affairs, Ministry of Interior

Costs and cost sharing: Costs depend on the scope of activities. It is possible to apply for ESF, Interreg and other EU funding for the activities.

Simplification of the permit system pertaining to labour immigration

The current permit system applying to labour immigration is based on the Aliens Act (301/2004) entering into force on 1 May 2004. Under the Aliens Act, foreign nationals working in Finland generally require a residence permit.

An employee's permit of residence is issued in two steps. Firstly, the Employment Office assesses the availability of suitable labour force for the work in question at the labour market within a reasonable time. In addition, the Employment Office evaluates the adequacy of the working conditions, the preconditions of the employer to act as an employer and the adequacy of the alien's livelihood, especially in case of a part-time job. After a positive decision has been made, the Directorate of Immigration grants the first permit of residence and the police a continued permit, unless there are

reasons for not granting a permit associated with public order and safety, or the application is regarded as an attempt to circumvent the provisions of the Aliens Act.

The present Aliens Act expanded the right of a foreign national to work without consideration of the availability of labour on the labour market. Most foreign nationals working in Finland live and work merely on the basis of consideration relating to public order and safety and the existence of the conditions to earn a living (ordinary residence permit, visa or visa exemption, free movement of labour and services). Such considerations will not apply to persons in the upper or middle management of a company, various experts, professional athletes and coaches, professional artists, professional journalists, seasonal fruit pickers, those working for international organisations, or workers on short-term postings to Finland. However, it should be pointed out that consideration of the availability of labour largely applies to sectors in which there are many job seekers.

It can be estimated that foreign nationals living temporarily in Finland have embarked on some 30,000 different periods of employment in recent years. However, workers' residence permits apply to a fraction of these periods of employment. Nevertheless, these figures are rough owing to current shortcomings for various reasons in labour migration statistics. Registrations relating to foreign nationals working in Finland must be improved in such a way that all records of foreigners working within different fields can be regularly followed up on the same grounds to enable monitoring by authorities.

There are problems in the permit system applying to work by foreign nationals. The system is complex and difficult to understand. Regulations concerning the right to work are detailed but open to interpretation. Processing applications takes far too long, several weeks on average. This is partly because of deficient use and availability of the Register of Aliens. Local Employment Offices reject extremely few applications on the basis of consideration of the availability of labour and in many lines of business virtually none at all. Nevertheless, rejected applications are usually in fields attracting many applicants.

The permit system for employees immigrating to Finland must be consistent with the objectives of the migration policy programme. The objectives require, for instance, a clear permit system with a positive overall view. Nevertheless, consideration of the availability of labour must be retained in the most sensitive fields for as long as the employment situation remains difficult in these fields. As demand for labour grows, shortages appear and the unemployment situation eases, the consideration of the availability of labour must see its scope of application significantly reduced. It is imperative that the decision on extending the right to work of foreign nationals be outlined in cooperation with the labour market organisations without delay.

4) **Policy guideline: The permit system for labour immigration shall be simplified in two stages.**

Measures:

- **In the first stage, the problems arising from provisions in the Aliens Act applying to foreigners' right to work, such as the complexities of regulation, shall be corrected. The use and availability of the Register of Aliens shall be increased and statistics improved. The permit administration practice shall be enhanced and applications processed faster. A study shall be made to explore the possibility of cutting the number of police units deciding permit matters. Consideration of the availability of labour shall be retained for now.**
- **In the second stage, the system structures shall be changed so that every residence permit issued to a foreign national includes the right to work, perhaps with the exception of certain sensitive trades. The second stage shall be imple-**

mented as labour availability problems increase and the unemployment situation improves.

- Preparations for moving into the second stage shall be initiated in the international labour mobility section under the auspices of the labour policy advisory board. The international labour mobility section shall also submit the proposals for the commencement of the second stage and the possible exceptional trades where the residence permit does not include a right to work. In addition, the international labour mobility section shall also monitor the effects caused by the end of the transition period, the registration of employment data and the functionality of the centralisation of Employment Offices.
- The Ministry of the Interior shall examine questions related to biometric identification separately.

Organisations responsible: Ministry of Labour, Ministry of the Interior

Costs and cost sharing: Work done as part of official duties.

To obtain a residence permit for working, a foreign national must have a job lined up when applying for the permit. The first application for a residence permit must usually be submitted before entering the country. It is also possible for foreign nationals looking for work to arrive in the country and submit their application for a residence permit once in Finland. However, a first residence permit can be issued in Finland only if it were unreasonable not to do so, or if not doing so would be unjustified from the employee or employer's perspective. A visa is usually not granted for the purposes of job seeking.

The possibility to have a permit granted in Finland would promote employee-employer meetings and would be consistent with the propositions above, which seek to develop employment agency services offered abroad.

- 5) ***Policy guideline:*** The possibility for foreign workers to come and look for work in Finland shall be improved and, when having found a job, it shall be made easier to obtain in Finland a residence permit for the purposes of working.

Measures:

- The options and effects of the implementation of a visa issued for job seekers or a so-called extended visa shall be examined in a tripartite process.
- The practices and the functionality of the Aliens Act when applying for and granting a visa for job seeking and obtaining a residence permit in Finland for the purposes of working shall be examined.

Organisations responsible: Ministry for Foreign Affairs, Ministry of Interior, Ministry of Labour

Costs and cost sharing: Work done as part of official duties.

Simplification of the permit system pertaining to the immigration of entrepreneurs

Entrepreneurs moving to Finland are largely subject to a system similar to the one pertaining to residence permits for employed persons. Residence permits for self-employed persons were intro-

duced with the current Aliens Act. Permits are issued in two stages. Firstly, a clerk at Uusimaa T&E Centre (Employment and Economic Development Centre) located in the Directorate of Immigration premises assesses the profitability of the business and whether the foreign national is able to earn a living. After a positive decision has been made, the Directorate of Immigration grants the residence permit unless there are reasons for not granting a permit associated with public order and safety, or the application is regarded as an attempt to circumvent the provisions of the Aliens Act. In 2005, Uusimaa T&E centre made a decision on resident permits for 149 entrepreneurs.

However, although the residence permit system for self-employed persons properly assesses the feasibility of a foreign national's business, there are still many problems. The residence permit for self-employed persons system is somewhat incompatible with the foreigner permit system maintained by the National Board of Patents and Registration of Finland. Another problem is also the concept of an entrepreneur, which requires unlimited personal liability and, as regards rights and obligations, is inexpediently divided into two: self-employed persons (*ammattinharjoittaja*) and entrepreneurs (*elinkeinonharjoittaja*). A person deemed as being an entrepreneur is also entitled to work for others, whereas a self-employed person is not. The right to entrepreneurship inherent in a residence permit for an employed person and in a normal work permit is unclear.

Additionally, the residence permit system for self-employed persons applies to only a relatively small number of foreign nationals who consider themselves entrepreneurs. When a foreign national only has limited liability for business activities, as is the case of a shareholder in a limited company or the liable partner in a limited partnership, the permit application is treated either as an ordinary residence permit or as a residence permit for an employed person. This is why the residence permit system for self-employed persons needs to be simplified.

6) **Policy guideline: The residence permit system for self-employed persons shall be simplified.**

Measures:

- **The residence permit system for self-employed persons in relation to the National Board of Patents and Registration of Finland's foreigners' permit system shall be simplified, especially as regards domicile and residence requirements.**
- **The concept of entrepreneur shall be redefined to make the permit system as consistent as possible and to cover as many foreign nationals as possible seeking to enter Finland on the grounds of entrepreneurship.**
- **The residence permit system for self-employed persons shall be restricted to apply to entry into and residence in Finland for the principal purpose of carrying on a trade.**

Organisations responsible: Ministry of the Interior, Ministry of Trade and Industry, Ministry of Labour, Ministry of Social Affairs and Health, National Board of Patents and Registration of Finland

Costs and cost sharing: Work done as part of official duties.

Simplification of the immigrant registration procedure

The Ministry of Interior has published a working group report on the general reform of the Population Information Act (Ministry of the Interior Publications 16/2006, in Finnish). Among the proposals of the report is the proposition that the Population Register would include the residence permit status of a foreign national.

7) **Policy guideline: The immigrant registration procedure shall be simplified.**

Measures: A study shall be made to ascertain whether one authority can deal with key registration applying to all immigrants.

Organisations responsible: Ministry of the Interior

Costs and cost sharing: Work done as part of official duties.

Promotion of immigrant entrepreneurship

Immigrants are on average more prepared to become an entrepreneur than the majority population. Immigrants have a low threshold to taking risks and often have much innovation potential. Their often weak position on the labour market is another factor explaining why immigrants are so keen to be entrepreneurs. A lack of language skills, difficulties in applying earlier education, training and experience to labour market needs, and discrimination often limit immigrants' chances of gaining employment, allowing them a place in some few sectors of the economy.

However, in practice language skills and other reasons often prevent immigrants from becoming entrepreneurs since it is difficult for them to obtain information about business funding opportunities, taxation, the formalities associated with business activities in general and the information services available to them. Immigrant entrepreneurs often employ other immigrants. It is important that immigrants should not consider that the business climate in Finland prevents them from carrying out their plans to be an entrepreneur. However, there has been no study of the entrepreneurship, and the obstacles to it, of immigrants in Finland.

There are currently systems in Finland that are also available to immigrants planning to set up a business. The most important systems in this respect are the New Business Centre network and the start-up grant scheme, which is intended to help secure an entrepreneur's subsistence whilst setting up and establishing a business. Entrepreneur orientation for immigrants has been of a project nature, whilst permanent specialist business services and orientation to meet the needs of immigrants has been available mostly only in Helsinki. In 2005, 404 non-Finnish or Swedish speaking persons applied for and received a start-up grant.

The Government promotes entrepreneurship in general through the Entrepreneurship Policy Programme, which includes entrepreneurial orientation, entrepreneurial development projects, continuing education for teachers and a revamp of the start-up grant scheme. Various organisations provide entrepreneurial orientation in many languages. The Ministry of Trade and Industry produces a situational review of immigrant entrepreneurship as part of its annual entrepreneurial review.

8) **Policy guideline: Immigrant entrepreneurship shall be promoted.**

Measures:

- **The Ministry of Trade and Industry shall appoint a working group to promote immigrant entrepreneurship by, for example, improving business funding.**
- **A comprehensive analysis of immigrant entrepreneurship shall be drafted.**
- **Advisory services and orientation shall be established for immigrant entrepreneurship and information about the facilities available.**

Organisations responsible: Ministry of Trade and Industry, Ministry of Education,

National Board of Education, Ministry of Labour

Costs and cost sharing: Costs to be covered in the budget of each administrative sector.

Improvement in the system of recognising skills obtained abroad

Shortcomings in recognising training and experience immigrants have gained elsewhere have been considered as hampering the free movement of labour and students. The EU and Nordic Council of Ministers have paid attention to the inconsistency in skills recognition systems in use in different countries. Moreover, the immigrants themselves are inconvenienced by the fact that they are unable to use their previous training and knowledge to the full in the host country.

When applying for a job or tenure in the public sector, where the qualification requirement is at least a three-year tertiary education degree or qualification, persons having completed a degree or qualification abroad generally require a decision by the Finnish authorities as to whether the qualification is valid in Finland. The National Board of Education is responsible for recognising degrees and qualifications. Also, employees are required to provide a certificate of competence as separately provided by law in certain dangerous jobs such as diving, crane transportation, blasting and excavation work. The law also provides for recognition of qualifications in these sectors.

The right to practise a profession on the basis of a foreign qualification is granted by the same authority that issues the right to persons completing the qualification in Finland. Professionals requiring the right by law to practise their profession include healthcare professionals, vets, certain auditors, lawyers and navigation professionals.

Training aimed at achieving professional competence for persons who have completed an academic degree or qualification in their own country has been held primarily in the form of labour market training in various parts of the country. Training has been provided for doctors and teachers, for instance. Within the framework of the ESF-funded Specima project implemented in association with the Turku Employment Office, new models have been developed in conjunction with universities to qualify immigrants who have completed an academic degree or qualification.

9) **Policy guideline: The system of recognising skills obtained abroad shall be improved.**

Measures:

- **The utilisation of skills obtained abroad by immigrants shall be enhanced by flexibility in the recognition of previous training and skills and by increasing the opportunities through demonstration to show competence acquired.**
- **Methods shall be developed to recognise qualifications other than university degrees.**
- **The coordination and cooperation between organisations working with the recognition of skills shall be improved. Information about the possibilities to have qualifications recognised shall be increased.**
- **Close cooperation shall be continued at the EU and Nordic level to harmonise skills recognition systems.**

Organisations responsible: Ministry of Education

Costs and cost sharing: Work done as part of official duties.

3.2. Promotion of student and researcher immigration

Facilitation of students' entry to the labour market

In the beginning of 2006, the Aliens Act was amended to promote applications from students from third countries to come to Finland and participate in working life. After completing a degree or qualification, foreign students have the opportunity to apply for a six-month residence permit for the purpose of seeking employment. Having found work, the foreign student can apply for a residence permit that can be granted without consideration of the availability of labour.

- 10) **Policy guideline: The entry of foreign students and researchers to the labour market shall be facilitated.**

Measures:

- A residence permit for ten months shall be introduced for foreigners completing a degree or qualification in Finland to enable them to seek employment.
- The number of training places shall be increased for foreign students and foreigners completing a degree or qualification in Finland to facilitate placement in the labour market and integration.
- The teaching in and of Finnish and Swedish for foreign students shall be provided to enhance placement in working life after having completed a degree or qualification.

Organisations responsible: Ministry of the Interior, Ministry of Labour, Ministry of Education

Costs and cost sharing: Permit system shall be amended as part of official duties.

Promotion of researcher immigration

In an open world of rapidly mobile information, internationalism is an essential feature of research. The core challenges facing Finland are the appeal and competitiveness of Finnish research environments and the international networking of cooperation between Finnish researchers. The ratio of foreign researchers in Finnish universities is currently considerably below the EU average. Additionally, researcher training needs to be improved and Finland requires more foreign researchers both in universities and business alike.

- 11) **Policy guideline: The immigration of foreign nationals working in research shall be promoted as part of improving the conditions for labour immigration.**

Measures:

- Work shall be continued on developing cooperation between the authorities, universities and research bodies because the promotion of researcher immigration requires cross-sectoral cooperation.
- It shall be ensured that consideration of the availability of local labour on the labour market in no way applies to the permit procedure to be applied to researchers.
- Researchers shall be granted a residence permit of a continuous nature taking

into account the fact that owing to project funding, the employment relationship is generally only for a year at a time even though the research project last years.

- It shall be ensured that the right to work related to the residence permit issued to researchers is sufficiently broad. Researchers hired as experts by companies shall be able to move flexibly between professional and industrial sectors.
- Researchers shall be able to take up a secondary occupation other than research.

Organisations responsible: Ministry of Education, Ministry of the Interior, Ministry of Labour

Costs and cost sharing: Costs to be covered in the budget of each administrative sector.

3.3. Channelling the return of Ingrian Finns to meet the needs of the labour market

From the early 1990's on, it has been possible for Ingrian Finns and persons of a Finnish origin living in the area of the former Soviet Union to move to Finland. A total of some 25,000 returnees have arrived, mainly from Russia and Estonia. Ingrian Finns intending to move to Finland must be registered on the list kept by the Directorate of Immigration. The actual size of the list has been studied and there are approximately 15,000 people (family size of approximately 3 persons) waiting to come to Finland. Approximately 9,300 people on the list are of working age.

If the applicant is proficient in Finnish or Swedish, an Ingrian Finn is granted a continuous residence permit subject to the conditions of the Aliens Act. Applicants must take part in re-entry orientation in the country of departure and demonstrate they have passed a language examination held by the Finnish authorities. Ingrian emigrants and those who served in the Finnish army during the Second World War (an estimated 1,500 persons) have been granted residence permits without queuing and without the language proficiency requirement. For pensioners, a shortage of housing has delayed re-entry, but housing has been relatively easy to find for working-age returnees.

Employers have recently shown increasing interest in hiring returnees. The Ingrian Union's Labour Office in St Petersburg is seeking Ingrian Finns to work for employers in the transport, industry and construction sectors. Ingrian Finns not on the waiting list to move to Finland can be granted an ordinary residence permit for the purposes of employment without consideration of the availability of local labour.

Processing the re-entry list and channelling the people according to the demand for labour has commenced with the Ministry of Labour sending all people of working-age waiting for re-entry a form with questions on education, training, profession, skills and job seeking, in addition to personal information and contact details. The form is forwarded to interested employers and municipalities in Finland. Communication on return migration has been intensified.

- 12) **Policy guideline:** Re-entry of Ingrian Finns shall be promoted so that besides cutting the returnee waiting list, re-entry can be channelled to meet the needs of the labour market.

Measures:

- Decision shall be based on existing grounds of re-entry applications already

submitted, but no new applicants are to be accepted. Shortening of the waiting list shall be accelerated.

- **The placement of Ingrian Finns in the labour market shall be enhanced to provide more effective information for persons on the waiting list about employment opportunities in Finland, as well as granting fixed-term residence permits for the purposes of employment. More effective information shall be provided for employers in Finland about the opportunities to hire returnees on the waiting list.**

Organisations responsible: Ministry of the Interior, Ministry of Labour, Ministry for Foreign Affairs

Costs and cost sharing: Work done as part of official duties.

3.4. Promotion of multiculturalism and non-discrimination

Promotion of good relations between different groups

Good ethnic relations between population groups are vital in a society respecting human rights. Multiculturalism and equality, irrespective of ethnic origin, are also important competition and pull factors when striving to promote work-related immigration. A multicultural work community and business environment can act as a major growth platform for innovation. Promoting relations between different population groups also strengthens equality between national minorities in Finland such as the Roma and Sámi and prevents discrimination against such groups.

The development of multicultural, non-discriminating work communities and society as a whole calls on political decision-makers, labour market organisations, immigrants and the rest of the civil society to show a strong commitment to non-discrimination, equality irrespective of ethnic origin and a mutual respect for different religions and cultures. Strong commitment includes definite attitudes against racism and against any hatred of foreigners, intervention in structural exclusion, fostering social integration and preventing discrimination as well as channelling resources to promote relations between different population groups.

International comparison shows relations between population groups to be quite good in Finland. Finland has not ended up in a situation without alternatives; rather, it has been possible to use strategic policy to guide the development of relations between different population groups. It is important to seek to strengthen positive attitudes and to diminish negative ones. It is equally important to increase the participation of immigrants in working life. Participation still averages less than that of the majority population.

Over the past ten years, several research projects have studied discrimination based on racism and ethnic origin in Finland. Nevertheless, it has not been possible to utilise the results of this research when developing policies and measures. Several projects are underway in the EU and various international organisations to enhance the collection of information on discrimination and to develop common indicators for discrimination. These shall be taken into account when developing a national monitoring system.

- 13) **Policy guideline: Relations between different groups shall be encouraged in a positive direction.**

Measures:

- Structural work shall be emphasised to promote good ethnic relations between population groups. The development of good ethnic relations shall be taken into account in all social policy planning, especially in labour policy, education policy, state and municipal housing policy, as well as in the prevention of social and economic exclusion.
- Inculcation of enlightened attitudes through education as well as education to improve information about non-discrimination shall be increased across society, especially in daycare centres, educational institutions, teacher training colleges, work communities and media organisations.
- The development of multicultural work communities shall be fostered. Good practices in multicultural projects shall be transformed into everyday basic guidelines, especially in association with labour market organisations.
- Information shall be collected about good practices at the local level to promote relations between different groups. Good practices shall be disseminated and taken into account when preparing integration programmes in municipalities.
- The general state of relations between different groups shall be monitored in connection with monitoring migration and especially implementation of the actions presented in this programme.
- Agreement shall be reached on the indicators required and the systematic, comprehensive collection of information between different ministries, statistics providers, non-governmental organisations and other parties.

Organisations responsible: All ministries, Association of Local and Regional Authorities, municipalities

Costs and cost sharing: Each actor to be responsible for its own costs.

Promotion of the participation of immigrant groups and fostering opportunities for them to retain their own culture

The participation of immigrants in the democratic decision-making process through political parties or organisations furthers their commitment to society. It is important that besides political activities, attempts are made to find ways to get the immigrant population to participate in and increase its participation in the residential community and other interaction in everyday life. Many municipalities and residential communities already have advisory boards for cooperation, meeting places and other bodies to further the interaction of immigrants and the rest of the population.

The Advisory Board for Ethnic Relations (ETNO) has been restructured. An Advisory Board for Minority Issues has been appointed and started work. The Government's Civil Participation Policy Programme includes improving the participation of immigrants.

Encouraging immigrants to participate does not mean instructing immigrants to give up their own culture. Finland has supported immigrants, especially the children of immigrants, in learning and upholding their own language and culture. The right to an own culture does not justify infringing on fundamental or human rights, nor other practices deemed illegal in Finland, such as forced marriages, female circumcision or assaults on women and girls to preserve family honour.

- 14) **Policy guideline:** Immigrant participation shall be promoted and opportunities fostered for immigrants to uphold their own culture within the law.

Measures:

- Better conditions shall be created for immigrants to participate in local communities such as the neighbourhood, workplace, schools and leisure time activities.
- Civic activities of cultural minorities, especially youth and sports activities for young immigrants, shall be supported with the aim of promoting social integration and strengthening self-identity. More meeting and similar places than at present shall be provided to foster spontaneous activities for immigrants.
- A study shall be made of the possibilities to support immigrants' religious communities.
- State support shall be provided to foster multi-ethnic non-governmental activities.
- Immigrants' awareness of human and fundamental rights and other individual rights, especially those of women and children, and obligations in Finland shall be increased.
- The readiness of the authorities shall be increased to intervene in situations threatening human rights.

Organisations responsible: Ministry of Education, Ministry of Labour, Ministry of the Interior, Ministry of Justice, Association of Local and Regional Authorities, municipalities

Costs and cost sharing: Each actor to be responsible for its own costs.

Improvement in combating racism and discrimination based on ethnic origin

The provisions of the Constitution, Penal Code and other legislation to prohibit discrimination were supplemented by the Non-Discrimination Act (21/2004), which entered into force in February 2004. The Act also provides for positive actions to be taken to foster and safeguard equality. Although the Non-Discrimination Act is a piece of general legislation prohibiting discrimination, forbidden grounds for discrimination and the means of legal remedies available partly depend on the walk of life. Situations where foreigners are placed in a different position for a reason deriving from their status under the Aliens Act fall outside the scope of the Non-Discrimination Act.

Under the Non-Discrimination Act, the authorities must foster equality in all their practices and prepare a plan to promote ethnic equality. The Ombudsman for Minorities has found the planning requirement to be a practical means to promote ethnic equality. However, the planning requirement only applies to the provision of services by the authorities, but not to the recruitment and other human resources policy of the authorities or other employers. Since there is still much prejudice associated with recruiting immigrants, it is important for the authorities to adopt a constructive attitude to recruiting immigrants to work in the public sector. Extending the planning requirement under the Non-Discrimination Act to also apply to the role of the authorities as an employer would also foster this point of departure. Furthermore, it is also important to extend the planning requirement to include larger companies.

Racially motivated crime is fairly common in Finland. Based on studies of the victims, roughly half of all immigrants experience discrimination related to their ethnic origin. Only a fraction of these

occurrences become known to the authorities. Over the past few years, some 500-600 offences where racism is the suspected motive are reported to the police. Incitement to racial hatred also occurs. Typical offences include assault, vandalism and unlawful threats. It can also be assumed that only a minor number of offences are reported to the police or some other authority. One reason for this is the victims' prevailing mistrust of the authorities, which is often related to earlier experiences in their country of departure.

It can be concluded from attitude studies that the media have a major impact on attitudes towards various groups in the population. This is why the media should adopt internal guidelines aimed at responsible reporting and regularly check to ensure these guidelines are complied with in practice.

- 15) **Policy guideline: "Zero tolerance" shall be aimed for in the prevention of racism and discrimination based on ethnic origin. All authorities, social partners and non-governmental organisations adopt a decisive attitude to achieve real equality irrespective of ethnic origin.**

Measures:

- **The threshold to intervene in discrimination and racism based on ethnic origin shall be lowered. Increased orientation and briefing shall strengthen the possibilities of the police and judicial authorities to intervene in offences motivated by racism.**
- **Support and advisory services shall be developed for victims of racism and discrimination.**
- **The authorities, especially the education, social services and health authorities and other authorities responsible for providing basic services must put in place good practices, at both the national and local level, to prevent racism and discrimination and to intervene when it occurs. These authorities must also ensure that the same principles apply to the services they buy. This guideline must also be enshrined in basic service plans.**
- **Authorities awarding state grants ensure that the activities of the organisations receiving such grants contribute to tolerance.**
- **Intervention against incitement to racial hatred shall be more effective.**
- **Studies shall be made of the impacts and potential problem spots of the Non-Discrimination Act and the preparation of the bills required to amend the Act.**
- **The requirement to prepare equality plans shall be extended to include the authorities as an employer. The requirement to prepare an equality plan shall be extended to include larger companies.**
- **The success of information about non-discrimination and equality legislation shall be monitored.**
- **The media shall be encouraged to responsibly report on migration and relations between different population groups. Likewise, the authorities must also report responsibly.**
- **Working together with other authorities and players, the Ministry of Labour will prepare a multiannual information and orientation strategy to increase awareness of the Non-Discrimination Act.**

Organisations responsible: All ministries, Association of Local and Regional Authorities, municipalities

Costs and cost sharing: Each actor to be responsible for its own costs.

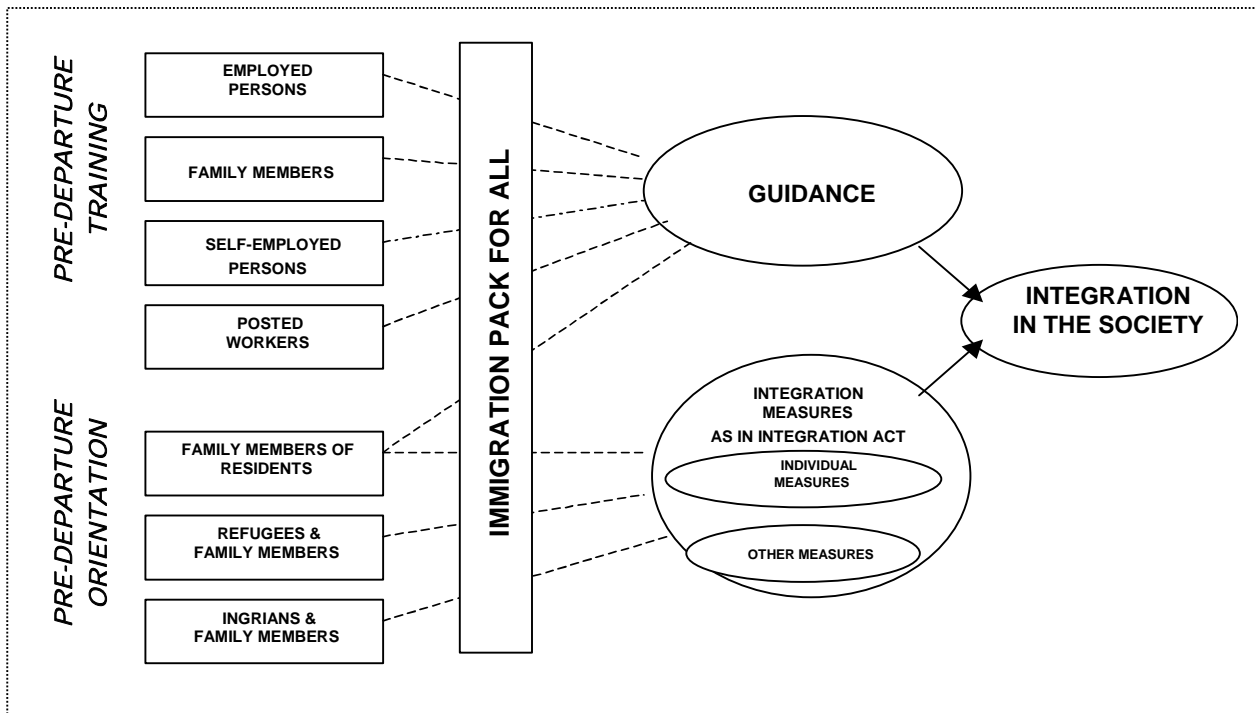
3.5. Guiding foreigners and fostering the integration of immigrants

In the integration legislation, the integration of immigrants means the personal development of immigrants with the aim of enabling them to participate in working life and society whilst preserving their own language and culture. Integration is a two-way acclimatisation process involving the participation not only of work communities and other local organisations, but also society as a whole. The Integration Act defines the individual actions that particularly apply to fostering the integration of immigrants who are unemployed or who otherwise require supportive measures from social assistance systems. It should also be noted that non-working family members, and especially young people, must have genuine opportunities to study, work and live in harmonious interaction with the surrounding community.

All immigrants, regardless of the grounds on which their residence permits were granted, require information and guidance to be able to manage in society. However, employers, entrepreneurs and their family members moving to Finland generally fall outside the scope of personal measures intended to promote integration. In these cases, guidance on entering working life and society is currently mostly in the form of job induction provided by employers and actively finding out information for oneself. Information about living and working in Finland is available on the Ministry of Labour's website and, for example, the Working in Finland? brochure jointly produced by the Ministry of Labour and labour market organisations. The City of Helsinki's international cultural centre Caisa is creating an online joint-municipal Info Bank providing important information for immigrants on the functioning of society and opportunities in Finland.

Employed persons and entrepreneurs moving to Finland, and their family members, need more effective information and guidance to help them function in society. The need for and extent of guidance of these persons depends on many factors including the length and nature of their stay, their age, previous training and where they come from. This is why a comprehensive supplementary guidance system needs to be set up alongside the integration system for the needs of immigrants and their family members. Should the immigrants' stay in Finland be extended, they should also be provided with services promoting integration.

Figure. Guidance and integration of immigrants



Creation of a guidance system. Guidance for persons coming to Finland to work would be a new system supplementing integration. Guidance is intended to introduce a foreigner to the language and society during the early stages of immigration and to create a sound platform to continue the integration process if necessary. Guidance would be primarily aimed at employed persons, entrepreneurs and their family members and would be an opportunity rather than an obligation. It might also prove useful for all immigrants outside the scope of the integration legislation.

Guidance could begin before arrival in Finland. It could be necessary to arrange language and vocational orientation especially in the country of departure. Guidance before arrival in the country would also be appropriate especially in the light of attempts to increase labour mobility from partner states to Finland on a contractual basis. The development of the guidance system is thus related to cooperation to promote labour mobility (policy guideline 3) and the improvement of the system of recognising skills obtained abroad (policy guideline 9). Guidance provided prior to entry into Finland would differ depending on, for instance, the departure country, the field of work, the scope of the target group and the distribution of financial responsibility. In some situations, basic information on society and the labour market might suffice, whereas in other situations even comprehensive language training could be required. Training in the country of departure can be arranged by the Finnish authorities or in cooperation with the employers.

Guidance for immigrants would include giving them a basic information pack (both hard and electronic copies) immediately on arrival in Finland. This pack would be more comprehensive than the current one available from the Ministry of Education and would contain basic information about immigrant rights and responsibilities, working life and the rules of play, housing, education and training and factors needed to cope in everyday life. The pack would also contain information about the guidance available and especially about language training.

Basic information material would be supplemented with a series of increasingly advanced guided orientation periods. Foreigners entering Finland with their families on a fixed-term residence permit to take up employment or become an entrepreneur often require more thorough guidance. Again,

employers should be responsible for providing the necessary language and other skills required for the job.

Successive orientation periods would include language training and basic information about learning the broader basic skills and knowledge required in working and everyday life. The content and scope of guiding periods would be tailored to the immigrant group, on the basis of personal coaching and the nature and duration of employment, for example. Successive guiding periods would be aimed at enabling participants to achieve a reasonable level of being able to cope.

Basic information packs, both hardcopy and online, together with periods of guided orientation, should be adequately available. The authorities, employers or immigrants themselves would be responsible for funding. Universities, institutions providing non-formal adult education, adult upper secondary schools, adult education centres and other education service providers could arrange guiding periods. The National Board of Education or the Ministry of Education would coordinate teaching content with the Ministry of Labour.

- 16) **Policy guideline: A guiding system shall be created taking into account personal needs with the aim of helping foreigners to cope in working life and society during their stay in Finland.**

Measures:

- **The Ministry of Labour shall prepare a basic information pack, an “immigration pack” for foreigners arriving in Finland and a distribution plan for the pack. The information pack shall be available both in hardcopy and online.**
- **Availability and access shall be improved to services introducing Finnish society and language training services. New support measures shall be developed on how to cope in working life and society related to a guiding system.**
- **A digital and other distance learning model shall be prepared to teach Finnish and Swedish. Preparation of information material and guidance shall be given before arrival in Finland and an implementation plan.**
- **The regulations applying to guidance organised by the authorities shall be incorporated into the Integration Act.**
- **Consideration shall be given to developing a voucher scheme to obtain guiding services.**

Organisations responsible: Ministry of Labour, Ministry of Education, Ministry for Foreign Affairs, Ministry of Social Affairs and Health

Costs and cost sharing: Costs will arise from setting up the guiding system and from providing information material. The development of the system shall be funded under priority 4 of the ESF operating period 2007-2013. When the system has been developed, the division of costs between the Government, employers and immigrants shall be resolved following a separately agreed method.

More effective steering of the immigrant integration system. Integration is based on fundamental rights belonging to everyone and aims towards a society with equal opportunities, rights and responsibilities. All immigrants whose stay in Finland is of a permanent nature or otherwise long-term will be encouraged to integrate.

Municipalities have a coordinating and general responsibility to integrate immigrants into society. Municipal integration programmes are subject to local aims. Actions, resources and cooperation are planned with various organisations. Although integration programmes apply to all immigrants, only

unemployed jobseekers or persons who have received subsistence support for three years from first registering with a municipality are covered by personal measures to foster integration and measures included in the integration plan. However, other foreign nationals, such as employed persons and entrepreneurs and their families who have lived for a long time in the country may also require help to integrate.

Integration should be subject to more systematic national aims and financial frameworks than at present. Additionally, different administrative sectors should use the through-flow principle to take into account the aims fostering the integration of immigrants in framework programmes and strategies. The integration policy includes various approaches taking into account the diverging needs of different groups. This is why steering of the integration system needs to be improved.

If a foreign employed person who has taken part in a guiding period remains in Finland, it is appropriate to provide a deeper insight into conditions in Finland and either the Finnish or Swedish language. It is also important that services fostering integration - primarily language training and supplementary vocational orientation - be made available to foreign employed persons and their family members as necessary. However, there is no need to make personal integration plans other than in compliance with the Integration Act, for example, due to unemployment.

- 17) **Policy guideline: Steering of the integration system shall be made more effective, especially by the introduction of a broadly prepared framework programme preparing for migration, ethnic relations and integration.**

Measures:

- **The Government shall adopt the above framework programme once during an electoral term. The programme shall set the aims for national activities and resources. Preparation of the programme shall take into account the basic service programme and budget and the framework of reference for integration being drafted in the EU. The framework programme forms the basis of the report on migration policy, ethnic relations and integration to be given to Parliament.**
- **Migration, ethnic relations and integration in collaboration with different parties shall be monitored and evaluated for the purpose of preparing the integration framework programme. Key partners include various authorities, the Ombudsman for Minorities, research bodies and non-governmental organisations.**
- **Municipal integration programmes shall take into account the aims of the framework programme.**
- **Aims fostering integration shall be taken into account as a through-flow also in other national programmes and strategies. Different sectors incorporate promoting integration into their quality criteria. Key sectors are housing, education, daycare and other social services, healthcare and labour services.**
- **Preparation of the national framework programme and municipal integration programmes shall pay particular attention to the integration of families with children.**
- **The scope of the Integration Act shall be broadened.**

Organisations responsible: Ministry of Labour, Ministry of Social Affairs and Health, Ministry of Education, Ministry of the Environment, Ministry of the Interior

Costs and cost sharing: Since integration incurs costs, adequate resources should be ensured. Each administrative sector shall be responsible for its own costs.

Promoting the integration of persons immigrating for humanitarian reasons. Immigrants covered by personal measures to promote integration are those immigrating for humanitarian reasons (refugees, persons receiving a residence permit on secondary protection grounds and on humanitarian grounds) and returnees from the former Soviet Union, and their families. Re-entry orientation as provided by the Aliens Act is held in the departure country for returnees from the area of the former Soviet Union. Re-entry orientation primarily consists of language training, as well as social knowledge and guidance in coping in everyday life.

A brief induction period relating to immigrating to and living in Finland is held for quota refugees before arrival in Finland. Persons who have received a residence permit as asylum-seekers have usually attended orientation studies held by reception centres whilst waiting for their permit. It is important that when moving to a municipality, an immediate start is made on providing advice, guidance and training, forming a continuum to orientation already received.

The integration of persons immigrating to Finland on humanitarian grounds must not only take into account integration principles, but also special needs arising from refugee status. Municipalities should also be prepared to arrange special measures taking personal needs into account and allow a sufficiently long period for integration. Many illiterate adults arriving in Finland need actions promoting integration that last longer than three years. Since most persons in this category are women and mothers of large families, there are breaks in integration training, for example. Persons coming to Finland on humanitarian grounds also include those in a particularly vulnerable position such as persons traumatised in situations leading to refugeeism, persons who have spent a long time in refugee camps and unaccompanied minors seeking asylum.

Immigrant participation in and contribution to the function of society depends on the employment of immigrants of working age. Promoting employment is also a priority in the integration of immigrants coming to Finland on humanitarian grounds. Consideration must be given to areas of life other than working. Conditions must also be put in place to integrate persons outside the workforce such as the elderly, mothers at home, the traumatised, children and young people.

The need for special measures to promote integration and other positive actions is an individual one and depends on education, job experience and language skills. The measures needed by most people include initial guidance, orientation, advice and information, integration training, teaching for children and young people to prepare them for entry into educational establishments, teaching in their mother tongue, interpreting, cultural and leisure-time activities and organisational activities. In addition, many require healthcare that takes into account cultural differences, post trauma care, and specialised social and labour services.

- 18) **Policy guideline: The integration of persons moving to Finland on humanitarian grounds shall be promoted from the general points of departure for integration. Preparation shall be made for lengthy integration times and safeguarding support services for special groups in a vulnerable position.**

Measures:

- **Adequate resources shall be safeguarded for municipalities and the labour administration to provide special measures to promote integration and other positive actions.**
- **Conditions shall be secured to commence integration immediately a residence permit has been granted. Measures shall be ensured to promote integration form a logical continuum with the orientation given before arriving in Finland. In the case of special needs, provision shall be made to prolong the time an immigrant is subject to the Integration Act.**

- **Actions shall be commenced to integrate quota refugees immediately after immigration. Special actions shall be developed especially to enable the integration of vulnerable groups. The reception and integration monitoring system as well as counselling and training for municipalities and other local players shall be further developed.**

Organisations responsible: Ministry of Labour, Ministry of Education, Ministry of Social Affairs and Health, Association of the Finnish Local and Regional Authorities, municipalities

Costs and cost sharing: Since integration incurs costs, adequate resources should be ensured. Each administrative sector shall be responsible for its own costs.

Development of integration training

Integration training aims at providing adult immigrants with the linguistic, social, cultural and life and other skills and knowledge to take control of their life and enable them to cope with everyday situations in their new surroundings. Training can also include Finnish and Swedish language studies, work placements, and orientation and training in working life.

Adult immigrants outside the workforce, however, only randomly receive integration training and usually remain completely or partly without language training and social orientation. Many women, some of whom are illiterate, remain without integration training. In addition, provisions should be made for the basic education of young persons over compulsory school age to ensure they have real opportunities for further studies and vocational training.

Integration training for immigrants is provided by the Labour Administration as labour market training and by the Educational Administration. The Labour Administration purchases training for immigrants as pre-employment training and additionally is responsible for basic education, including reading and writing skills, of adult immigrants who are Labour Administration customers. Law does not provide the responsibility of the Educational Administration to provide integration training. The Integration Act should make clear the legal basis and responsibility for providing integration training.

Training should form a continuum so that any initial orientation given to a refugee or asylum-seeker before arrival or at a refugee reception centre can continue as integration training immediately after arrival in Finland. Additionally, opportunities should be planned for further training after integration training. It is necessary, in special circumstances, to promote integration training for persons, and their family members, moving to Finland to join the workforce. Integration training should be adequate in terms of content and length for each individual and be provided without any undue delay.

- 19) **Policy guideline: Training and guidance fostering the integration of adult immigrants shall be developed so that it effectively meets personal training needs.**

Measures:

- **Legislation shall define the integration training system and simplify the responsibilities and funding between the educational and labour administration. The right to education and the minimum standard of education shall be defined. Quality criteria and indicators to measure effectiveness shall be drafted.**
- **If required, teaching shall be provided as effective regional cooperation. The Finnish National Board of Education will provide new recommendations for**

training content. Training content and quality shall be improved by sufficiently small, coherent learning groups.

- **Provision of training shall make use of adult further vocational training and training within the framework of non-formal education.**

Organisations responsible: Ministry of Labour, Ministry of Education

Costs and cost sharing: Until further notice, the Ministry of Labour is responsible for funding the integration training of immigrants over the age of compulsory education.

Improvement in opportunities for immigrants to study

The education and research development plan (2003–2008) approved by the Government also outlines training for immigrant pupils and students. Under the plan, teaching should especially emphasise an adequate knowledge of Finnish or Swedish, which in turn not only provides a basis for further studies, but also fosters integration. Support will be provided to preserve and improve an immigrant's own mother tongue in a bid to achieve practical bilingualism. The goal is shared with those of the immigration policy programme.

It is also important to ensure abilities of teachers, since basic and continuous teacher training systematically includes minority and human rights issues. Funding will be available for research and development projects fostering good ethnic relations. Efforts will be made to improve the awareness of minority issues by developing textbooks and teaching material. The cultural background of applicants will be taken into account in student selection and the provision of training. Improvements will be made particularly to ensure the participation of immigrant girls and women in training.

Under the Basic Education Act (628/1998), the scope of instruction preparing immigrants for basic education corresponds to six months of study. Preparatory instruction aims at promoting the balanced development and integration of students taking part and to provide them with the necessary knowledge to enter basic education.

Under the Basic Education Act, the language of instruction at school is either Finnish or Swedish. Other languages of instruction can be Sámi, Romany or sign language. Even though there is no obligation to provide instruction in a foreign language, under the Basic Education Act, a municipality can provide basic and preparatory instruction and preparatory teaching in a foreign language. Schools can provide Finnish or Swedish as a second language as part of normal teaching at the school or with the help of special resources.

Children permanently resident in Finland are subject to compulsory education and have the right to receive pre-primary education. The municipality must provide basic education for children of compulsory education age and pre-primary education at the start of the year preceding the age of compulsory education. This means that society must provide a sufficient amount of education. There is nothing in the law to prevent a municipality or another provider of education from accepting a child as a pupil for basic or pre-primary education even though the child is not deemed as permanently resident in the municipality he or she is living in.

At upper secondary school, immigrants can study Finnish or Swedish as a second language and their mother tongue either as part of normal teaching provided by the school or separately. Within the limitations of the provisions and in partnership with several institutes of education, the education provider decides on the extent to which teaching in own language, instruction in mother tongue and the teaching of Finnish or Swedish as a second language is organised and when it is appropriate

to implement it. If the candidate's own language is not Finnish, Swedish or Sámi, the student can replace the compulsory mother tongue examination in the Matriculation Examination with an examination in Finnish or Swedish as a second language. The Matriculation Examination Board can take into account the fact that the mother tongue of the candidate is other than the one he or she is taking the exam in.

A sufficient level of language proficiency and general study skills are required for admission to initial vocational education. Students can also apply for initial vocational education through the flexible application system, which takes into account personal reasons relating to the student. Initial vocational education for immigrants aims to provide students with adequate, language, cultural and other skills to enable them to continue with vocational education proper. The length of training is 20–40 credit units. One credit is equivalent to an input of about 40 hours. The requirement for entry into immigrants' vocational education is an adequate proficiency in the language of tuition (Finnish or Swedish). In addition, those selected as students must have adequate capacities to undertake education.

The development plan seeks to increase the percentage of immigrants at institutions of higher education by developing student selection, language training and information for immigrants.

Universities have separate educational groups for immigrant students in teacher training, for example. The availability of an extensive range of teaching in languages other than in Finnish or Swedish at institutions of higher education also makes it possible for non-Finnish or -Swedish speakers to study.

Polytechnics have developed and provided training in preparation for polytechnic studies. The idea is to equip immigrants with sufficient skills to apply to study at a polytechnic and enable them to successfully complete their studies. Studies particularly focus on consolidating the language proficiency required for polytechnic studies and on adopting an independent, enquiring way of studying typically required for studies at an institute of higher education.

As work-related immigration increases in Finland, it is important to ensure the adequate and appropriate education of the immigrants' children through so-called international schools, language schools and IB classes in upper secondary schools.

20) **Policy guideline: The opportunities for immigrants to study shall be improved, taking into account the special services required.**

Measures:

- **Instruction preparing for basic education shall be made one school year in length.**
- **The opportunities for immigrants to participate in education shall be improved. Particular attention shall be paid to upper secondary school studies, apprenticeship training and training in preparation for polytechnic studies as well as to immigrant girls and women and the teaching of Finnish or Swedish in foreign language training programmes.**
- **The aim shall be a great increase in the percentage of students with an immigrant background at upper secondary schools by 2008. A study shall be made of the need and opportunity for teaching to prepare for studies at upper secondary school.**
- **Teaching for initial vocational education and information about training shall be further developed. The competence of staff responsible for multicultural counselling shall be ensured.**

- **Forms of support, both nationally and locally, for immigrant students in initial vocational education shall be developed in a bid to further reduce school drop-out. After a professional qualification, hands-on learning can be fostered by job placement, although special measures are required to improve reception in working life.**
- **The grounds for accepting students, including immigrants, for a place in initial vocational training shall be assessed and monitored.**
- **The Ministry of Education shall set up a working group to promote free studying at institutes of higher education for persons belonging to a linguistic or cultural minority.**
- **Teacher needs arising from these actions shall be taken into account in scaling teacher training and in further education for teachers.**

Organisations responsible: Ministry of Education, Ministry of Labour

Costs and cost sharing: Since integration incurs costs, adequate resources should be ensured.

Clarifying the relationship between the residence-based social security system and taxation

A major share of Finnish social security is residence-based and funded through taxation and social security contributions. All persons permanently resident in Finland are entitled to residence-based social security. A residence permit must be awarded for at least a year for a foreigner to be considered as permanently resident in Finland. Working in Finland and the ensuing tax liability do not therefore always give foreigners the right to enjoy social security benefits. However, a foreigner not subject to taxation in Finland because of a tax treaty concluded with Finland may be partly covered by the Finnish social security system.

Employed persons from EU member states are entitled to most of the residence-based security provided by the Social Insurance Institute of Finland (KELA) if they work in Finland for at least four months. In such cases country of residence is immaterial. All employed persons of EU member states are entitled to municipal social and health services from the start of their employment contract even though they do not have a municipality of residence in Finland.

The premise is that foreigners residing in Finland are liable to a progressive tax rate. However, a foreigner working for a maximum of six months in Finland has limited tax liability, with final withholding tax at 35% being deducted from the salary. In the beginning of 2006, this taxation has been alleviated in such a way that a 510 Euro deduction is made on monthly earnings prior to tax being calculated. In addition, employees from the EU/EEA have, under certain preconditions, the opportunity to choose between the withholding tax and progressive taxation. Foreigners resident in Finland for at least six months and working in a job requiring special expertise for which in addition to benefits they receive a monthly salary of at least €5,800, or working as a researcher or teacher at an institute of higher education, also pay the 35% withholding tax. The Government submitted a proposal to the Parliament on extending the validity of the fixed-term legislation (GP 103/2006) and the Parliament will also discuss the alleviation of the scope of application. The legislative reforms are intended to enter into force from the beginning of the year 2007.

There are also regulations in tax treaties concluded with Finland applying to the limitation or complete removal of the liability of certain foreigners to pay tax for work done in Finland. Regulations providing for the taxation of border workers, teachers and researchers, lecturers and experts, trainees and students, artists and athletes are provided for in tax treaties. Employees posted from Estonia

to Finland, for example, pay tax to Estonia if they work in Finland for less than six months. The Government has, however, proposed that rented labour could be taxed for work lasting under six months, if it is permissible under the tax treaties (GP 158/2006).

When considering whether to move to Finland, foreigners often study the real rate of taxation and how much salary is left for living costs after taxation. Consideration of whether to continue living and working in the country is often examined from a viewpoint of the perceived gain in return for taxes. Social security alone would not seem to be decisive in deciding whether to immigrate. However, good social security might act as an incentive for persons coming from a country with low social security. The benefits and services available for immigrants with families are important factors.

- 21) **Policy guideline: The relationship between Finland's residence-based social security system and taxation of foreigners shall be clarified.**

Measures:

- **The social security of employed persons coming to Finland for a brief period of employment shall be monitored and the needs for development studied.**
- **The impact of changes on the trend in work-related immigration shall be regularly assessed when developing taxation.**

Organisations responsible: Ministry of Social Affairs and Health, Ministry of Finance

Costs and cost sharing: Not assessed at this stage.

Housing policy development

Almost two in three dwellings in Finland are owner-occupied. However, the best-suited form of housing when moving to Finland is most often rented housing, either in privately-financed rented housing, state-subsidised (Arava) or interest-subsidised rented housing. Rented housing often comes with the job. Right-of-occupancy housing and part-ownership housing, a form of housing between rented and owner-occupied housing, can also be suitable for some immigrants. Persons on low salaries can apply to the Social Insurance Institute of Finland for a state housing allowance. Since recent years have shown a marked improvement in the advantageousness of owner-occupied housing, it can be assumed that longer-term immigrants will also find their way into the owner-occupied housing market.

House prices and especially the price of building plots have been rising sharply in growth centres. This has partly led to municipalities employing a zoning and building policy in a bid to curb the rapid pace of municipal growth. If growth is too fast, it can hamper the municipal infrastructure and make it difficult to safeguard basic services. A successful land policy and zoning, housing supply in line with housing demand and the implementation of basic services create the conditions for a reasonably priced housing market.

- 22) **Policy guideline: Housing policy shall be developed to adequately take into account the diverse housing needs arising from work-related immigration.**

Measures:

- **The Ministry of the Environment shall actively monitor the need for special solutions in housing issues in relation to work-related immigration.**

- **Social planning and housing policy shall help to ensure the evolvement of diverse residential areas and prevent the segregation of immigrants.**

Organisations responsible: Ministry of the Environment

Costs and cost sharing: Work done as part of official duties.

3.6. The development of humanitarian immigration

Active participation in strengthening the international protection system

Refugeeism remains a major humanitarian challenge. According to estimates by the United Nations High Commissioner for Refugees (UNHCR), it is currently responsible for around 19 million people globally, of which 9.2 million are refugees, 0.8 million are asylum-seekers, around 1.5 million refugees who have only recently returned home, around 1.5 million who are stateless and some 5.4 million who are internal refugees.

Enshrined in the Refugee Convention, the international protection system is aimed at ensuring that anyone who has suffered persecution is afforded protection from persecution and serious infringements of human rights. However, in practice, the system has not always been totally successful in responding to the challenges posed by the current refugee situation. To be able to seek asylum many resort – often at risk to their own life – to the help of criminals or criminal organisations. At the same time as most of the persons in real need of protection fail to obtain the help they require, states that receive refugees process numerous unfounded asylum applications.

UNHCR has responded to the challenges of the international refugee problem by launching a consultation process to identify gaps in international protection and thus strengthen the Refugee Convention. The results of the Global Consultations on International Protection have given rise to the approval of the Agenda for Protection, which incorporates six inter-related goals:

- 1) strengthening implementation of the 1951 Convention and 1967 Protocol
- 2) protecting refugees within broader migration movements
- 3) sharing of burdens and responsibilities more equitably and building of capacities to receive and accept refugees
- 4) addressing security-related concerns more effectively
- 5) redoubling the search for more durable solutions
- 6) meeting the protection needs of refugee women and refugee children

UNHCR has also proposed an initiative to improve forms of international protection. Finland has supported the initiative, which would allow for special multilateral agreements to supplement the Refugee Convention.

The EU has also embarked on a complete review of the international protection system in accordance with guidelines set out in the Hague Programme. The Council, in its conclusions published in November 2005, supports the proposition by the Commission on the commencement of regional protection programmes. The programmes contain elements concerning the return, integration and resettlement of refugees and they are implemented in close cooperation with UNHCR and third countries in the departure and transit areas. The departure areas are the Great Lakes area in Eastern Africa and transit areas include Ukraine, Moldova and Belarus. The programmes will be funded through the TACIS and AENEAS funds and the aim is to support resettlement using the funds of the European Refugee Fund.

Finland's aim is to employ international and national means to strengthen the refugee protection system. The key focus of refugee policy is to impact on the basic causes of refugeeism, which include the infringement of human rights, poverty and political crises. Finland supports three permanent solutions to refugee issues: the voluntary return of refugees, local integration and the resettlement of refugees.

23) **Policy guideline: Active participation in strengthening the international protection system. Ways shall be addressed to identify permanent solutions to the refugee issue as part of the international community.**

Measures: International protection shall be promoted in countries of origin and transit countries by giving these countries proper aid. Templates where responsibility is shifted to transit countries, through, for example, establishing collection points shall be reacted to critically and reservedly.

Organisations responsible: Ministry for Foreign Affairs, Ministry of Interior, Ministry of Labour

Costs and cost sharing: Policy does not add to present costs.

Development of the quota refugee system

Finland has been receiving persons considered as refugees by UNHCR as quota refugees and other foreigners in need of international protection for resettlement since 1979. More than ten other states besides Finland also practice resettlement. Finland's refugee quota, which currently stands at 750, is confirmed in the annual state budget. Finland has provided protection for 7,045 quota refugees between 1995 and 2005. Additionally, family members of refugees have also arrived in Finland and been granted residence permits on the grounds of family ties.

Finland exercises its quota refugee policy as part of humanitarian foreign policy by reconciling UNHCR's resettlement needs, the needs of refugee communities resident in the country and reception facilities in the municipalities. Quota refugees received on UNHCR's proposal are granted refugee status in Finland. Other than UNHCR quota refugees can receive a residence permit on the grounds of a need for protection instead of refugee status.

Working together with the Ministry for Foreign Affairs of Finland, the Ministry of Labour prepares a proposal to the Government concerning the regional allocation of its refugee quota. UNHCR then puts forward a group of people from which representatives from the Ministry of Labour, Finnish Directorate of Immigration and, if necessary, the Finnish Security Police, usually select the quota refugees admitted to Finland on the basis of interviews conducted in refugee camps. The interview procedure is resource-intensive. The Directorate of Immigration makes the decision to grant refugee status. There is no right of appeal in respect of decisions concerning quota refugees.

Ten per cent of the refugee quota is reserved for cases that UNHCR has assessed as being in urgent need of resettlement. These urgent cases are admitted to Finland on the basis of UNHCR documents without any interview. In these cases, the Directorate of Immigration makes the decisions having received statements from the Finnish Security Police and the Ministry of Labour. Finland has not admitted persons guilty of offences that under Finnish legislation could be considered as serious by nature or extent. Neither does Finland generally admit persons with an active military background.

However, account is taken of the fact that child soldiers in practice usually have no choice in taking up arms.

Finland has not usually admitted unaccompanied minors in the refugee quota. However, in future it will be possible to consider the need for protection of children without a guardian.

Because it is determined annually, the refugee quota is difficult to fill. There is a need to respond flexibly to the changes in the global refugee situation. Flexibility would also enhance Finland's opportunities to have a say since UNHCR usually prepares its quota proposals in line with the state budget years of the large receiving states. Quota refugees are often scheduled to arrive in Finland years after having been selected.

24) **Policy guideline: The quota policy shall be improved by more flexible allocation of the refugee quota and quota refugee selection procedure.**

Measures:

- The existing annual quota of at least 750 refugees shall be retained.
- A ministerial group shall adopt the principles guiding the filling of the quota. Government representatives decide country-specific allocation in cooperation with UNHCR.
- The criteria to fill the quota shall be clarified so that Finland can also admit unaccompanied minors and women in need of special protection.
- Consideration shall be given to safety issues so as to normally exclude persons with a criminal or active military background from the quota.
- A study shall be made of Finland's chances to take part in new approaches to resettlement such as the application of group selection. Flexibility in decision-making and systematicism shall be increased in actions to improve the conditions for Finland to participate in the strategic use of quotas at an international level.
- Active efforts shall be made to promote the development of resettlement in the EU in a bid to expand the group of quota countries.

Organisations responsible: Ministry of Labour, Ministry for Foreign Affairs, Ministry of Interior

Costs and cost sharing: Any additional costs caused by guideline are mostly related to enlarging refugee quota.

Development of asylum policy

The requirements for granting asylum under the Aliens Act are virtually identical to those in the 1951 Refugee Convention. The Government's asylum policy is committed to the full application of the Refugee Convention. If the requirements for asylum are not met, a person seeking international protection can be granted a residence permit on the grounds of the need for protection, or another type of residence permit. Applications for international protection are either processed through the normal or accelerated procedure. Each application is processed on a case-by-case basis. The Finnish police or Frontier Guard establish the applicant's identity and travel route. The Finnish Directorate of Immigration decides whether or not to grant asylum or a residence permit. Decisions may be appealed by application to Helsinki Administrative Court. Harmonisation of the asylum policy currently underway within the EU affects the emphases in Finland's asylum policy. The Ombudsman

for Minorities has completed a study of the implementation of due process in the accelerated procedure.

In 2005, 3,574 people sought asylum in Finland. The number was slightly down from the 2004 figure of 3,861. In 2005, 12 applicants were granted asylum. Residence permits were granted to 585 asylum seekers. 2,472 applicants received a negative decision. It took an average of 97 days to process an application for asylum in 2005. The number of asylum seekers has decreased also in 2006. By the end of July, the number of applications stood at 1,311, or 39% less than during the same period in the previous year.

The Directorate of Immigration's efficiency project has resulted in more effective processing of asylum applications. As a result, a decision on an asylum applications takes approximately six months under the normal procedure and 3.3 months under the accelerated procedure. The processing duration of the so-called Dublin Convention cases from application to repatriation is approximately 107 days, of which the Directorate of Immigration accounts for approximately 42 days. Processing has been made faster by studying the process mechanisms and eliminating procedures that slow decision-making. A high number of so-called Dublin Convention cases has resulted in shorter processing times. The Directorate of Immigration has also set up regional units in Lappeenranta and Kuhmo and taken on more people to staff these units.

25) **Policy guideline: A functioning asylum procedure is a key part of refugee protection.**

Measures:

- **The asylum procedure must retain adequate guarantees to ensure legal protection. Expert legal aid must be secured for asylum-seekers.**
- **A study shall be made of the impacts on asylum policy of the implementation of the Qualification Directive aimed at the multi-administrative harmonisation of international protection within the EU and later the Asylum Procedures Directive.**

Organisations responsible: Ministry of the Interior, Ministry for Foreign Affairs, Ministry of Labour

Costs and cost sharing: Work done as part of official duties.

The so-called Dublin cases. The unlawful movement of persons seeking international protection from one country to another is a global problem. More detailed information about the extent of the phenomenon in Europe has been available since the start of 2003, when the Eurodac fingerprint register was introduced. Under Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the member state responsible for examining and asylum application lodged in one of the member states by a third-country national, (Dublin II Regulation) responsibility for a person claiming asylum rests primarily with the first EU member state the person arrives in. To facilitate application of the decree, a fingerprint register has been developed to register the fingerprints of all asylum-seekers aged at least 14 and persons unlawfully crossing the EU's external borders who are not turned back. The register notifies if the claimant's fingerprints have already been registered. This provides information as to whether the claimant has already sought asylum in another EU member state.

If a person has earlier claimed asylum in another EU Member State, his or her application will not be materially examined and he or she will, under the responsibility determination regulation, be

returned to the first EU country of application. The Dublin II Regulation enables an EU Member State to process the asylum application of a third-country citizen also if it is not, under the regulation, liable to do so. The aim, however, is that only one member state processes the application for asylum.

The Dublin II Regulation has been unable to eliminate the problems. No exact information is currently available on the total number of Dublin cases in Europe. However, the Eurodac register has revealed that more than half the asylum-seekers coming to Finland have earlier claimed asylum in another EU member state. The figure is high compared to other EU member states.

In most cases, asylum-seekers in Finland have mentioned that a negative decision in the first country of application, or the expectation of a negative decision, led them to re-apply in another EU country. These days, member states have different return policies and practices, which in turn encourages claimants to shop around. In some countries applying the Dublin II Regulation, a negative decision in respect of an asylum application only results in a request to leave the country, without any actual check to ensure the person has actually left. In such cases it is often unclear whether foreigners return to their homeland or whether they remain in the Schengen area.

Above all, steps must be taken to impact on Dublin cases by providing effective protection for those in need and by ensuring effective implementation at the EU level in returning persons receiving a negative decision. At the same time, support must be given to ensuring the function of the mechanism formed by the Dublin II Regulation. Abuse of the asylum procedure and unlawful movement of asylum claimants could be prevented by extending the scope of the Dublin II Regulation to also apply to persons claiming secondary protection.

Harmonisation of asylum policy and the establishment of a common asylum mechanism are expected to result in a decrease in the unlawful movement of asylum seekers within the EU. Before then, the EU Commission should analyse more closely the reasons why claimants shop around for asylum, the function of the Dublin II Regulation and its impact in different EU member states. The study should also include the return policy of EU member states and the implementation of returns.

In Finland, it has been possible to examine the content of each Dublin application and exceptionally, for reasons of humanity or in the interests of a child, allow the applicant to remain in Finland. It should be possible to continue the practice in the cases mentioned in the future, even though shopping around for asylum will be primarily resolved within an EU framework.

26) **Policy guideline: Harmonisation of asylum policies in the EU shall be supported in a bid to eliminate the reasons why asylum claimants move on. The principal solution is to highlight the provision of effective protection for those in need and the significance of effective returns.**

Measures:

- **Action shall be taken to ensure the system formed in the EU by the Dublin II Regulation works and to extend the scope of the Regulation to also apply to persons claiming secondary protection.**
- **Finland will make an initiative to the Commission to study the reasons why people shop around for asylum, the function of the Dublin II Regulation and its impacts in different EU member states.**

Organisations responsible: Ministry of the Interior, Ministry for Foreign Affairs, Ministry of Labour

***Costs and cost sharing:* Work done as part of official duties.**

Unaccompanied minors seeking asylum. The lack of human rights, war, crises, financial inequality in the country of departure and difficulties in obtaining the residence and work permits required for legal migration are among the reasons under-aged persons are sent unaccompanied to claim asylum. The sending of under-aged persons may also involve the smuggling and trafficking of human beings. In 2005, 218 under-age asylum-seekers arrived in Finland. This increased by 58% from the previous year. Since then, the number has decreased drastically: in 2006, only 58 unaccompanied minors seeking asylum arrived in Finland by August. Sixty of the 160 such refugees currently in group housing and group family housing have received a residence permit.

Under the UN Refugee Convention applying to the rights of children, all actions by governing and legislative bodies concerning children must primarily take the best interests of the child into account. It is important for the criteria concerning a child's best interest to be defined in the drafting of legislation and be taken into account in official decision-making. At the moment, the concept of a child's best interest is used in different meanings in refugee and asylum policy. Different sectors of administration have different ideas of how the best interests of a child should be established and what expertise should be employed in doing so.

Relying on the expertise of child protection work and the mutual transparency and exchange of information between the authorities is key to assessing a child's best interests. Children should be encouraged to keep in touch with their parents and be provided with the opportunities to do so. Efforts should be made to trace the parents of unaccompanied asylum-seekers. The aim is to promote the voluntary return of an unaccompanied, under-aged asylum-seeker to his or her homeland, taking into account the child's age and level of development. Any preparations to return an unaccompanied child must be made carefully, taking into account the child's best interests. A child arriving unaccompanied is often a victim and criminal activity may be involved in the sending of the child. A child should not be re-victimised.

The Government has on April 21, 2006 submitted a proposal to the Parliament for Acts amending the Aliens Act and section 8 of the Act on the Register of Aliens (GP 31/2006). The Government proposes amendments on the right of the permit-granting authority to receive upon request information concerning the unaccompanied minor seeking asylum and his/her family members from the reception centre and a provision on tracing the parent(s) of the minor.

27) **Policy guideline: The child's best interests shall be taken into account as a cross-cutting principle in asylum and refugee policy.**

Measures:

- **The function of issues relating to a child's position and interests and the application of the Aliens Act shall be monitored in cooperation with different authorities (Ministry of the Interior, Ministry of Labour, Ministry of Social Affairs and Health, Ministry of Education).**
- **The expertise of child protection work shall be secured in establishing a child's best interests and improving the expertise of different professional groups in issues related to assessing a child's best interests. A study shall be made of the possibility to monitor the return of a child.**
- **Joint instructions shall be drafted with different administrative sectors to ensure the dignified and safe return to his or her parents of an under-aged child**

that arrives unaccompanied.

- **Cooperation and the sharing of information between the authorities and reception centres for asylum seekers shall be developed in order to safeguard the best interests of minors.**

Organisations responsible: Ministry of the Interior, Ministry of Labour, Ministry of Social Affairs and Health, Ministry of Justice, Ministry for Foreign Affairs

Costs and cost sharing: Work done as part of official duties.

Return and repatriation policy. During the Hague Programme, national return policies have been discussed much more than earlier at the community level and the implementation is ongoing concerning minimum requirements for a return policy and stepping up cooperation between member states.

Unlike the rest of Europe, Finland and the other Nordic countries have considered it obvious to use coercion as a last resort to remove from the country foreigners whose application for a residence permit has been rejected and who have consequently received a decision to remove them from the country. The effectiveness of repatriation is key to the consistency of migration administration. The repatriation of persons whose request for asylum has been rejected is also part of a functioning protection system. The cost of repatriating such persons is met out of the Ministry of the Interior's budget.

The voluntary return of an asylum-seeker to his or her country of departure or origin should be considered the primary alternative when an application for asylum has been refused. Some applicants leave the country whilst their application is still being processed, others without notifying the authorities they have left. Voluntary return can be promoted through information provided by the authorities and organisations about the situation in an immigrant's homeland. If it is thought that return is safe, the travel expenses of the voluntary return of a person applying for international protection are met out of the Labour Administration budget.

A working group has been appointed to study the implementation of voluntary return at the Ministry of the Interior. The working group defined voluntary return as the controlled removal from the country when a person does not object to return and consents to work together with the authorities in the context of return. According to the working group, independent return can be promoted by enhancing cooperation between the authorities and providing information about the opportunity to return. Promoting the independent return of persons receiving a negative decision also aims at saving costs, compared with deportation taking place using coercive measures. However, national legislation in respect of aid encouraging people to return should be specified.

Under the Aliens Act, return is prohibited in a situation where the person returned could be subject to persecution or be treated in violation of human rights. The decision to remove a person from the country may not be enforced if there is reason to suspect that the person being returned would be at risk. If the police responsible for return are notified of such factors, the foreigner can be instructed to submit a new application. It may also be necessary to suspend the enforcement of removal from the country in the event of a sudden change in the situation and conditions in the country of departure.

The Aliens Act makes no provisions for the enforcement of removal from the country. In a statement in respect of the Aliens Act in April 2004, the Finnish Parliament requested the Government to urgently prepare the rules of procedure for enforcing removal from the country and the associated use of force and coercive measures. The project launched by the Ministry of the Interior in 2005

clarified practices and processes, and the preparations for amending the Aliens Act are continuing in conjunction with the entry into force of the directive on the return of third country citizens.

- 28) **Policy guideline:** Development shall be promoted of harmonisation of the EU's return policy and procedures emphasising cooperation with other member states to implement and coordinate return in practice. Voluntary and independent return shall be promoted on a national level, ensuring that foreigners without the right to reside in Finland are effectively removed from the country and that repatriation is effected humanely and fairly with full respect for human rights.

Measures:

- The return policies of different EU member states and their impact shall be raised and discussed to reach common principles in the EU.
- An EU policy shall be fostered in a bid to promote more effective implementation of return in the Union. Conclusion of the Commission's ongoing readmission negotiations shall be fostered as shall renewing the Commission's negotiation mandates.
- Voluntary and independent return shall be promoted as the principal means of return.
- A study shall be made of the procedural regulations related to enforcing removal from the country and the needs to amend the associated force and coercive measures.
- Provisions shall be added to the Integration Act about the payment of travel costs for foreigners applying for international protection who voluntarily return to their homeland.

Organisations responsible: Ministry of the Interior, Ministry of Labour, Ministry for Foreign Affairs, Ministry of Social Affairs and Health

Costs and cost sharing: Work done as part of official duties.

Enhancing reception facilities for asylum-seekers

Reception facilities for asylum-seekers means the safeguarding of basic needs such as accommodation, a necessary means of subsistence, social and health care and other necessary services. Work and studies can also be arranged as part of reception. Reception facilities for asylum-seekers aim at maintaining the capacity of applicants while their application is being processed. The Integration Act provides for the reception of asylum-seekers and persons in need of temporary protection.

An asylum-seeker resides at a reception centre whilst his or her application is being processed. The outcome of the application for asylum cannot be anticipated when arranging reception. Reception complies with the confidentiality obligation provided by the Integration Act. Asylum-seekers have the right to take up gainful employment for three months whilst waiting for a decision. These days, asylum-seekers have found it easier to get work.

The State is responsible for the funding of the reception centres. The budget set a target utilisation ratio of 70%, which aims to ensure the effectiveness of operations in such a way that the required flexibility towards numbers of residents is maintained. In 2005, the utilisation ratio stood at 75%. There are currently 15 reception centres throughout Finland. Due to the decrease in numbers of asylum seekers and reaching the target utilisation ration, the Ministry of Labour is reducing capacity at reception centres by closing three reception centres and one residential unit. The premise remains

that each border municipality has a reception centre. Two of these are situated in the Helsinki Metropolitan Area.

The reception centres have around 1,900 beds, in addition to which there are approximately 200 beds in group housing and group family housing for unaccompanied minors seeking asylum. Due to the reduction of capacity, the number of beds will be reduced by 400, but all remaining units are prepared for increasing the number of beds if required. Asylum-seekers can also reside in private accommodation, in which case they are registered at a reception centre, which is responsible for the services they require, not the municipality of residence. However, the living costs incurred from residing outside a reception centre are not reimbursed.

The Government budget sets a target for 2006 on the duration of placement of asylum seekers receiving positive decisions within the municipalities. The target duration is two months. The follow up system for the duration of placement in a municipality will be up and running in late 2006, but according to preliminary data, the target duration has not yet been achieved. The duration of placement is affected by several factors, such as the speed at which the decision has been communicated to the applicant, finding a suitable municipality for placement and the organisation of an apartment within the municipality. In addition, reception centres have had to accommodate asylum seekers who have received a residence permit but who cannot be assigned a municipality of residence due to the temporary nature of residence.

When receiving asylum-seekers, it is important to take into account the reception of certain special groups. These include unaccompanied children, children arriving in families, single parents, the disabled, the elderly and persons who have been kidnapped, raped or been subjected to serious violence. Depending on culture, single women may also be in need of special means of support. It should be possible to arrange after-care equivalent to post child protection measures until a young person has attained the age of 21.

It is also important to afford under-age asylum-seekers an opportunity to attend school on similar terms to the local population. The provision of teaching has been fraught with problems relating to interpretation of the law and legal praxis.

29) **Policy guideline: Taking into account the special needs of different groups shall be improved when arranging reception facilities for asylum-seekers.**

Measures:

- **The common grounds for reception units to promote return shall be strengthened.**
- **Advisory, rehabilitation and mental health services shall be developed to meet the needs of traumatised asylum-seekers and especially children and young persons in need of special support. The Integration Act shall be amended to safeguard the after-care of unaccompanied child asylum-seekers.**
- **Possible measures required within the jurisdiction of the Ministry of Education in order to implement the council directive on minimum requirements for the reception of asylum seekers in EU member countries shall be identified.**
- **The Basic Education Act shall be amended to give the children of asylum-seekers the right to basic education in all municipalities.**

Organisations responsible: Ministry of Labour, Ministry of Social Affairs and Health, Ministry of the Interior, Ministry of Education

Costs and cost sharing: Work done as part of official duties.

Developing the settlement of refugees in municipalities

In Finland, the State is responsible for refugee policy and funding refugee measures. In accordance with the Integration Act, municipalities have a coordinating and general responsibility to integrate immigrants into society. Municipalities receive quota refugees and persons who have been granted asylum or a residence permit pursuant to agreements made with T&E centres. In 2005, 766 quota refugees were settled in 32 municipalities. Additionally, 367 persons granted asylum and 368 persons admitted to Finland through family reunion were resettled to make a total of 1,501 placements in 50 municipalities.

The State reimburses, usually for the first three years, the local authorities for the costs arising from receiving and integrating refugees and persons granted asylum. Reimbursement is to ensure that the persons concerned receive the services and support measures they need to be able to integrate into society. A study has been completed on the adequacy of compensation for social and healthcare services and the duration of compensation.

Municipalities take refugees on a voluntary basis. For the refugee policy to be successful, it is important that municipalities are willing to agree to receive refugees. Municipalities have been increasingly less willing to resettle refugees and persons granted asylum and there are not enough places to safeguard fast, smooth placement. The decreased willingness of municipalities to receive refugees and similar persons relates to economic problems currently experienced by municipalities and the difficulties experienced in the reception of refugees. Municipalities consider the level and duration of compensation to be a problem. The reception of refugees places a major drain on a municipality's service provision and staff providing such services. In addition to this, municipalities consider that family reunion and independent movement results in refugee numbers growing much larger than planned. Because of their background, not all refugees can be employed and may require extended social assistance to survive. Ensuring adequate resources would foster the possibility and willingness of municipalities to receive refugees. If municipalities have adequate resources to manage the reception of refugees alongside their other responsibilities, the attitudes of other residents towards immigrants might grow more receptive to helping them to integrate.

Successful integration requires appropriate housing and the necessary services, in particular those related to training, which are often planned together with local Employment Offices. Public opinion is also an important aspect of successful integration. Employment opportunities are important for immigrants and society alike. A lack of the right conditions often soon results in a move to another municipality. Refugees placed in a municipality are free to move throughout the country and often move from one municipality to another also in the hope of better training opportunities. Internal migration is also caused by a desire to be near relatives or one's own ethnic group.

Regional Councils have also drawn up regional development strategies providing a basis for developing the region. These strategies define regional population and job targets. The strategies should be used as a platform to examine development of economic life and services in each region, taking into account opportunities to draw on the expertise of refugees. A local and methodological approach should be adopted in the settlement of refugees in municipalities. Regional cooperation would be one instrument to improve the reception of refugees. For example, training could draw on the benefits of regional cooperation and regional training services could be set up for refugees.

A more systematic approach could be introduced by processing the settlement of refugees in municipalities and related funding issues as part of the framework programme for migration, ethnic relations and integration. Municipal integration programmes could be made into a strategic document outlining a municipality's own migration and refugee policy as part of municipalities' other

development strategies. The employment and settlement of refugees in jobs they are suited for should also be regularly tracked.

- 30) **Policy guideline:** The settlement of refugees in municipalities shall be developed so that settlement takes place quickly and actions to foster integration are commenced immediately after settlement.

Measures:

- Information and training shall be used to encourage municipalities to receive refugees.
- An assessment shall be made of the success of settlement in municipalities and migration flow between municipalities and the conditions and impacts of these.
- Regional cooperation shall be promoted by establishing the conditions to provide regional services. The strategies should be used as a platform to examine development of economic life and services in each region, taking into account opportunities to draw on the expertise of refugees. The employment and settlement of refugees in jobs they are suited for shall be regularly tracked.
- A more systematic approach shall be introduced by processing the settlement of refugees in municipalities and related funding issues as part of the framework programme for migration, ethnic relations and integration. A strategic document shall be formed of the integration programme of each municipality, which outlines a municipality's own migration and refugee policy.
- The Association of Local and Regional Authorities compiles a list of good practices in the reception of refugees and examples of successful migration and integration programmes on its website.

Organisations responsible: Ministry of Labour, Association of Local and Regional Authorities, municipalities

Costs and cost sharing: Costs arising from developing the settlement of refugees in municipalities. Adequate resources should be ensured.

Examining migration policy also from the aspect of development policy

Migration results in many developing countries losing skills and labour necessary to their own development. Voluntary migration is often associated with the negative impact of what is known as the brain drain, which means the emigration of a country's trained labour and investment in education being made in vain. A positive aspect of voluntary migration is often known as brain circulation. The opportunities for immigrants to return to their home country either on a permanent or temporary basis can increase the benefits of emigration on a developing country. Even permanent migration can be considered as having beneficial impacts such as increased cultural and trade links, investments in the country of departure and the exchange of inventions, attitudes and skills.

The remittances by migrants moving from developing countries to industrialised countries is often a major source of foreign currency for a developing country and is often used for consumption at the grass-roots level. However, the remittances as a catalyst for the development are not completely problem-free. No studies have been made of remittances sent by immigrants in Finland.

From the aspect of development policy, the problems caused by forced migration are partly of a different kind. Forced migration is usually from one developing country to another, adding further to the financial and social burden of the host country.

It is clear that immigration to Finland accounts for only a very small fraction of the global migration issue. Cross-border competition between industrialised countries for mobile labour is nevertheless significant and Finland will play a much greater future role in this competition. It is important to examine issues related to international migration flows and immigration more logically also from the aspect of development policy. The aim will be to foster the positive impacts and prevent the adverse impacts of migration flows.

31) **Policy guideline: Migration issues shall be comprehensively examined from the aspect of development policy in a bid to realise the benefits of Finland, the developing country concerned and the immigrants themselves.**

Measures:

- **Migration issues shall be better taken into account in bilateral development co-operation.**
- **The logical treatment of migration and development issues in multi-centre co-operation and EU policy shall be promoted.**
- **A study shall be made of the various dimensions in countries of departure of the immigration flow to Finland.**

Organisations responsible: Ministry for Foreign Affairs

Costs and cost sharing: Work done as part of official duties.

3.7. Improving the conditions for supervision

More effective prevention of illegal work by and illegal employment of foreigners

According to the International Labour Organization (ILO), illegal working is on the rise in the world for a variety of reasons including a growth in the informal labour market, increased differences in earnings and standards of living, defective border controls, defective asylum systems, increased smuggling of human beings and limited legal migration channels compared to migration pressure. A study conducted by the Commission shows a connection, albeit complex and indirect, between legal and illegal migration. Combating illegal migration and illegal employment is core to the Hague Programme. It is also important to promote the theme during the Finnish EU Presidency.

In Finland, there is often a link between the illegal employment of foreigners and organised operations in the informal economy, often involving the evasion of taxes and other obligations and the violation of minimum working conditions as regards foreigners. Views somewhat differ as to the extent of the informal economy and related illegal employment of foreigners. One of the ways the authorities generally fight the informal economy is through various cooperation projects.

Working illegally and the illegal use of foreign labour is taking place in terms of breaches of the limitations of work permits or continuation of work after permits have expired. Such action can be intentional or deliberate. It can often also be a simple case of not knowing the regulations applying to employment of a foreigner. However, the illegal employment of foreigners is also fostered by an unnecessarily restrictive permit system or permit conditions that fail to respond to the needs of the labour market.

32) **Policy guideline: Illegal employment of foreigners shall be prevented.**

Measures:

- **The fight against illegal migration and employment shall be emphasised in the Hague Programme and as a theme during the Finnish EU Presidency.**
- **Awareness shall be increased of the regulations applying to the employment of foreigners.**

Organisations responsible: Ministry of the Interior, Ministry of Labour

Costs and cost sharing: Work done as part of official duties.

Increasing the effectiveness of the framework for monitoring the employment terms and conditions of foreign workers

Just as is the case with illegal employment, there is often a link between the failure to meet minimum employment terms and conditions of foreign workers and organised operations in the informal economy. A new police unit tasked with overseeing compliance with the employment terms and conditions of foreigners began work at the National Bureau of Investigation on 1 February 2004.

The new Aliens Act contains several provisions that attempt to improve supervision of the employment terms and conditions of foreign workers. These include the information to be given to the Employment Office, examining the customer's liability, the obligation of an employer to keep information on foreigners and their grounds for the right to work available for inspection at the workplace, increased powers of the labour protection authority and making the sanctions more effective. These new provisions have greatly improved the framework for supervising the employment terms and conditions of foreigners.

However, there is still a need to further improve the regulations related to supervising employment conditions. Supervision of the employment terms and conditions of foreigners is particularly challenging if the employer is located outside Finland. In passing the Transition Period Act in conjunction with EU enlargement, Parliament required an improvement to be made in the supervision of the employment terms and conditions of posted employees. A working group established to consider the development of legislation affecting economic crime also suggested improving supervision applying to foreign hired labour by the addition of a registration and disclosure obligation for foreign contractors.

The Ulteva 2 Working Group under the Ministry of Labour prepared amendments to the Posted Workers Act (1146/1999) and the Occupational Safety and Health Act (738/2002). The Posted Workers Act places posted hired-labour workers in particular in equal position as regards the determination of minimum pay with hired-labour workers employed by companies operating in Finland. For employer companies posting workers in Finland, a duty was prescribed to select a representative with an authorisation to receive and prepare documents on behalf of the employer company. It was prescribed as the duty of the employer company or their representative to maintain on the posted worker and his/her working conditions information accessible to the occupational safety and health authorities and to give the staff representative information on the working conditions of the posted worker. In addition, the employer or their representative in Finland shall have records of the working hours and pay concerning the posted worker. Compliance with the regulations is enforced subject to a penalty. The amendment entered into force on 1 February 2006.

In the Occupational Safety and Health Act was added the duty of the constructor directing or supervising a shared building site to ensure that those working at the site have, while moving around the site, visible an ID with a photograph also indicating their employer. Compliance with this duty of care is enforced subject to a penalty. The amendment entered into force on 1 February 2006.

Just as is the case with illegal employment, failure to comply with the minimum employment terms and conditions in respect of foreigners may be due to ignorance about the rules of the game in working life. Also in this context, there is a need to improve the level of awareness.

- 33) **Policy guideline: The requirements to supervise the employment terms and conditions of foreign workers shall be made more effective. Effective means shall be employed to intervene in opportunities to moonlight and the overall appeal of the informal economy also in cooperation with labour market organisations.**

Measures:

- **The Ulteva 2 working group is continuing the preparation work assigned to it.**
- **Awareness of the rules of the game in working life shall be increased.**

Organisations responsible: Ministry of Labour, Ministry of Social Affairs and Health

Costs and cost sharing: Work done as part of official duties.

Combating human trafficking

Combating human trafficking is a multi-dimensional challenge affecting Finland among others. Human trafficking is essentially related to the implementation of human rights and can involve not only sexual exploitation, but also exploitation in working life and other situations such as trafficking in children and organs.

Prevention of human trafficking in Finland is implemented in accordance with an action plan approved by the Government on August 25, 2005, containing a wealth of measures to be comprehensively implemented within the various administrative sectors. The implementation of the action plan is monitored by a steering committee. It is essential for victims of human trafficking to be granted a residence permit in order to help them and to bring the parties responsible to justice. This amendment to the Aliens Act was completed in July 2006. A working group established by the Ministry of Labour has finished its propositions for support and services aimed at helping victims of human trafficking, and the proposition to amend the Integration Act accordingly has been completed. The support system is suggested to be established in conjunction with the reception system. International efforts can also help prevent human trafficking to or via Finland.

It is important to increase awareness of human trafficking and to develop the training of authorities to combat it. Identifying victims poses a challenge since when entering the country the entry requirements usually seem in order and the person concerned does not necessarily know he or she is a victim of human trafficking. Whilst full respect must be given to the victim's own will, it must be assumed that by no means all victims wish to remain permanently in Finland. In the context of return it is important to try to prevent the possibility of revictimization.

34) **Policy guideline: Action shall be taken against human trafficking. Ensuring the victim's rights is a major premise that also helps in bringing the parties responsible to justice.**

Measures: The actions defined in the national plan of action against human trafficking shall be implemented.

Organisations responsible: Ministry of the Interior, Ministry for Foreign Affairs, Ministry of Labour, Ministry of Justice

Costs and cost sharing: Work done as part of official duties.

4. Programme implementation

It is proposed an implementation programme be prepared to carry out the migration policy programme. More detailed costs arising from implementing the programme, cost sharing, the key organisations responsible, partners and forms of cooperation are also being assessed in this context. The implementation programme will also fix the schedule to implement the actions.

Administration of the migration policy requires the programme to be monitored more closely than at present. Activating labour immigration impacts not only on labour, social and housing policies, but also in different administrative sectors. Various administrative sectors have an increased need for information required for monitoring and for inter-sectoral cooperation.

Statistical data are key instruments in monitoring. The scope and availability of statistics is currently problematical, which is why statistics and the alien and other registers must be developed to respond to the need for information. The development of statistics must take into account the development of migration statistics currently under way in the EU. Furthermore, intense cooperation is required between different authorities in the field of migration research. A joint research programme for the authorities should be drawn up within the framework of cooperation.

The impact of the actions presented in this programme must be assessed. This particularly applies to guidance, social integration and education, as well as the promotion of good ethnic relations between population groups and measures to prevent discrimination. Indicators should be developed for impact assessment. State and municipal budgets must set targets relating to the social and economic influence of the implementation of the migration policy.

The information data collected in cooperation with various authorities will form the basis for a national migration, ethnic relations and social integration framework programme and for the Government report on migration, ethnic relations and social integration to be given to Parliament.