

Unaccompanied Minors Seeking Asylum in Finland

Heli Niemi, Rovaniemi (Finland)

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In Finnish society, questions concerning immigration and asylum have been in a central position lately. The explosive growth of asylum seekers in 2008 has raised discussions and questions among citizens as well as actors working within immigrants and refugees. In the media, the growth of the number of unaccompanied minor asylum seekers has been particularly emphasized for a reason that young asylum seekers coming mainly from Africa and Asia have very quickly become a visible group in Finnish municipalities. The present report will give a general review of the reception of unaccompanied minor asylum seekers in Finland on the basis of reports, statistics, and directions mentioned at the end of the text as well as the author's personal experiences on working as an authorized representative for young asylum seekers. First, the report will give a picture of unaccompanied minors seeking asylum from Finland. Then, it will describe the process of reception and the related service system, in which the best interest of the child functions as a main principle. At the end the report highlights some common challenges pertaining to unaccompanied minor asylum seekers in Finland and Europe.

Overview of Unaccompanied Minors

The concept unaccompanied minor asylum seeker doesn't have an official definition in Finnish legislation. In practice, one is considered to be a minor asylum seeker when one says he or she is less than 18 years old, seeks for international protection, and arrives in the country totally alone or in nobody's custody. The age declared by the applicant has been used as a basis for age estimation if there is any evidence of the person's age of consent.

In Finland, the number of asylum seekers grew up drastically in 2008 compared to the previous years. The total number of asylum seekers was 4,035, and a record number (706 persons) of unaccompanied minor asylum seekers arrived in the country. The number was much larger than in 2007 (98 persons) or in the previous record year of 2005, when 220 unaccompanied asylum seekers came to Finland. Compared with the other Nordic countries the total number of asylum seekers is still small in Finland. In 2008, the amount of asylum seekers in Sweden was sixfold and in Norway threefold in comparison to Finland. Most of the unaccompanied minor asylum seekers moving to Finland are boys from 15 to 17 years of age. In 2008 the proportion of boys was 80%. The top three countries represented by the young unaccompanied asylum seekers were Somalia (50%), Iraq (30%), and Afghanistan (9%). Only a few young asylum seekers came from Russia (1%), Angola (2%), and other countries (8%).

The reasons for minors seeking asylum in Finland have been the following: the general security situation in the home country, belonging to a religious minority and the resultant persecution, the political activity of family members, and the threat of honour violence. Sometimes, unaccompanied minors have given individual reasons indicating domestic or sexual violence. Minor asylum seekers have mainly stayed in the Schengen area before their arrival in Finland, and usually they do not have any documents proving their identity.

Asylum Seeking Process

In Finland, all unaccompanied minor asylum seekers go through the asylum questioning regardless of their age. The process of asylum seeking involves many stages, and during the process many authorities require the children and young persons to talk about their life and

experiences. After a young asylum seeker has left an application for asylum to the border authorities or police, the person will be placed in a reception centre. Later, the police or border authorities check the person's identity and travel route. The Finnish Immigration Service then delves into why the person has left the home country and works out the other prerequisites for issuing the permit of residence. Finally, it makes the decision whether to grant the permit or not. At the moment, the whole process takes from five to eight months in the case of young asylum seekers. In addition, the Finnish Immigration Service is obliged to promote family reunification among unaccompanied minors by contacting their parents or persons having custody of them.

Unaccompanied minor asylum seekers are rarely found as refugees entitled to legal asylum. Instead, many of them receive a permit of residence due to their need for international protection caused by the circumstances in their country of permanent residence. A few unaccompanied minors can stay in Finland for human reasons. Those persons who have got asylum or permit of residence for the reason of international protection or human reason are allowed to apply place of residence from a Finnish municipality. In 2008 there were 706 unaccompanied minors seeking asylum in Finland. The Finnish Immigration Service issued totally 228 decisions for unaccompanied minors, of which 157 were positive. Only three young persons of them got asylum, and a permit of residence was given to 154 unaccompanied minors. Unaccompanied minors also get negative decisions when applying for a permit of residence in Finland. In 2008 the negative decisions a total of 63 were issued, of which 50 were Dublin decisions, which are based on the Dublin convention/Dublin II Regulation in the EU legislation. It means that a child will be returned from Finland to the country where he or she has sought asylum first. Dublin decisions might be problematic for children, and sometimes even against the best interest of the child because the reception of children is not organised well in all countries covered by the Dublin agreement. For example, the Finnish Ministry of Interior made a decision in 2008 that in the Dublin cases the unaccompanied minors will not be returned to Greece for the reason of the inhuman treatment of unaccompanied minors and neglects of their rights. The situation of unaccompanied minors staying in Malta and Italy has also been worried in Finland. The situation of these countries is difficult because they are situated on the border regions for which reason their systems are under high pressure. Especially the returns of young people to Italy have been worried about among the Finnish legal representatives by minor asylum seekers. The young people who have lived in Italy have reported that they do not always have the dwelling place through they are living on the streets and railway stations. Necessarily they neither have always the possibility to go through the asylum questioning or to use interpreter in their own language during questioning. In the recent situation where the asylum seeking process takes five to eight months in Finland, the Dublin decision can cause lot of problems for the young people. During the long process they have already started to settle in Finland, but the Dublin decision change their life again by returning them to a country where they might not have any ties or familiar person and where they might not have human circumstances.

Services

The Finnish service system provides accommodation, education, care and supervision as well as social and health care, spare time, legal, and interpretation services for minor asylum seekers. In addition, they are entitled to a supplementary benefit that covers food and necessary equipment. An individual plan of treatment and education is made for every minor asylum seeker. Housing for minor asylum seekers is organised in accordance with their age. Children in school age and younger live in family and group homes that have a home-like environment. Young people from 16 to 17 years of age are placed in sheltered homes aimed at

supporting their independence and growth. In addition, some young people are placed in folk high schools for one school year.

Child's Best Interest

“A child is always a child. Refugee children should first be seen as children and only after that as refugees. They have the right and need for particular protection and as good a childhood and youth as possible for the very reason that they are children. All people under the age of 18 are children, the small ones as well as the big ones.” (Hytinantti 2009, 54.) According to the quotation, the best interest of the child is a leading principle in the unaccompanied minors' asylum seeking process in Finland.

The overall aim of the Finnish Government Migration Policy Programme (2006) 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, encompassing 34 policy definitions, recognises the best interest of the child as a cross-section principle in the asylum and immigration policy. In addition, the Aliens Act, section 6 (301/2004), pays particular attention to the best interest of the child and to issues related to a child's development and health. This Act is applicable when making decisions concerning a child under 18.

All unaccompanied minors are appointed an authorized representative who makes sure that the best interest of the child is noticed in the asylum process. The representative has to be present in the asylum questioning using the right of action of the child's parent or person having custody, and attending that the child seeking asylum gets the education and services in social and health care. At the moment there are no particular requirements for the representatives in Finnish legislation. Therefore the representatives are ordinary citizens who have an interest to work with young asylum seekers. In accordance with the Act on the Integration of Immigrants and Reception of Asylum Seekers, Section 27 (493/1999), the representative can be a legally competent person who agrees to take on the task and who is able to attend to it flawlessly while adhering to the best interest of the child. In addition, the representative must have no criminal record involving children. In practice, the purpose has been to recruit especially representatives with work experience in the social sector, children's welfare, or other related fields, and with expertise in questions concerning immigration.

Challenges

Unaccompanied minor asylum seekers are in the public gaze in Finland at the moment. This report has outlined the main facts related to the reception of young asylum seekers in Finland. The system of reception regarding children and young people is organised with high quality in Finland when comparing it internationally. In Finland the unaccompanied minor asylum seekers have been seen as the children who have right and need for particular protection, for the reason they are also treated well during the asylum seeking process. They are given a chance for new beginning and settling in new society, which seems not to happen in all European Union member states. Though the Finnish system is well-organised, there are still lots of challenges concerning unaccompanied minor asylum seekers. By reason of the fast growth of the number of young asylum seekers, the reception system has to be restructured, and still it involves a broad range of issues that needs further development. For example, we should aim to increase the territorial equality in providing services, to develop the system of legal representative and to shorten the time of hearing. In addition, we should aim to develop the execution of Dublin decisions by recognising the individual situations of unaccompanied minor asylum seekers. Despite these challenges many European countries have a lot to learn from the Finnish asylum seeking policy and system for unaccompanied minors. Though, Finland should also learn from those countries who are more experienced with the issues of asylum seeking. A considerable problem facing asylum seekers entering the European Union

is the fact that the treatment of asylum seekers differs strongly between different countries. In spite of efforts to harmonise the refugee policy in the European Union, the member states interpret refugee conventions and EU directions in various kinds of ways. (Martiskainen 2009, 48). We should aim at developing more congruent European practices and policies to respond to the needs of unaccompanied minors. The reception system for them should be balanced between the EU member states to increase equality between asylum seekers, and to support the realization of the best interest of the child all over Europe. In addition, the European countries should increasingly join forces against human trafficking and illegal immigration. Regardless of the host country, an unaccompanied minor asylum seeker should have the right to a human life with one's personal needs and individuality recognised.

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Heli Niemi works as a PhD-student at SOSNET Finnish National Post-Graduate School for Social Work and Social Services at the University of Lapland, Department of Social Work in Rovaniemi.

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