

SEPARATED CHILDREN IN EUROPE PROGRAMME QUESTIONNAIRE FOR COUNTRY ASSESSMENT

COUNTRY:

Finland

EVALUATION PERIOD:

June, July, August 2003 (updated in Jan 2004)

RESPONDENT:

Preparation of the questionnaire: Anna Mikkonen,
Editing: Anna Mikkonen & Taina Martiskainen. We would also like to thank Reetta Helander & Kirsi Hytinantti for reading and commenting on the questionnaire.

Contact: Taina Martiskainen, Central Union for Child Welfare

CONTENTS:

Agencies/ individuals consulted:.....	3
Documents used or referred to:.....	4
Abbreviations used in the report.....	8
INTRODUCTION	8
DEFINITION OF "SEPARATED CHILD" (SGP:A 2.1).....	8
1. ACCESS TO THE TERRITORY (SGP: C1)	9
General situation of trafficking and illegal migration in Finland	12
Foreign prostitution.....	13
Legislation concerning trafficking	13
Trafficking in Children into Finland	14
The missing children.....	15
2. IDENTIFICATION (SGP: C2)	17
3. APPOINTMENT OF GUARDIAN OR ADVISER (SGP: C3)	18
4. REGISTRATION AND DOCUMENTATION (SGP: C4)	22
5. AGE ASSESSMENT (SGP: C5).....	24
6. DETENTION (SGP: C6)	25
7. RIGHT TO PARTICIPATE (SGP: C7).....	29
Interpreters	29

8. FAMILY TRACING & CONTACT (SGP: C8)	30
9. FAMILY REUNIFICATION IN A EUROPEAN COUNTRY (SGP: C9)	31
10. INTERIM CARE - HEALTH - EDUCATION - TRAINING (SGP: C10)	32
Interim Care (SGP: C10.1).....	32
Group and family group homes	33
Private accommodation	34
Health (SGP: C 10.2)	35
Education, Language and Training (SGP: C 10.3)	36
11. REFUGEE DETERMINATION PROCESS (SGP: C 11)	38
Access to normal procedures (SGP: C11.1)	38
Accelerated procedure	39
Temporary protection	40
Roma children and an accelerated procedure.....	40
Legal Representation (SGP: C 11.2)	41
Minimal Procedural Guarantees (SGP: C 11.3)	43
_ Appeal procedures.....	43
Independent Assessment (SGP: C 11.4)	45
Interviews (SGP: C 11.5)	46
Criteria for making a decision on a child's asylum application (SGP: C	49
Young People who become adults during the asylum process (SGP: C 11.7)	50
12. DURABLE SOLUTIONS (SGP: C 12)	52
Remaining in a Host Country or Country of Asylum (SGP: C 12.1)	52
Grounds for a child remaining in a host country (SGP: C 12.1)	52
A3-status	52
A4 status – non-refugee status.....	53
Family Reunification in a Host Country (SGP: C 12.1.2)	55
_ DNA testing to confirm family relations	57
Integration (SGP: C 12.1.3)	59
General on integration	59
Health and Education	60
Young people who become adults	61
Projects supporting integration	61
Adoption (SGP: C 12.1.4)	63
Identity and Nationality (SGP: C 12.1.)	63
Family Reunification and Returns to a Country of Origin (SGP: C 12.)	64
Conditions that must be fulfilled prior to return (SGP: C 12.2.2)	66
Programmes and Aid to Facilitate Reintegration (SGP: C 12.2.2)	66

Settlement in a Third Country (SGP: C 12.3)	67
13. DATA COLLECTION	68
Refusals of entry:.....	70
Asylum applications of minors:.....	71
Age assessments:.....	72
Detention:.....	72
Family reunifications:.....	72
14. POLITICAL LEVEL - SUPPORT FOR CHANGE	72
15. INTERVIEWS OF SEPARATED CHILDREN AND YOUNG PEOPLE	74

AGENCIES/ INDIVIDUALS CONSULTED:

Helander, Reetta, Information Officer, the Refugee Advice Centre, 18.6.2003

Herranen, Ilkka, Major, Headquarters of the Frontier Guard, 29.7.2003 (by phone)

Huovinen, Minna, Social Worker, Pro-Centre form women and men in prostitution, 25.6.2003 (by phone)

Hytinantti, Kirsi, Senior Lawyer, the Refugee Advice Centre, 23.6.2003

Ikonen, Jouko, Detective Chief Inspector, The National Bureau of Investigation, 19.6.2003 (by phone)

Kekkonen, Arja, Head of Section, the Directorate of Immigration, 30.7.2003 (by e-mail)

Knape, Visa, Planning Officer, Employment and Economic Development Centre of Uusimaa

Kuikka, Suvi, Project Coordinator, Save the Children Finland, 30.6.2003 (by phone)

Piiroinen, Janne, Deputy Chief, Helsinki Section of the Frontier Guard, 29.7.2003 (by phone)

Pyykkönen, Veikko, Director, the Helsinki Custody Unit, 29.7.2003 (by phone)

Qvist, Leena-Maija, Senior Planning Officer, the Ministry of Labour, several occasions June-August 2003.

Sirén-Borrego, Ann-Charlotte, Planning Officer, the Finnish Red Cross, 21.7.2003, (statistics by email)

Sirva, Sari, Senior Lawyer, the Refugee Advice Centre, 1.8.2003 (by phone)

Suurpää, Johanna, Head of the Human Rights Unit, the Ministry for Foreign Affairs, 25.6.2003 (by phone)

Takalo, Pirjo, Senior Officer, the Office of the Ombudsman for Minorities, 4.8.2003 (by phone)

Tengman, Susanna, Head of Section, the Directorate of Immigration (by phone)

Tiusanen, Kaisa, Legal Adviser, the Refugee Advice Centre, 11.5.2003

Väänänen, Johanna, Secretary of the Child Affairs Unit, the Directorate of Immigration, 25.6.2003

Viinikka, Lotta, General Secretary, the League of Finnish Feminists, 25.6.2003 (by phone)

Virtanen, Jari, Special Adviser, Save the Children Finland, 7.8.2003 (by phone)

Vuorikarvia, Johanna, Programme Coordinator, International Organisation of Migration, IOM, 30.6.2003 (by phone)

DOCUMENTS USED OR REFERRED TO:

(Documents marked with * are available in English. If the document is only in Finnish, the name of the document is translated into English.)

Published references

Forsten-Lindman, Nina (1998). Pakolaislasten seurantatutkimus Turussa 1995–2000. Ensimmäinen osaraportti vuosilta 1995–1997. Turun kaupungin sosiaalikeskuksen julkaisu nro 6:1998. (*A research report of psychological evaluation project in City of Turku.*)

Helander, Reetta & **Mikkonen**, Anna (2002). Ikävä äitiä... Ilman huoltajaa tulleet pakolaislapset Suomessa. (*Missing the mother... Separated refugee children in Finland.*) Väestöliitto, Väestöntutkimuslaitos (*The Family Federation of Finland*), E13/2002.

Lehti, Martti & **Aromaa**, Kauko (2002). Naiskauppa, laiton siirtolaisuus ja Suomi. Nykytilanne, lainsäädäntö ja tutkimuslähteet. (*Trafficking in Women, Illegal Migration and Finland. The Present Situation, Legislation and Sources of Information.*) Oikeuspoliittisen tutkimuslaitoksen julkaisuja n:o 186. (*Publication of National Research Institute of Legal Policy.* * (a summary in English)

Mikkonen, Anna & **al.** (2002). Yksin Suomessa. Ilman huoltajaa Suomeen tulleiden lasten asema kansainvälisten suositusten valossa. (*Alone in Finland. The situation of separated children in Finland in the light of international recommendations.*) Lastensuojelun Keskusliitto (*The Central Union for Child Welfare*).

Nurmi, Reet (2001). Lapsiin kohdistuva seksuaalinen väkivalta prostituutitarkoituksessa Helsingin alueella. (*Sexual abuse on children and prostitution in metropolitan area*). STAKES. (*The National Research and Development Centre for Welfare and Health, Stakes.*)

Pölkki, Minna (2003). YK:n komitea arvioi Suomen turvapaikanhaun pikakäännytystä. Kansalaisjärjestöt: Nykyinen käytäntö vaarantaa oikeusturvan. Helsingin Sanomat 22.8.2003. (*UN Committee evaluates the accelerated procedure in asylum process. NGO's say the practice jeopardizes legal protection. An article in newspaper Helsingin Sanomat.*)

Sourander, Andre (1998). Behaviour Problems and Traumatic Events of Unaccompanied Refugee Minors. *Child Abuse & Neglect* 22, No 7, 719 –727. *

Taskinen, Sirpa (ed.) 2003. Lapsen seksuaalisen hyväksikäytön ja pahoinpitelyn selvittäminen. Asiantuntijaryhmän suositukset sosiaali- ja terveydenhuollon henkilöstölle. (*To find out about sexual abuse of children. Guidelines of a group of experts for the personnel in social and health care services*). STAKES, Oppaita 55. (*The National Research and Development Centre for Welfare and Health, Stakes.*)

Virmasalo, Elina (2001). Final Report on Trafficking in Children into Finland for Sexual Purposes. Ecpat, Europe. *

(*Government's Report to the Parliament on the Implementation of the Integration Act. Ministry of Labour 2002.*) Valtioneuvoston selonteko kotouttamislain toimeenpanosta. VNS 5/2002 vp. Työministeriön julkaisu nro 316.

(*Missing immigrant children and cooperation of authorities.*) Maahanmuuttajalasten katoamiset ja viranomaisien yhteistyö (1998). Maahanmuutto-osaston monisteita nro 6. Helsinki: työministeriö, maahanmuutto-osasto. (*A report of the Ministry of Labour, 1998*)

Trafficking, procurement and prostitution. A report of a working group. Ministry of Justice. Ihmiskauppa, paritus ja prostituutio. Työryhmän osamietintö. Oikeusministeriö, työryhmämietintö 2003:5.

Unpublished references

Paunio, Riitta-Leena (2001). Havaintoja yksin tulleiden pakolaislasten oikeuksien toteutumisesta Suomessa. Eduskunnan oikeusasiamiehen toimisto. Dnro 2822/2/99. (*Observations on the implementation of the rights of refugee children in Finland. The Office of the Ombudsman of the Parliament, 1999.*)

Concluding Observations of the Committee on the Rights of the Child: Finland. 16. October 2000, CRC/C/15/Add.132.*

(*Group homes and family group homes - the aims and activities.*) Ryhmä- ja perheryhmäkotien toiminnan sisältö ja tavoitteet. Työministeriö, 2001. Luonnos. (*Ministry of Labour 2001. Unpublished guidelines.*)

Guidelines for Interviewing (Separated) Minors. Directorate of Immigration in Finland. November 2001. *

Memos of the meetings of the advisory group and co-operation group of the ERF-project "Alone in Finland". 13.2.2003.

(NGO's statement on the Government proposal for a new Alien's Act.) Järjestöjen kannanotto hallituksen esityksestä uudeksi ulkomaalaislaiksi. 16.5.2003.

(Placing minor asylum seekers in families.) Alaikäisen turvapaikanhakijan yksityismajoitus. Esite. Työministeriö. (A leaflet by Ministry of Labour.)

Refugee Children In Finland. Information on the reception and representation of asylum-seeking children arriving without a guardian. Ministry of Labour. (A leaflet) *

(Report of the working group on legal protection, appointed by the Government for the years 2001-2003.) Oikeusturva-asiain neuvottelukunnan kertomus toiminnastaan 2001-2002. (in Internet: <http://www.oikeusturva-asiainneuvottelukunta.fi/13663.htm>)

Stop Child Trafficking: Modern Day Slavery – seminar in Helsinki 2.-4.6.2003. (A Presentation by Mr. Jouko Ikonen from the National Bureau of Investigation.)

(The actions proceeded from an asylum application.) Turvapaikkaohje. Sisäasiainministeriö, SM-2001-795/Ka-23. (Guidelines of Ministry of the Interior, 2001).

Third periodic report by Finland on the implementation of the Convention on the Rights of the Child. Ministry of Foreign Affairs, July 2003. Available also in English at <http://formin.finland.fi/doc/eng/humanrights/reportng/reports/child3en.pdf>*

Legal documents and government decisions

Integration Act:

- *Act on Integration of Immigrants and Reception of Asylum Seekers (9.4.1999/493)*
- *Decree (22.4.1999) and Government Decision (21.4.1999).*
- *Government Bill for the Integration Act HE 66/1998)*

Aliens Act:

- *Finnish Alien's Act. 22.2.1991/378. Changes: 639/1993, 640/1993, 154/1995, 511/1996, 606/1997, 1138/1997, 1269/1997, 112/1998, 593/1998, 537/1999, 623/1999, 1148/1999, 114/2000, 648/2000, 757/2000, 179/2001, 661/2001, 763/2001, 117/2002, 130/2002, 592/2002. (Unofficial translation by the Directorate of Immigration, updated 6 August 2001) **

New Aliens Act:

- *(The comprehensive revision of the Aliens Act, Government Bill for the New Aliens Act, HE 28/2003. Ministry of the Interior, June 2003.) Hallituksen esitys Eduskunnalle ulkomaalaislaiksi ja eräiksi siihen liittyviksi laeiksi. HE 28/2003. www.finlex.fi*

Government Decision-in-Principle on Immigration and Refugee Policy Programme, October 1997. (Unofficial translation by the Ministry of Labour.)

(*Controlled Immigration and Effective Integration. Report of the Commission on Immigration and Refugee Policy.*) Hallittu maahanmuutto ja tehokas kotoutuminen, sisäasiainministeriön raportteja 1997:5. (*Ministry of the Interior, Committee Report 1997*).

Internet sources

ECRE (2000). Legal and social conditions for asylum seekers and refugees in Europe. Country: Finland. European Council on Refugees and Exiles. (<http://www.ecre.org/conditions/2000/finland.shtml>)

ECRE (2003). Country Report 2002: Finland. European Council on Refugees and Exiles ECRE, 2003.* (http://www.ecre.org/country02/finland_85-92.pdf)

Immigration Affairs in 2002. The Ministry of Labour. <http://www.mol.fi/migration/a2002tieteng.pdf>.*

Private accommodation of minor asylum seekers. Information leaflet. The Ministry of Labour. <http://www.mol.fi/migration/alaikamajoituksen.pdf> *

Refugee Children in Finland. Information on the reception and representation of asylum-seeking children arriving without a guardian. Information leaflet. The Ministry of Labour. <http://www.mol.fi/migration/edustaen.pdf> *

Separated Children in Europe Programme. Questionnaire for Country Assessment. County: Finland. Inka Hetemäki, the Central Union for Child Welfare, 1999. www.separated-children-europe-programme.org *

Sorainen, Olli (2002). Finland. OECD Sopemi. Trends in International Migration. 2002 Edition. Ministry of Labour. <http://www.mol.fi/migration/finrep2002.pdf> *

Unioni Naisasialiitto Suomessa ry:n lausunto koskien naiskauppaa, erityisesti seksin ostamisen tai myymisen, tai molempien kriminalisointia. (*A statement of The Finnish League of Feminists on trafficking in women, especially on criminalisation of buying and/or selling sex.*) www.naisunioni.fi/naiskauppa.htm

YK:n rotusyrjinnän vastainen komitea antoi Suomea koskevat päätelmänsä. Tiedote 25.8.2003. Ulkoasiainministeriö. (*UN's Committee on the Elimination of Racial Discrimination gave it's conclusions concerning Finland. Press release, August 2003, Ministry of Foreign Affairs.* www.formin.fi, press releases in Finnish. Committee's report available in English in <http://formin.finland.fi/doc/eng/humanrights/reportng/reports/cerd03en.pdf>)

Abbreviations used in the report

ECRE – European Council on Refugees and Exiles

IOM – International Organisation of Migration

RAC – the Refugee Advice Centre

SCEP – Separated Children in Europe Programme

STAKES – The National Research and Development Centre for Welfare and Health

UNHCR – United Nations High Commissioner for Refugees

Introduction

This report is based on a publication *Yksin Suomessa (Alone in Finland)* by Anna Mikkonen (produced by Central Union for Child Welfare) on the situation of separated children in Finland in light of the Statement of Good Practice. The book was published in Finnish in March 2002. The book uses as a base the Assessment made to SCEP by Inka Hetemäki in 1999 but it is updated and more profound. In this report, we refer to the book as “Mikkonen & al. 2002”. Changes that have taken place during the last year after publishing that book are also included in this report. In some topics there have been no major changes since 1999.

The Ministry of Interior has been preparing an overall reform of the Aliens Act in recent years. There will be some changes but the main idea is to build a consistent law from small pieces – the law has been changed a number of times and is therefore quite incoherent. The Government Bill of the new Act has been given to the Parliament in June 2003. When writing this the Parliament is still working with the Bill and therefore it is only possible to describe the Bill but it has to be kept in mind that it is possible that the Parliament does not approve to proposal without any changes.

DEFINITION OF ”SEPARATED CHILD” (SGP:A 2.1)

- a) *Please give details of the definition used in your country. Different agencies may apply different definitions. Please give details of this.*

The term “*separated children*” is difficult to translate and use in Finnish. A longer term “*asylum seeking and refugee children arriving without a guardian*” (in Finnish *ilman huoltajaa tulleet turvapaikanhakija- ja pakolaislapset*) or shorter term “minors who come alone” is used.

In practice the term “separated child” is understood as a child of less than 18 years of age who is separated from both parents, and is not being cared for by an adult, who, by

law or custom has responsibility to do so. In Finland, (s)he is almost always an underage asylum seeker without a legal guardian. Other separated children, such as victims of trafficking for exploitation, are not known.

b) *Are children with older siblings over 18 years of age considered to be separated children? Please refer to Annex II of UNHCR Guidelines 1997.*

Children arriving with siblings over 18 years of age are considered to be separated children because an older sibling is not considered as – even if customary but not – a legal caregiver in Finland. After the procedures, if the residence permit is granted to the child, a sibling can be appointed as a legal caregiver (guardian). In practice these cases are very rare. Siblings may be so young by themselves that authorities see it better not to give a guardianship to a sibling.

Because an underage asylum seeker is not considered to be living permanently in Finland, no legal caregiver is pointed to him/her for duration of the asylum procedure. Therefore a guardian (in Finnish *edustaja*) is appointed for a separated child to represent him/her for the time of the procedure. (HE 66/1998.)

c) *To what extent does this conform to the Statement?*

It conforms to the Statement that all children without a parent or other caregiver are treated as separated children.

However, Roma children coming as asylum seekers from Eastern Europe have been an exception. Some of them have come with the group of relatives in an extended family and they have not been treated as separated children despite of the fact that they all did not have their natural/legal caregivers with them (more about Roma minors, see 11a 'Roma children and an accelerated procedure').

d) *Are any changes needed? In relation to any first principle?*

There are no changes needed. There has been, though, some discussion about Roma children arriving without parents but with an extended family whether they also should be appointed a guardian like other separated children.

1. ACCESS TO THE TERRITORY (SGP: C1)

1.a) *Please describe:*

- ***relevant law and policy in your country***

According to the Aliens Act (section 39) the decision on entry regarding asylum seekers shall not be made by the passport control or police authority, as is the case for other aliens, but by the Directorate of Immigration. In Finnish Aliens Act children are not mentioned separately when it comes to access.

According to the Aliens Act (section 32), the application for asylum should be made to the passport control or the police authority as soon as possible after arrival. It can also be submitted directly to the Directorate of Immigration. An alien who does not meet the necessary requirements for being allowed to enter Finland and who applies for asylum at a border point should not be rejected until a decision has been made on his/her application (Aliens Act Sections 8 and 37).

There has been an amendment to the previous Aliens Act that when considering the refusal of entry, following points must be kept in mind: the duration of the alien's stay in the country, the relationship between a child and a parent, family ties and other ties to Finland.

Children should not be detained when entering the country but it can happen in exceptional cases (for more information, see Chapter 5 on Detention).

- *relevant practice in your country*

Asylum seekers are held at border points (including airports) only until a preliminary interview concerning identity and travel route has been made. As this usually requires very little time, there are often no special facilities in airports and border points, except the airport of Helsinki-Vantaa. (It has new premises where asylum seekers can stay without being detained. The premises have beds, toilets, etc. and children have also stayed there).

Following this preliminary interview, applicants are referred to a reception centre or, in some cases, detained. According to ECRE, no rejection occurs at border points (ECRE 2000).

The statistics of all the minors refused entry at the border are not available because minors are not separated from adults in the statistics. According to the Refugee Advice Centre and Janne Piironen from the Frontier Guard, there have been no rejections of asylum seekers at the border in recent years. The border officials have received training and they have instructions to pay special attention to people who might be possible asylum seekers and they may even ask them whether they are seeking asylum.

1.b) *To what extent does this conform to the Statement? Please outline in brief.*

Children or anyone seeking asylum may not be refused to entry according to the Aliens Act. Everyone has a right to make an application for an asylum. Detailed interviews are not made at the border. There are not cases of separated asylum seeking children being refused to entry known except single cases in the beginning of the 1990s.

Information about other separated children returned at the point of entry is not available.

It is not prohibited by the law to have separated children in detention due to immigration reasons, and it also happens in Finland, although very seldom. (More on detention in see Chapter 5.)

1.c) *Are any changes needed? In relation to any first principle?*

The situation at the border seems to have improved since there are not known cases of rejection of asylum seekers in recent years (2001-2003). There were a few cases of rejection of asylum seeking separated children in the 1990s and since that more attention has been paid on the issue. It is however, important to continue training of border officials and the police. Immigration and child organisations should follow the situation.

Because there are very few people crossing borders of Finland compared to other EU-countries, there has been very little discussion on children who need protection even if they don't ask for asylum. How to deal with young people who try to come to Finland with false papers or expired visas? How to pick up those young people who might be possible victims of trafficking? Should every underage person who enters without a natural/legal guardian be given an access and their cases investigated before return? This is part of the big question on how to develop measures on preventing trafficking.

1.d) *Please also indicate whether your country has a "carrier liability legislation" whereby airlines, train and boat companies can be fined if they bring someone without proper documents. Is this applied to children and young people under the age of 18?*

Compared to other European countries, there are very little immigrants and asylum seekers entering the country illegally in Finland. Because of the Treaty of Schengen the Criminal Act was changed concerning carrier sanctions in 1999. It became possible to sentence a carrier to pay a fine, or sentence those who have arranged illegal entrance to pay a fine or go to prison. These kinds of sentences have been applied very seldom. According to the Aliens Act (section 44), a company or a person that has brought foreigners into the country is responsible for taking them back if they are rejected at the border. If a foreign person cannot afford to return, a person or company that has brought him/her has to take care of the costs. This concerns foreigners who come without a passport, visa or a residence permit. There are no special regulations concerning children in the Act.

The new proposal for Aliens Act includes amendments to the carrier sanctions. According to the proposal, carrier companies would have to pay 3000 euros per smuggled person within a month. Companies would get their money back if a person receives asylum or a residence permit but only after a long period of time because it takes a long time to get decisions on asylum. Most companies probably would not bother or be able to follow a long asylum procedure and wait for the results.

Several Finnish NGOs stand against carrier sanctions that are proposed in the overall reform of the Aliens Act. NGOs claim that carrier sanctions should be regulated by the Criminal law and not by the Aliens Act. (NGO's statement on ...2003.)¹ According to Sari Sirva, a senior lawyer, from the Refugee Advice Centre, the reason for this is that in the Criminal law much more evidence is required for charges and it also takes into account humanitarian reasons whereas in the Aliens Act less evidence is required and it is easier to charge companies. If this is regulated under Aliens Act it is also possible

¹ A group of NGOs were actively lobbying on the Government proposal for Aliens Act. The group included such NGOs as Amnesty International, Students Association of the University of Helsinki, the Finnish League for Human Rights, the Central Union for Child Welfare, the Refugee Advice Centre, the Finnish Red Cross and the Finnish UN Association.

that ordinary border officials and the police can punish companies. It would also put on carrier companies a lot of responsibility and duties that belong to the passport controllers.

There have been some charges against carrier companies in Finland but the charges have not usually been taken into the Court. Carrier companies that are transporting asylum seekers are not punished. (Mikkonen & al. 2002.)

Trafficking (SGP: C 1.2)

- 1.e) *Are you aware of any children being trafficked for the purposes of exploitation into your country? If so please give brief example stating if possible the country of origin and nature of trafficking. Please also give examples where children have travelled along trafficking routes in order to apply for asylum.*

General situation of trafficking and illegal migration in Finland

There is very little information or research on trafficking of children in Finland. The police are not aware of child trafficking cases, foreign child prostitution or sexual abuse of foreign children or child labour force in Finland and there are no charges raised. Several reports have made estimations on child trafficking for sexual business from Russia and Baltic countries to Finland but no actual cases have been reported. (Mikkonen & al. 2002.) There is no research or statistical data available and experts are only able to speculate and estimate the existence and extent of the issue.

According to the OECD report by Olli Sorainen (2002) from the Ministry of Labour on International Migration in Finland, illegal immigration is not a big problem in Finland. Illegal entrance avoiding the official border control is almost insignificant. The report also states that organised human trafficking and smuggling is almost absent. Some individual cases of illegal entrance are recorded yearly. The bigger group is persons without a residence permit or visa. These persons are often staying in Finland with expired documents, either by intention or by negligence or accident. The amount of illegal labour force is also estimated to be small. (Sorainen 2002). There are no known cases of child labour force either.

According to Sorainen, the basic problem in researching trafficking or even foreign prostitution as a whole is the shortage of systematic sources. It is very difficult to get information on possible cases. Sorainen estimates also, that small financial resources of the police and guard authorities and the lack of legislation explicitly dealing with trafficking in human beings do not at the moment create necessary conditions for the effective control of prostitution in Finland. (Sorainen 2002.)

The scarcity of cases can of course be partly a product of such shortcomings.

There are no known cases of organised human trafficking in Finland. The Border Control Office has estimated that there might be as many as 10.000 illegal immigrants in Finland. Most of them have entered the country legally but stayed after their visa has expired. There should not be separated children among them because they usually

apply for asylum. The amount of illegal children residing in Finland is estimated to be very small. According to the police and the border officials, it is possible that there are single cases. In 2001, a record of illegal immigrants (1656) was rejected at the border in the region of Helsinki. (Helander & Mikkonen 2002, 34-35.)

Foreign prostitution

Finland takes part in an international project, co-financed by the Commission of the EU, which aims to develop quantitative research solutions for collecting information about trafficking in human beings with sexual exploitation in the EU countries. The Finnish part of the study shows that it is possible to find cases of illegal immigration as well as of prostitution involving foreigners. A considerably lesser amount of data is to be found on organised trafficking in human beings and on procuring, not to mention minors. According to the results, in regards to the intersection of illegal immigration and procuring, neither the authorities nor NGOs have been able to point to clear examples. It seems that in Finland the maximum profit and the minimum risk is achieved in a situation where the relationship between the procurer and the prostitute is based on voluntary and smooth cooperation and minors are not included. However, it can be said that at present foreign prostitution in Finland is remarkable both for its volume and in regards to the social problem related to it. (Lehti & Aromaa 2002; Sorainen 2002.)

According to Johanna Suurpää from the Ministry of Foreign Affairs, most foreign prostitutes come to Finland with organised criminal gangs and they do have a visa. So far it seems that organised crime has wanted to avoid risks of hiring underage prostitutes. On the other hand, Suurpää points out that some of the prostitutes may have fake identifications in which case some of them could be underage.

Legislation concerning trafficking

Since changes in Criminal Code (563/1998) came into force in the beginning of 1999 it has been easier to protect children from sexual abuse and prosecute in these cases. Buying sexual services from a minor (also 16-18 years of age) was separately being prohibited in the law. It is also possible to charge a person for buying sex from a minor even if it has taken place outside Finland, in another country. (Taskinen 2003.)

The Finnish legislation does not mention trafficking in human beings as organised crime and those involved cannot be charged for it. However, new legislation to criminalise trafficking in human beings is presently under preparation. When the new law will be passed, the monitoring of the phenomenon will be significantly facilitated. It is, however, uncertain whether this will also essentially increase the number of reported cases of trafficking. It is probable that the number of actual cases of intimidation or serious abuses in Finnish prostitution is relatively small at present. (Sorainen 2002.)

Prostitution is legal in Finland, but procuring is not. According to the Aliens Act (section 37), a non-EU citizen can, however, be extradited if he or she is suspected of earning an income by dishonest means or by selling sexual services. By virtue of the EU-law, citizens of member states cannot be extradited simply on the grounds of prostitution. The Finnish League of Feminists has demanded that according to the Palermo Treaty, returning of foreigners on the grounds of prostitution in an accelerated asylum procedure should be prohibited. It should be possible to grant prostitutes a residence permit or an asylum if needed. (www.naisunioni.fi/naiskauppa.htm)

The working group on human trafficking, procuring and prostitution has given its report on proposal for new legislation. The proposal defines human trafficking and minimal and maximal punishments. Human trafficking is defined as gross / grand if it involves minors. The group disagrees on prohibition of buying sex services from adults. (Report of the Working Group of Ministry of Justice, 2003:5).

There are two important initiatives, which will cause changes in Finnish criminal laws concerning trafficking and sexual exploitation in the future: the European Union Commission's Directive and the UN's Convention on Transnational Crime, which Finland signed in Palermo in December 2001. The Convention includes additional protocol on preventing human trafficking, especially of women and children. The other one is optional protocol of the UN's Convention on the Rights of the Child on Child Trafficking, Child Prostitution and Child Pornography. Both treaties will be ratified at the same time with preparation of Finnish legislation on human trafficking.

Trafficking in Children into Finland

According to Elina Virmasalo's report (2001) on trafficking in children for sexual purposes, there had been no legal cases fulfilling the criteria of trading in minors in Finland. Virmasalo states that research on prostitution and trafficking in women and children in Finland and to Finland, has been scant as well as research into minors involved in the sex trade. There is no actual academic research on child trafficking in Finland either because publications have concentrated on sex trade but not minors. Finland's role as a transit route for child trafficking is also a question mark. Another project "Minors in Sex Trade" reported that the sexual exploitation of children in prostitution is a marginal phenomenon in Finland by several experts but that the issue needs to be discussed (Nurmi 2001).

Virmasalo conducted about 20 interviews of experts and organisations. She reports that many of the interviewees had used the same argument to explain why there does not seem to be child trafficking in Finland: in an ethnically relatively homogenous, small-populated and well-organised country, a vast trafficking of children would be noticed rather soon. The interviewees did not exclude Finland as a transit route for child trafficking but no cases were reported. Most foreign adults involved in sex trafficking in Finland originate from the neighbouring countries (Russia and the Baltic countries) and these countries of origin are mentioned for minors as well.

The interviewees did not regard the refugees or asylum seekers as a significant risk group in Finland. The report mentions forged travel documents as an illegal means of entry but the interviewees believed that minors usually use the official way of entry. None of the experts, who Virmasalo interviewed, wanted to give any numbers. In general it was believed that if a case of sexual exploitation would come out the child could stay in Finland and would not be extradited.

The fact that children under 15 years of age can travel with their parents passports makes it difficult to control who the children travelling with adults are. There is no photo of the children in parents' passports and usually a visa is not required for children travelling with parents (except to Estonia). It is thus very difficult to verify whether the parents really are travelling with their own children and whether they are the same children who leave and return. (Mikkonen & al. 2002.)

According to Janne Piironen from the Frontier Guard, there are Russian children and children from Baltic countries whom their parents have left in Finland to stay with relatives or friends. Piironen reports that even though it is illegal the known cases have not been abuse of the children. Some of the children have been going to school in Finland.

Since the phenomenon of trafficking is still quite unknown and minimal there are no support services either to help victims of trafficking, not to mention especially for children. However, IOM has trafficking projects in neighbouring countries like Russia.

According to the individuals consulted, there are several reasons why there might be less child trafficking in Finland than in many other countries. First of all, the border between Finland and Russia is very carefully controlled. Finland is isolated in its location and immigration and asylum seeking are still relatively insignificant phenomena. It is also estimated that there are not large labour markets for illegal immigrants, not to mention minors. Street children would be noticed in Finland because of the high level of organisation of the society. It is also difficult to merge into the population. However, it is of course possible that there are small amounts or single cases of minors who stay or work in the country illegally. It is not possible to say yet how it will effect trafficking in Finland that Baltic countries will join the EU.

According to Jouko Ikonen from the National Bureau of Investigation separated children are usually smuggled to Finland. He states that it is often taking place between relatives and families and concerning family reunification regulations. Ikonen tells that economic abuse of children is possible in families but it is very difficult to prove these cases. Children can be for example used as kind of au pairs or housekeepers. In some cases abuse of family reunification system has also been suspected but since DNA-testing was taken into use, this problem has diminished.

Detective Chief Inspector Ikonen and some other experts reason that the Finnish social system does not benefit those who are in the country illegally, which decreases their number. Illegal migrants cannot go to school, they do not have access to the public health care, social services, etc. It is therefore better in many cases to apply for asylum.

According to Jari Virtanen from the Finnish Save the Children, child trafficking is a marginal phenomenon in Finland and there is a danger of excessive action. The only cases of missing children in Finland are kidnappings were one of the parents takes children from the other one to another country. He also speculates whether smuggling of separated children could be defined as child trafficking since a lot of money is often involved when they travel with smugglers. Separated children also sometimes have to use the same routes as being used in trafficking.

The missing children

In 1999 the police (the National Bureau of Investigation) investigated the phenomenon of children who had come as asylum seekers and were found missing later after having a residence permit. At that time about 100 children were known to be missing. According to the authorities, most of these children were from Somalia. In all cases it was not possible to find out where children were. Some parents or other caregivers said that they had sent children to stay with relatives because of problems in upbringing or educational reasons. In some cases there have been suspicions that the persons claiming to be the parents of the child were in fact some other relatives or friends. In

1998 the Ministry of Labour published guidelines for authorities on how to work if they suspect a child has been sent abroad against his/her will.

Recently the issue has come up again. There are children who have contacted authorities or NGO workers and told that they want to return to Finland. They have told they were sent away to their home country or to a third country against their will by their natural guardians/parents or relatives. These children speak good Finnish and they have been able to prove what has happened to them. Their schooling and integration process had been interrupted by sending them back to their home countries. Some of them are in an extremely difficult situation. So far the authorities have got to know of at least some 6 cases in Somalia. Children are assumed to be sent also to Iraq and possibly to other countries as well. Reasons behind this are estimated to be familial conflicts and organised marriages.

If the parents or other legal caregivers of the child report to the authorities that the child has moved permanently out of the country, her/his residence permit will fall through. Only natural/legal guardians can apply for the child to come to Finland. If the child has a Finnish nationality the problem of returning is not to cross the border but practical arrangements and costs. When writing the report, it is still unclear who is responsible for these children.

The Ministry is going to form a working group of authorities and NGO's involved to find solutions on which authority is responsible for missing children and how they can be assisted to return to Finland.

During the years some children have disappeared also from group homes, but the numbers have been marginal so far. Group homes can be regarded safe. However the co-operation with relatives of minors is constantly a discussed issue. When there are people turning up and claiming to be the parents of the child it has to be negotiated with them that children cannot be given to anybody asking them. It is better that they live in a group home until the family ties are known and clear. There has been some discussion also on what kind of proof is needed in these cases. Sometimes even DNA-tests are needed. (Memo of the meeting 13.2.2003.)

After this report was prepared, some new information has come out though. It seems that the number of disappearing asylum seeking minors is increasing. Workers in reception centres and lawyers reported in 2003 more cases than usually. There is no information about the whereabouts of these minors. Reception centres inform the police about these missing persons. However, when a group of young people disappears soon after entering the country, it is assumed that they have also succeeded to leave the country.

1.f) *Have any measures been taken by the state to combat trafficking of any sort?*

New legislation to criminalise trafficking in human beings is presently under preparation. The Ministry of Justice has recently launched a working group on trafficking, procuring and prostitution. The group gave its first report in July 2003. The National Research Institute of Legal Policy is currently dealing with a research concerning trafficking (see 1.e. Foreign prostitution). The Ministry of Social Affairs and Health also appointed a person to sort out the effects of the Palermo protocol.

Finnish Ministry of Foreign Affairs organised in cooperation with American and Swedish embassies a conference “Stop Child Trafficking: Modern-Day Slavery” in Helsinki in June 2003. Participants of the seminar were authorities and NGOs from Finland and also from other countries. However, the situation in Finland was not discussed much.

Pro-Centre in Helsinki is a centre for women and men in prostitution. Victims of trafficking are also welcome. The centre provides e.g. psychological work and counselling and medical consultation. According to the personnel of the Centre, they have had no foreign clients who would have been underage. Many of their foreign clients have started as a prostitute under the age of 18 but this has usually happened in their home country or in a third country but not in Finland. It is known that a lot of Finnish men cross the Eastern border of Finland use prostitutes in Estonia and Russia. Some of these prostitutes are likely to be minors.

2. IDENTIFICATION (SGP: C2)

2.a) *Please describe:*

- *relevant law and policy in your country*

Identification of separated children at the border is difficult for example because children under 15 years old can travel with their parents if their id-information is written in their parents' passport. No visa is required from children travelling like this.

The Finnish law does not say anything about the identification of the child. In the guidelines used by the passport officers it is said that if a possible asylum seeker by appearance who is not capable to express him/herself enters into country, (s)he should be recognised and an application received (The actions proceeded...2001).

- *relevant practice in your country*

Most asylum seekers enter the country and leave their asylum application to the police later. Only a minority of asylum seekers makes their application at the border. Many are probably afraid of rejection and may not say at the border that they are asylum seekers because of this.

According to Janne Piironen, Deputy Chief from the Frontier Guard there are hardly any separated children seeking asylum at the border. Many of the separated children enter with an adult and leave their separate application later. Children under 15 of age can come with adults like they were the children of these people - it is very difficult to know whether it is a real family or not.

All asylum seekers are forwarded to the reception centres where family relations are sorted out and separated children are usually recognised.

According to the Refugee Advice Centre and border officials there have not been problems with rejection of asylum seekers at the border during the last few years.

The Directorate of Immigration has given some training to border officials in how to meet asylum seeking children at the border in a Odysseys-funded project with IOM.

2.b) *To what extent does this conform to the Statement? Please outline in brief.*

The situation at the border seems to have improved since the 1990s, when there were still some cases where separated children applying for asylum could be denied entry. The officials at the border are believed to pay attention to possible minors who need protection.

2.c) *Are any changes needed? In relation to any first principle?*

Staff training should be regular and ongoing process. There are not separated children crossing the border every day and there might be officials who have not any experience of identifying these minors who might need protection. (See also 1 c.)

3. APPOINTMENT OF GUARDIAN OR ADVISER (SGP: C3)

3.a) *Is a guardian or adviser appointed?*

According to the integration law (section 26), a guardian can be appointed for asylum seekers, refugee children or children applying for a residence permit, if they are less than 18 years of age and arriving without a natural/legal caregiver. After an amendment of the law a guardian can be appointed to a child who is in need of temporary protection. Roma children who have arrived in a group form the only exception: most of them they were not appointed a guardian and were not considered as separated children. (Mikkonen & al. 2002.)

The first instance (local) court appoints guardians. For the work, the guardian is paid a fee.

3.b) *If so what is their role?*

The guardian must safeguard the best interest of the child. The guardian is responsible for taking care of the child's legal affairs and other important matters. S(he) takes care of the child's property and decides about the residence of the child. The guardian is not, however, responsible for the daily care and upbringing of the child. The guardian looks after that the care is sufficiently good. The guardian represents the child dealing with authorities and in the courts. (S)he assists the child in the asylum procedure and family reunification. Before making any decisions, the guardian should also discuss the matter with the child, if the child is sufficiently developed to understand the situation. It is important that the guardian takes into account child's own opinions and wishes. The guardian communicates and negotiates with the lawyer of the child, child's relatives or other people from the child's ethnic community, and the personnel responsible of the

reception as well as local authorities. (Integration Act, section 26, Government Bill... HE 66/1998.)

In his/her duty the guardian should take into account the child's national, linguistic, religious and cultural background. Guardians have to be aware of immigration affairs and special needs of children as well. The guardian is always present during asylum interviews, when procedural decisions are taken, and contacts and informs the lawyer if the child needs legal aid. (S)he is also present during appointments with the lawyer. (ECRE 2000.) The emphasis of the duties of the guardian usually takes place during the asylum procedure.

The law sets the duties of the guardian in quite general level and there are no detailed guidelines. Due to this the practice can have regional differences in how much guardians co-operate with other actors; how intensive is their contact to workers in a reception centre and child's relatives, and whether they have contact to child's school. There are individual differences as well - some guardians have official and matter-of-fact kind of relationship with children where some have closer and more confidential relationship. (Mikkonen & al. 2002.)

The duty of the guardian comes to an end when the child becomes 18 years of age, when the child moves permanently away from Finland, when a legal caregiver or some other representative is appointed for the child. The duty also comes to an end when the child's mother, father or some other natural caregiver moves to Finland if this is not against the best interests of the child. (Integration Act section 29.) In some cases the duty of the guardian has been suspended when the child has received a residence permit, moved to another municipality to a family group home or to live with relatives. In these cases often a new person has been appointed as a guardian. (Mikkonen & al. 2002.)

3.c) *How soon after the arrival are they normally appointed?*

The asylum interview of the child should not be done before a guardian is appointed. Lawyers cannot represent the child before a guardian is appointed. It is therefore essential that a guardian is assigned and the asylum procedure started without a delay. According to the government bill of the prevailing Act, the guardian should be appointed as soon as possible after the arrival. The Integration Act itself has no mention about this. There are regional differences, but in most cases a guardian is appointed within a month. In practice, however, there have been cases where it has taken a couple of months to appoint a guardian. The Directorate of Immigration points out that one month is quite a long time to get a process started if they have to make a decision in five months.

The group home in a reception centre where a child is registered (either lives there or lives in a family but is registered in) is responsible for finding persons to be appointed as guardians. Sometimes it can take a while to find one, since there is no organisation which would be responsible for the coordination of the system. There are quite a few people who have taken part in training, but not all of them work as guardians. There is a need of a "bank or reserve" of persons interested and ready to take the duty when needed. At least for separated children who are detained a guardian is needed very quickly.

3.d) *What kind of background and expertise do guardians/advisers have"?*

The law does not set any requirements for guardians. The Integration Act itself says only that the person has to be suitable and able to work according to best interests of the child. Very often persons who have been appointed as guardians have previous experience in working with children and in child welfare. There is not systematic training for guardians and no training is actually required to take the duty.

The Government Bill for the prevailing Integration Act says that it is welcomed that the guardian is familiar with the national, linguistic, religious and cultural background of the child. This has caused discussion among guardians since it is difficult to be a specialist in many different countries and also because it is not always regarded as necessary in being a guardian. There have been also persons who themselves have refugee or immigrant background. But naturally the guardian must have sufficient proficiency in Finnish or Swedish and knowledge of the Finnish social system to act effectively.

The guardians should also live quite close to the group homes of the reception centres. This causes some times difficulties in a large country. Children who are placed with a family of relatives often live in the metropolitan area near Helsinki, far away from the reception centres where the child still is registered and with which the guardian has to co-operate.

A person who works at the reception centre should not be appointed as a guardian due to possible conflicts of interest. Neither should the guardian and the child's legal assistant be the same person. A relative of the child could be appointed as guardian but a relative is not given priority. (Government Bill... HE 66/1998). Actually very few if any relatives have been appointed as a guardian.

There are some 50-60 guardians working at the moment. Most of them have experience in child welfare or they have been guardians quite a few years now and are experienced with the task. Some of them are municipal workers, some work in different organisations. The aim is to have guardians with immigrant background as well, although for the moment there are very few of them. Attention is also paid in geographical location of guardians in order to have guardians around all the reception centres.

Majority of the guardians have taken part in some training for guardians. Training has been offered in projects. The Central Union for Child Welfare had European Refugee Funding (ERF) for two years for a project "Alone in Finland". One focus was to develop guardian system. Asylum procedure, the best interest of the child and the role of a guardian were discussed in meetings and in training sessions for guardians. A handbook for guardians was also being prepared. The handbook is still under preparation while writing this. It will include information on legislation, tasks and practical work of guardians. It will be in a folder form and meant to be easily supplemented when things change.

One improvement has been that in 2003 authorities have started to keep a register of the contact details of guardians. It is now easier e.g. to inform guardians on training events – who ever is organising them. The register is, however, very difficult to update because information on new guardians does not come automatically; it is not sent from the courts. The guardians are asked themselves to fill a form to send their contact

details and to give their permission to be put on the register. This means the register can never be an actual list of guardians who really are appointed as guardians at the moment. But the idea is also, that there is a list of people who have worked and could be willing also to work as a guardian in the future so that the register would help reception centres to find possible guardians.

3.e) *To what extent does this conform to the Statement? Please outline in brief.*

The duties of a guardian can be seen as conforming to the Statement. It has appeared difficult to make detailed instructions for guardians but the law itself provides a basis and new handbook for guardians will include a lot of necessary information. The framework and legislation can be said as satisfying.

It could be still discussed whether every separated child is really appointed a guardian. There have been cases where it has been estimated unnecessary to appoint a guardian. However, every separated child should have a right to have a guardian.

3.f) *Are any changes needed? In relation to any first principle?*

The guardian system has been developed a lot in recent years and it is highly organised in comparison with many other European countries. However, there are still shortcomings that should be improved. No one actually seems to have the overall responsibility of maintaining and developing the guardian system and there is no one to keep regular contact with guardians. The guardians and NGOs see that authorities should take the overall responsibility but the ministry does not have resources for that. However, discussion on how to improve the guardian system and the organising of the system are going on with relevant actors (guardians, the Ministry of Labour, authorities in regional level and NGOs). The task of a guardian contains various issues. It would be helpful if experiences of guardians would be collected systematically in order to investigate different ways of working.

In its report to the Parliament on implementation of the Integration Act, the government has made proposals concerning the guardian system. It states that recruitment and training methods will be developed. It also states that guidelines for guardians will be produced (in practice the Central Union for Child Welfare is doing it at the moment co-funded by the Ministry of Labour). In addition, the report says that it will be investigated whether guardians could continue the duty after a child turns 18 years. It is also mentioned that the Ministry of Labour will continue national training for guardians and other involved instances.

There are still many authorities that are not aware of the guardianship system for separated children. There are so few separated children that quite few officials ever meet such a child. This makes the work of guardians more difficult because often they are not informed or invited to meetings about things related to the child. The guardians have to introduce the whole system to the people they meet and explain them that they really have the authority to get certain information on the child they work for. E.g. social workers, teachers and the police need more information about the separated children and the guardianship.

The Committee on the Rights of the Child expressed its concerns regarding resources and lack of training of the guardian system in its report in 2000. The Ministry of Labour does not have separate money in its budget for the guardian system. Training is provided basically only with project funding. Reception centres also organise meetings for their guardians. A general opinion among guardians seems to be that training is needed twice a year. Guardians themselves press that training should be organised systematically and regularly because laws and practices are under a constant change. They have also stated that new guardians need written instructions to be able to start the work (Mikkonen & al. 2002.) The new handbook is welcomed, but it needs also updating, of course.

The guardians have expressed clearly that they are uncertain about implementation of the vow of secrecy/ silence. It has been unclear what information for example can be given to different authorities. It is difficult for guardians to know how the information would be used. The advice of the Refugee Advice Centre is to contact child's lawyer when unsure in these questions.

In some cases the child has been heard before a guardian is appointed. The Integration law states that "a guardian can be appointed to a child" and it is not therefore obliging / binding enough. Especially where a child is nearly 18 years old, it is possible that a guardian is not appointed. (Mikkonen & al. 2002.)

There is a new law in Finland about checking the backgrounds of people who are working with children. However, this law does not include guardians (they don't have regular contact with children like persons working with them daily). The court could, however, check qualification and background of a guardian when it appoints a guardian, but there are no rules on this and courts are also not very familiar about the guardian system and separated children's issues. (Memo of the meeting 13.2.2003.)

4. REGISTRATION AND DOCUMENTATION (SGP: C4)

4.a) Please describe:

- ***relevant law and policy in your country***

Registration systems are highly developed in Finland and registration of persons is strictly regulated by law. For separated children the most important registration documents are asylum application and the minutes of the asylum interview. Asylum application includes application for residence permit. The Ombudsman for Minorities² receives information on new asylum applicants.

When the police receive an asylum application from a separated child, he should contact the closest reception centre which forwards the child to a group home. All

² The tasks of the Ombudsman for Minorities include promoting good ethnic relations, monitoring and improving the status and rights of ethnic minorities, reporting, taking initiatives and informing. The Ombudsman also supervise that everyone is treated equally regardless of their ethnic background. The Ombudsman for Minorities gives mainly recommendations, instructions and advice. For more information, see www.mol.fi/vahemmistovaltuutettu.html.

separated children are reported to municipalities and social workers. A social history of the child is collected by the group home before the asylum interview. Because a child is in question the interview is arranged as soon as possible. It is a recent improvement that the officials of the Directorate of Immigration use a special interview format for children.

The Integration Act has very precise regulations concerning the registration of asylum seekers and refugees. One register is kept for organising reception of asylum seekers. Another register is used for placing refugees in municipalities. The third register is used for choosing quota refugees and placing them in municipalities. There are no specific registers for separated children. (Mikkonen & al. 2002.)

According to the Aliens Act (section 53a), for purposes of identification and registration a police officer and passport control officer may take fingerprints, a photograph as well as other personal descriptions of an alien 1) who has applied for asylum 2) who has applied for a residence permit based on family tie 3) who has been refused entry or ordered deportation or 4) whose identity is unclear. There are no age limits on this – fingerprints are taken also from children. The information is maintained in a register by the police and kept separate from the personal descriptions of those suspected of crimes. The information is deleted from the register when the alien in question has received Finnish citizenship.

- *relevant practice in your country? Please outline in brief.*

Border police officers are limiting their interviews to gathering basic information about the child's identity. A complete social history of the child is taken by the group home. The asylum interview is made by trained officials using a special interview form for children. This conforms to the Statement.

4.c) *Are any changes needed? In relation to any first principle?*

Earlier on the NGOs and people working with minors expressed criticism towards the lack of expertise of the police in meeting and interviewing the children. The situation has improved considerably since the asylum interviews were transferred to the Directorate of Immigration and special attention and training was paid on interviewing separated children.

The Directorate has had problems in offering statistical data. Hitherto, the applications of separated children were handled in the same process with other applications. Nowadays applications of separated children are processed separately and it is possible to get reliable statistics and exact information about their applications, numbers etc.

Children who have arrived in Finland without official identity documents – like most of the biggest refugee group, Somalis – or with a fake identity have found it very difficult to correct their identity information in official registers. At least in Helsinki the responsible authorities have refused to change the identity information once written in the register.

In some cases children's relatives or other people may have given wrong information concerning the identity or age of the child. For the child it is naturally essential to get back his/her "real identity". With a wrong identity a child cannot also apply for a family reunification of his/her family. It should be easier to change and correct the information in these cases. It is possible to make an appeal to the Administrative Court about this, and the Administrative Court in Helsinki has corrected identity information in some cases (*Third periodic report...*, 2003,31).

5. AGE ASSESSMENT (SGP: C5)

5.a) *Please describe:*

- *relevant law and policy in your country*

There is no minimum age for determination procedure. The Finnish law does not say anything about child's age assessment. The authorities carry out medical (teeth and/or skeletal) determination tests sometimes when in doubt. The Radiation and Nuclear Safety Authority of Finland Medical has given special permission for doing the tests for age assessment (in principle, it is not allowed to endanger people with unnecessary radiation, of course). People who carry out age determination tests are always medical professionals in Finland.

Age assessment is seen to have more positive than negative impacts when relevant sufficient and controlled medical examination is being used. It is seen also to be in the child's best interests that his/her age is known.

- *relevant practice in your country*

Generally the Directorate of Immigration uses a diagnosis research of skeletal development that is taking X-ray picture of the hand, wrist and elbow. Also a diagnosis on teeth (wisdom teeth) has been used. A request for a test can be made by the Directorate or the police.

The experts have required that age determination should be regulated by law like e.g. DNA-testing is regulated. For example Dr. Helena Ranta has argued that it should be regulated by Aliens Act who is allowed to decide about doing tests and who are allowed to do age determination tests. In addition, it should be regulated what kinds of methods are used. (Mikkonen & al. 2002.) However, the overall reform of the Aliens Act does not include regulations concerning age determination.

According to the Directorate of Immigration, age determination tests had been carried out to about 10% of separated children by year 2001. In 2002, only a couple of tests were made. Most of the tests have been made to the boys between 15 and 18 years of age. Most of them come from Somalia but also from other countries. (Mikkonen & al. 2002.)

Group homes have told of some problems with young men who have claimed to be underage but obviously have been adults. They have usually been placed in reception centres with adults. It is seen not to be in the best interests of small children if there are also grown up young men living in the group home. It is though a question mark is it good to place young people claiming to be underage in reception centre with adults. (More on accommodation see Chapter 10.a.)

5.b) *To what extent does this conform to the Statement? Please outline in brief.*

According to the SCEP-principle, separated children must be given the benefit of the doubt in making an age determination. There are cases where children have been regarded as adults after medical tests although it is known and told also by medical experts themselves that tests cannot give exact answers. If children are regarded as adults they are not entitled to family reunification. This, of course, can create unjust situations.

5.c) *Are any changes needed? In relation to any first principle?*

The Refugee Advice Centre considers it very problematic to use solely the skeleton x-rays as basis for age diagnosis. It has also been proposed that statements of a psychologist could be used together with medical tests.

If testing is needed it should be done in the beginning of the asylum process so that it does not slow down the procedure.

Legislation regulating age determination should be passed (see above). In this process it should be discussed thoroughly whether it makes any sense of doing the medical examination in the first place since it does not give a reliable answer anyway in cases where it is mostly done which is with young people at 15-18 of age. It can be seen to be also in the best interests of the child to know his/her own age, but taking medical tests and putting any risk to a child with radiation should not be continued without discussion and legislation.

6. DETENTION (SGP: C6)

6.a) *Please describe:*

- *relevant law and policy in your country*

Adult asylum seekers can be detained if his/her identity or travelling route is unclear. Whenever an alien is placed in detention, his case is to be processed expeditiously. In the Aliens Act (section 46) it is said that a person of less than 18 years of age may not be placed in detention without first hearing the social welfare authorities. (Mikkonen & al. 2002.) According to the Bill for the Integration Act, children under 15 years of age

should be detained only in exceptional cases and family members should not be separated. Detention of children at the age of 15-18 should also be avoided. (Government Bill... HE 66/1998.)

An Act on the treatment of foreigners taken into custody and on the custody unit (116/2002) entered into force on 1 March 2002. The Act includes provisions on the custody unit and the treatment and rights of foreigners, and on the necessary restrictions of the rights as well as on the right of appeal of persons taken into custody. Accommodation, full maintenance, interpreter's services and necessary guarantee of basic needs are arranged in the custody unit for asylum seekers and other foreigners taken into custody. (The Ministry of Labour 2002.)

The Aliens Act permits foreigners to be taken into custody under conditions such as while investigating whether they can be permitted to enter Finland and there is a reason to suspect that the person in question is hiding or likely to commit crimes, or if the foreigner's identity is unsubstantiated. Foreigners in custody should be treated fairly and with respect for their human dignity. Foreigners should be advised of their rights and duties. (Sorainen 2002.)

In the Bill for the Integration Act it is pointed out that children less than 15 years of age should not be placed in detention but only in very exceptional cases and the family members should not be separated. Also the detention of a child between 15 and 18 years should be avoided. In the Government Decision-in-Principle on Immigration and Refugee Policy Programme it is agreed "Detention of asylum seekers should be detained only as an extreme measure. Unaccompanied minor asylum seekers shall not be placed in detention."

The proposal for new Aliens Act does not prohibit detention of minors. However, keeping minors in police cell is restricted. Foreigners can be detained in police cells only exceptionally if the Helsinki Custody Unit is full or too far and the detention may last no more than four days. Children under 18 year of age may be detained in police cells only together with his/her own caregiver or own family. (Government Bill for...HE 28/2003, section 123.)

- *relevant practice in your country*

Asylum seekers are held at border points (including airports) only until a preliminary interview concerning identity and travel route has been made. As this usually requires very little time, there are often no special facilities in airports and border points, except the airport of Helsinki-Vantaa which has new premises where asylum seekers can stay without being detained. The premises have beds, toilets, etc. and children have also stayed there. Following this preliminary interview, applicants are referred to a reception centre or, in some cases, detained. According to ECRE, no rejection occurs at border points. (ECRE 2000.)

Asylum seekers whose identity and travel route cannot be verified are often detained upon arrival in Finland. Detention is also used in order to prepare for the expulsion of rejected asylum seekers. (ECRE 2000.) In practice, it is very rare that separated children are detained (Mikkonen & al. 2002).

Annually, approximately 10 to 15 percent of all asylum seekers have been detained according to ECRE. The Ministry of Interior has estimated that annually about 500-600 foreigners are detained. 1126 asylum seekers were detained in 2002 and 896 asylum seekers in 2001. The number includes all detentions made according to the Aliens Act, and also detentions in order to prepare for the expulsion of rejected asylum seekers. There is no maximum length of detention. The first instance court processes the detention case within four days. After that, every two weeks the first instance court considers the legality of the detention. In 2002, 868 asylum seekers were deported. The police estimate that they are able to deport 80 percent of rejected asylum seekers. (ECRE 2003.)

According to the Working Group on Legal Protection (which government has appointed), conditions of detention and legal rights are sufficient but there are problems concerning execution of detention. Some detained persons have been kept in police cells and in pre-trial detention for weeks and even months. The Ombudsman of the Parliament and UN's Human Rights Committee have paid attention to this several times. The Committee also reports that detained foreigners often have problems in receiving legal assistance.

According to Ms. Kirsi Hytinantti, senior lawyer of the Refugee Advice Centre (RAC), minors have been detained during the last years in metropolitan area because of unclear identity or other reasons or because it has not been known that they are minors. In some cases minors are detained even though their age is known.

Information of minors' detention cases does not automatically come to the RAC or any other instance and it is therefore difficult to estimate numbers. Social workers and social offices are consulted when minors are taken into detention but it is usually just a phone call and social authorities normally give their permission even though minors are in question.

The Helsinki Custody Unit for asylum seekers and other foreigners who have been taken into detention under the Aliens Act was opened in July 2002. Before that detained asylum seekers were kept in police cells and county prisons together with common criminals. However, the capacity of the centre is only 30 – thus detained asylum seekers are still kept in police cells in some part of Finland. The Helsinki Custody Unit is supervised and maintained by the Ministry of Labour like most of the reception centres. The centre is meant for adults in principle and only in exceptional cases for families and minors. At the present, the Helsinki Custody Unit is placed in a former prison but this is a temporary solution and it will move into new premises in 2004. Children will be better taken into account in planning new premises.

There are not national statistics on detention of separated children. The Ombudsman for Minorities should get a notification of every minor who has been taken into detention. The office may also make inquiries on the cases. In principle, the office could keep statistics on children being detained. Nowadays the office has named one person to follow especially children's issues and this might be helpful to NGO's also to follow the situation.

According to Mr. Veikko Pyykkönen, the director the Custody Unit of Helsinki, over 50% of the detained foreigners are other than asylum seekers or refugees. They come from 50-60 different countries but mainly from neighbouring countries. The average time of the stay is nine days but many stay only one night. What comes to minors, the aim is to

avoid detention of minors because there are special group homes for separated children. The personnel of the centre negotiate with the police on these cases. Four separated children were detained in the centre in 2002 (one had committed crimes and two had escaped deportation with their families). In addition there have been some families with children. Mr. Pyykkönen tells that the longest period of a detention of a minor has been two weeks and then the minor has been forwarded to the group home. The Helsinki Custody Unit has agreed that a minor should always have a guardian if (s)he is detained.

6.b) *To what extent does this conform to the Statement? Please outline in brief.*

The recommendations conform to the Statement. However, the new proposal for Alien's Act does not restrict detention of children sufficiently.

Earlier on there were criticism against the conditions of the detention because asylum seekers were detained at police stations. The situation has improved considerably after opening of the Helsinki Custody Unit. Detained aliens must be allowed to communicate with a lawyer and the Ombudsman for Minorities. In practice, previously they had not been always informed of this right. Asylum seekers detained upon arrival are given information on the asylum procedure and services of the Refugee Advice Centre by the legal advisors of the Refugee Advice Centre. Lawyers of the Refugee Advice Centre also assist asylum seekers at the Court hearings.

Despite the improvement the situation does not conform to the Statement fully because minor asylum seekers are occasionally detained both in the Helsinki Custody Unit in the metropolitan area and in other parts of Finland in police cells. However, it is clear that the closed reception centre is a considerably better place for minors than police cells.

6.c) *Are any changes needed? In relation to any first principle?*

The detention of minors because of immigration reasons is quite rare but it should not happen at all. At least since the opening of the Helsinki Custody Unit, minors should not be placed to police cells. Many people working with separated children say that separated children should not be detained because reception centres, group and family group homes are established especially for them (at least for those who seek asylum). The police have in some cases done it's part of the asylum interview during the detention without the guardian. It seems awareness rising and training is still needed.

It can be a problem in some cases that there is no time limit to detention. The first instance court processes the detention case within four days. After that, every two weeks the first instance court considers the legality of the detention. (ECRE 2000.)

NGOs have stressed that it should be mentioned in the law that minors can be detained only in very exceptional cases and separated children should not be detained at all because of reasons related to the access to the country. (NGO's statement on ...2003.)

7. RIGHT TO PARTICIPATE (SGP: C7)

7.a) *Please describe:*

- *relevant law and policy in your country*

According to the Finnish Aliens Act, a child has a right to be heard in matters concerning him/her.³ According to the Act on Integration and Reception of Asylum Seekers, the guardian of the child has to take into account opinions and wishes of the child. A guardian discusses with the child matters concerning him/her.⁴ The guardian takes part in decision-making concerning residential arrangements and financial matters of the child. A guardian functions as a mediator between the child, authorities and relatives of the child. (Mikkonen & al. 2002.) (More about the guardian system, see Chapter 3).

In the relevant child legislation the authorities are obliged to hear the child and in certain cases a 12 or a 15-year-old child is entitled to decide for himself. Children are heard in matters concerning them but it is not always possible to fulfil their wishes. (Mikkonen & al. 2002.)

- *relevant practice in your country*

Hearing of the child is especially important in asylum interviews. Earlier on NGOs and people working with asylum seeking children expressed criticism on that the police were not trained for interviewing children and that there were not specific guidelines on interviewing children. The situation has improved remarkably since the transformation of asylum interviews to the Directorate of Immigration and making special guidelines for interviewing children. At the present people doing children's interviews have received special training for it. (For more information on asylum interviews, see Chapter 11).

Interpreters

Interpretation is provided free of charge to asylum seekers at all stages of the asylum procedure. With some rare languages, however, problems might occur in finding sufficiently qualified interpreters. (ECRE 2000.) This may slow down the asylum procedure. In some cases the interviews have been made in some other language than child's mother tongue. Using video filming in interpretation has also been considered as one possibility. Interpreters need training in working with children and young people. (Memo of the meeting 13.2.2003.)

³ "When a decision applying to a child who is under the age of 18 is made under this Act, special attention shall be paid to the best interests of the child as well as to matters relating to his development and health. Before making a decision applying to a child who has reached the age of 12, the child shall be heard [...] unless hearing the child is manifestly unnecessary. The opinions of the child shall be taken into account in accordance with his age and level of development. Even a younger child may be heard if he is so developed that his view can be taken into account". (Aliens Act, 1c.)

⁴ "The child has opportunity to express his/her own wishes and opinions insofar as it is possible as regards to the child's age and stage of development before the application for a legal representative is made. When making decisions the legal representative must discuss with the child if (s)he is capable and old enough."

Interpreters of rare languages are not easy to find in every part of the country. In addition, not all interpreters are suitable for children. If the interpreter is not suitable or qualified, a lot of pressure is put on the guardian of the child because the guardian could demand better interpreter. However, the situation has improved since relatives and country fellows are normally no longer used as interpreters. (Mikkonen & al. 2002.)

7.b) *To what extent does this conform to the Statement? Please outline in brief.*

The hearing of the child is well organised in legislation. In practice, though, training is still needed e.g. among police and interpreters. Training has been offered to officials who interview children and good guidelines for interviewing have been made.

7.c) *Are any changes needed? In relation to any first principle?*

Even if both a guardian and a legal adviser are present at the interview, the child's right to be heard is not fulfilled if the interpreter is not a professional one. It is difficult to find interpreters of rare languages in different parts of Finland. More training of interpreters is needed. There is also a lack of interpreters who specialise in children. Interpreters found also that some authorities should have more training on how to interview a child in presence of an interpreter. (Mikkonen & al. 2002.)

Especially in rare languages it could be worth trying interpretation by using on-line video filming. This has not been used with children so far.

8. FAMILY TRACING & CONTACT (SGP: C8)

8.a) *Please describe:*

- *relevant law and policy in your country*

The Integration Act itself does not say anything concerning family tracing but the Government Bill states that the guardian has to help the child to make and keep contact to his or her family members whether in Finland or elsewhere.

- *relevant practice in your country*

When the child arrives to a group home at reception centre, a social history is taken by a social worker. The location of family members is also asked. The personnel of the group home where children are placed support the contact between the child and his/her family. A child can call his/her parents if possible. If the child does not know the whereabouts of his/her family assistance can be required from the Finnish Red Cross. The guardian of the child is the most suitable person to contact the Red Cross if the child wishes so but in practice a social worker of the group home has often done it.

Family tracing is a separate process of the asylum procedure and all information related to it is private and confidential and cannot be given to outsiders without a permission of the child. (Mikkonen & al. 2002.)

8.b) *To what extent does this conform to the Statement? Please outline in brief.*

This conforms to the Statement. There has been some confusion on who should contact the Finnish Red Cross on the behalf of the child and who should be informed of the results of the family tracing. The most suitable person to start the family tracing is the guardian of the child but in many cases it can also be the social worker of the group home or the reception centre.

8.c) *Are any changes needed? In relation to any first principle?*

Keeping contact with his/her family members is important to a child, but family tracing and contact has to kept apart from the asylum process. The child and the guardian decide how to keep the contact. It is difficult to see how cooperation could be increased in family tracing, because it is a confidential matter between the child (guardian) and Red Cross. Information about the family tracing of Red Cross is not given to the authorities.

9. FAMILY REUNIFICATION IN A EUROPEAN COUNTRY (SGP: C9)

9.a) *Please describe:*

- ***relevant law and policy in your country***

The law has regulations on returning a person to another European country (the Dublin Convention procedure which is incorporated in the manifestly unfounded procedure) but it does not mention family reunification separately in this context. The statistics of manifestly unfounded decisions does not mention children but separated children are not usually sent back on safe country grounds. There may be some cases where family members have lost each other but in these cases they have been united before granting any residence permits. (Hetemäki 1999.)

- ***relevant practice in your country***

According to the Dublin Convention, a child can be returned because of humanitarian reasons to other European country where his / her parents are applying for asylum. Returning the child can be done if a caregiver or in a case of a minor a guardian gives permission for it. The receiving country has to agree also. Arja Kekkonen from the

Directorate of Immigration, states that there has been no such cases of separated children in Finland.

There is no specific tracing in these cases. The Directorate of Immigration is confident that a Dublin Convention country that is responsible for the examination of the application will take the whole responsibility of the asylum seeker in question. (Hetemäki 1999.)

9.b) *To what extent does this conform to the Statement? Please outline in brief.*

Because only few cases and very few information on this it is difficult to say how the practice conforms the statement.

9.c) *Are any changes needed? In relation to any first principle?*

Because there is so few cases with minor asylum seekers this is not an issue in Finland.

10. INTERIM CARE - HEALTH - EDUCATION - TRAINING (SGP: C10)

Interim Care (SGP: C10.1)

10.a) *Please describe:*

- ***relevant law and policy in your country***

The Integration Act and Degree defines minimum standards for accommodation of separated children. Most of them live in so called “group homes” of reception centres. Group homes are comparable to child welfare institutions when it comes to amount of children living there and the number of staff members. The government report on implementing the Integration Act (2002) states that the required qualifications of the personnel in group homes should also be the same than in child welfare institutions, and in addition to that the need of staff from different ethnic and linguistic background has to be taken into consideration.

“Family group homes” are places where minors stay after the asylum process, after receiving a residence permit. The position of these family group homes has been unclear so far. The Integration Act does not actually define these places at all. In practice they function a lot like child welfare institutions in the municipality but nevertheless are not regulated by the law. The above mentioned government report proposed that the position of family group homes should be regarded and regulated as child welfare institutions.

Asylum seekers are entitled to a living allowance. In the case of separated children, the group homes provide the children accommodation, food and clothing and cover living expenses. The group homes are responsible for the daily care and upbringing of children, the arrangement of the necessary services and leisure-time activities, the maintenance and studies of their own language, culture and religion as well as contacts with their ethnic group.

- *relevant practice in your country*

Group and family group homes ⁵

The border authorities normally refer asylum seekers to the closest reception centre to their point of arrival in Finland (usually in Helsinki, but also the Russian border). Unaccompanied minors are then forwarded to the group homes, which are attached to reception centres. At the moment three reception centres deal specifically with the reception of unaccompanied children. Allocation of accommodation also depends on the availability of places in the centres.

The overall aim of the group homes is to offer separated children care and upbringing that is in the best interests of the child, supports integration into Finnish society, prevents social exclusion and supports also possible return. (Group homes and... 2001). The Ministry of Labour has written (unpublished) guidelines, in which many of the principles of the Statement of Good Practice are taken into account.

In group and family group homes, between 8 and 24 children are looked after by about the same number of adults, including Finnish nationals and preferably employee(s) with a foreign background. The units are rather small, home-like, well organised and safe. The homes have staff that is well-versed in attending to the daily care and upbringing of refugee children as well as in arranging necessary services. The number of staff corresponds with that of child welfare institutions prescribed. Some of the homes are so called combined group and family group homes in which children can stay after receiving a residence permit. This way children can stay in the same neighbourhood and school that has become familiar to them and they do not have to start from the beginning in a new environment. (Group homes and... 2001; Mikkonen & al. 2002; Helander & Mikkonen 2002.)

Youngsters of the age of 17 stay sometimes at support flats in conjunction with group and family group homes. In support flats young persons can get used to living on their own with the help of the staff. It is popular among the youngsters to stay at support flats. In some cases children can have a choice on which group or family group home they are placed. But often homes are full and children have to be placed wherever there is free capacity. Children would usually like to live near the Helsinki metropolitan area where their relatives often live. (Mikkonen & al. 2002.) There has been discussion on whether there should be one group home in the metropolitan area.

Some group and family group homes were closed in 2000 and 2001 because of the decreased number of separated children. Numbers of places were also decreased in

⁵ Group and family group homes are in practice so similar that they are both described in this chapter. If the structure of the Statement is strictly followed, group homes are part of interim care and family group homes belong to the Integration chapter.

other group and family group homes. In 2003 increasing numbers of separated children have come and changes are needed again; one group home was reopened and two other existing group homes have increased their capacity.

Private accommodation

A separated child can also be placed to a family of relatives or other family of the same ethnic background, if the family is capable to take care of the child. Child's relatives already living in Finland may often suggest that the child would move to live with them. They address their request to the social worker of the group home. The child is always placed in a group home first, while the assessment of the situation is made. If everybody is in favour of the placement, the child can be placed in its kindred family. The family must be prepared to take care of the child for many years. The task is demanding, especially with adolescents. During the placement, the social worker and the guardian monitor the child's conditions. The group home will pay living allowance to the child.

The Ministry of Labour has written short guidelines on private accommodation of children⁶. The Ministry lists several conditions that have to be fulfilled before the child may be transferred for private accommodation. The child's opinion and wishes have to be clarified, if possible. A favourable opinion of the placement by the social authorities of the municipality of the relatives is needed. The relatives have to also find a school place for the child in the new neighbourhood.

The social worker and the child's guardian visit the relative's home and give their consent of the placement. They clarify e.g. how well the family and the child know each other, family members and housing conditions, the family's possibilities of taking care and upbringing the child, how well the family is able to support the child as far as integration is concerned. Often the social authorities see that families have difficulties to fulfil the tight standards – not so much because of family's ability to take care of a child but because of other factors like living standards (e.g. families are often large and apartments simply too small).

Personnel of some group homes where separated children are first placed have reported of problems with adults who turn up soon after a child has been placed in a group home and claim being their parents or relatives. In some cases parents may have been in the country long before the child. It has to be considered well whether to place a child with a family because it has turned out not always to be the in the best interest of the child and that people have not been family members as they have said. Sometimes even DNA-tests have been made, however it has been unclear who has to pay the costs of the test, the police or reception centre. DNA testing has appeared to be needed because in at least one case the result has been negative. (Memo of the meeting 13.2.2003.)

⁶ Private accommodation of minor asylum seekers, the Ministry of Labour.
<http://www.mol.fi/migration/alaikamajoitusen.pdf>

10.b) To what extent does this conform to the Statement? Please outline in brief.

The reception of separated children is fairly well organised and functioning in Finland. It follows the Finnish child welfare legislation. Accommodation and care is quite suitable for minors and there is possibility to go to school, learn Finnish language as well as maintain the contact to child's own culture. In the group homes there are enough staff and also workers from different ethnic backgrounds. Siblings can normally live together. However, if a child is placed to a relative family, there is no special support to family.

10.c) Are any changes needed? In relation to any first principle?

The position of family group homes has to be cleared and regulated by law. The proposals in the government's report on the implementation of the Integration Act has to be carried out – the group homes and family group homes have to be comparable to child welfare institutions when it comes to resources and qualifications of the staff (taking into account also the need to have staff from different backgrounds).

Placing children in private accommodation needs careful consideration and smooth cooperation between social worker of reception centre and social worker in the municipality. Discussion and awareness rising are needed continuously. It is easier to follow up the situation in institutions than in private homes of relative families. The report of the government on implementation of the Integration Act states that there should also be training for relative families who host separated children. Families should be supported for example to cope with teenagers and problems that may occur between child's own and host culture. So far there is no training for the families.

If a child is to have relatives in Finland they are most probably living in the metropolitan area near the capital. This has caused some discussion on whether the placements to relative families should be coordinated in a different way than today. The long distance between relative families in the metropolitan area and a reception centre where children are registered clearly has an impact to co-operation between the relative family and the reception centre.

Health (SGP: C 10.2)

10.d) Please describe:

- *relevant law and policy in your country*
- *relevant practice in your country*

The reception centre is responsible for the health care services to which an asylum seeker is entitled according to Finnish legislation. Since an asylum seeker is not a resident of a municipality, (s)he will receive health care and hospital treatment only in the case of acute illness or accidents. In practice there is not a difference between residents and asylum seeking children; reception centres use municipal health services and especially pregnant women and children get almost the same services as Finnish citizens.(Mikkonen & al. 2002.) A nurse is attached to each reception centre, and on arrival all asylum seekers undergo basic health screening. They have access to the

municipal health service if they require urgent medical treatment. These services are free. (ECRE 2000)

Asylum seekers in need of urgent treatment due to torture may also get help from the special rehabilitation centre for victims of torture in Helsinki, Centre for Torture Survivors in Finland (run by a well known and respected private clinic), although it is primarily for refugees. The Centre serves, however, only adults.

The Crisis Prevention Centre for Foreigners (run by an NGO) serves all foreigners in Finland, including asylum seekers with psychological and social problems. However, they also do not take children as clients. There are not special psychological services for asylum seeking and refugee children. (Hetemäki 1999.)

10.e) *To what extent does this conform to the Statement? Please outline in brief.*

The minor asylum seekers in need of medical care are in practice entitled to the same services as Finnish children. However, asylum-seeking children can be in need of special psychological help. There is not systematic psychological assessment of any kind and no special services for traumatised asylum seeking children.

Many child specialists and research results share the concern of the mental condition of separated children and lack of therapy services (e.g. Sourander 1998; Forsten-Lindman 1998; Helander & Mikkonen 2002, Mikkonen & al. 2002). Often different kinds of therapeutic activities and art therapies may work out better than therapies that are based on a language.

10.f) *Are any changes needed? In relation to any first principle?*

In general mental services for children seem to be crowded in Finland. There is inadequacy of child psychiatric services to correspond to the growing need. Recently the government has offered extra funding for child mental health services but special knowledge and services for immigrant children in need of psychological help should be developed.

Education, Language and Training (SGP: C 10.3)

10.g) *Please describe:*

- *relevant law and policy in your country*
- *relevant practice in your country*

In general the schooling and education of immigrant children and young people is quite well taken care of in Finland. All children have a right and residents living permanently also duty to attend Finnish comprehensive school from seven to 16 years. This is free of charge for everybody. In most schools where there are a lot of immigrant pupils, children are placed in special preparatory classes for foreign children where they are

first taught Finnish or Swedish (official languages in Finland) before going to a normal school class. (ECRE 2000.) All reception centres offer language tuition in either Finnish or Swedish.

Refugee children are entitled to receive mother tongue tuition. It has to be provided if there is a group of four children with the same language within the school. A municipality can even arrange mother-tongue teaching only to one pupil but it gets compensation from the state only if there are at least four pupils. Mother tongue instruction is arranged centrally through the school system, although organisational arrangements and scale vary in different municipalities. Mother tongue instruction is voluntary to the children.

There is remedial instruction in different subjects in comprehensive schools and high schools for immigrant students. It is also possible to get tuition in a mother tongue. The municipalities get compensation for providing tuition from the government. The aim of teaching of Finnish / Swedish (two official languages in Finland) and a mother tongue is that immigrant youngsters would become bilingual.

Pre-schooling of immigrant children should take into account children's background. The aim is that all minors would finish comprehensive school (nine years of study) and would get the certificate. According to law, municipalities can offer immigrants special orientation studies. The aim is to give immigrant children skills needed to study in an ordinary class and to promote their development, integration and knowledge of mother tongue and own culture. Basic education can be offered also in minority languages if it is possible and meaningful. There is also some orientating studies for immigrants before entering into vocational schools. (The government report ..., 2002.)

Religious minorities have a right to have teaching of their religion in comprehensive school and high school. Schools are obliged to provide teaching if at least three persons ask for it. It is rather common to offer Muslim teaching in schools. (The government report ..., 2002.)

Under school age children have a right for day care and pre-school teaching. Group homes try to find for older children, from 16-18, a possibility to study at open universities and other open educational services, vocational training, etc. Some children have had problems in being accepted to different schools because they do not have a residence permit. (Mikkonen & al. 2002.)

10.h) *To what extent does this conform to the Statement? Please outline in brief.*

Asylum seeking children have a right to go to school and children do attend school. Support in Finnish (or Swedish) is provided. Children have access also to mother tongue teaching, although the level of mother tongue teaching depends on the municipality in question. In several municipalities there is still not enough mother tongue teaching and teachers. Groups may be too small and teaching is not provided. The Ministry of Education is training people with an immigrant background to become teachers of mother tongue. Children and youngsters would have more motivation for studying their mother tongue if it was made compulsory. In Finland religion is taught at schools, but there are difficulties to arrange teaching according to all different religious backgrounds. Therefore many immigrant children attend in classes meant for children not belonging to any church. (Mikkonen & al. 2002.)

Immigrant children and young people have different backgrounds, which may cause difficulties with schooling. It is often difficult to decide on what class level children should go according to their language and other skills and age. Another problem is that immigrant pupils are often led to finish comprehensive school too easily and with a weak certificate. They finish the school but still they do not have the necessary skills to continue studying in high school or vocational studies. They are thus in great danger of getting marginalised. (Mikkonen & al. 2002.)

The situation is especially difficult among immigrant young who have weak reading and writing skills and who have arrived in Finland as teenagers. Learning difficulties and dropouts of comprehensive school and vocational training causes problems to them. (The government report ..., 2002.)

10.i) *Are any changes needed? In relation to any first principle?*

Although separated children have a right to go to school, learn the new language and in principle also preserve and learn their own language, more attention should still be paid on education. Especially young people who have not been able to attend school regularly for years need special arrangements. They cannot be put in a class accordance of their age but neither should they be put to study with much younger children.

Children and young people should have a possibility to attend special orientation classes for immigrants as long they need or to have special support after attending to normal classes. Often they do not have enough skills for studying although they can communicate verbally in Finnish.

11. REFUGEE DETERMINATION PROCESS (SGP: C 11)

Access to normal procedures (SGP: C11.1)

11.a) *Please describe:*

- ***relevant law and policy in your country***

Separated children coming to the country are forwarded to reception centres and group homes. After a guardian has been appointed and a social worker of the group home has interviewed the child, the asylum interview procedure can be started. Earlier on the handling of the applications of underage asylum seekers did not differ from the standard asylum procedure. After transferring asylum interviews from the police to the Directorate of Immigration and establishment of a special Child Affairs Unit, separated children have had their own procedure. First the police interview the child concerning the identity and travelling routes. Then the Directorate of Immigration does the actual asylum interview. According to the asylum guidelines of the Ministry of Interior, asylum

applications of minors should be handled expeditiously (The actions proceeded... 2001).

The Directorate of Immigration makes asylum decisions. If a decision is positive, the applicant is usually granted a residence permit on the grounds of need of protection⁷ or an asylum. A negative decision can be made in an accelerated (see above) or in a normal procedure. The decision effects e.g. what kind of appeal right the applicant has and how deportation of the applicant can happen. A negative decision can be appealed to the Administrative Court of Helsinki.

Accelerated procedure

There exists only one accelerated procedure in Finland. These applications go into a faster procedure but the decision is however, subjugated to the Administrative Court of Helsinki before it enters into force. Applications that are regarded as manifestly unfounded go to the accelerated procedure in the Directorate of Immigration. The asylum application can go into an accelerated procedure

1. if the applicant makes a new asylum application after having received a negative decision.
2. If the applicant has been in another EU country before entering Finland (Dublin Convention)
3. if the applicant has come to Finland from a safe country of origin or a safe third country
4. if the application is considered manifestly unfounded in some other way (e.g. the applicant has not claimed as grounds serious human violations). (Aliens Act 33c, 34, 34b, 34c.)

In 2002, approximately 60% of the asylum applications were handled in an accelerated procedure. In practice applications in the accelerated procedure get a negative decision. According to the Directorate of Immigration, it is not a question of tightening the asylum criteria but that a lot of applicants come often from Eastern European countries nowadays where as in the mid 1990s majority of asylum seekers came from Africa and Asia. (Pölkki, 2003.)

An overall reform of the Aliens Act was presented to the Parliament in June 2003. In various preparatory stages of the Act, the most discussed subjects were accelerated procedures and the family reunification of unaccompanied minors. According to the Government Bill amending the Aliens Act, accelerated asylum procedure will remain as it is even though it has been criticised by the UNHCR, the Refugee Advice Centre (RAC) and other NGOs. Also the UN's Committee on the Elimination of Racial Discrimination expressed its concern about accelerated procedure in the government hearing of the committee in August 2003 in Geneva⁸.

⁷ A residence permit based on the need for protection may be issued pursuant to the Aliens Act, which states that "an alien residing in Finland may be issued a residence permit on the basis of his need of protection if he, in his country of origin or habitual residence, is threatened by capital punishment, torture or other inhuman or degrading treatment or if he cannot return there because of an armed conflict or environmental catastrophe". (§ 31)

⁸ Ministry of Foreign Affairs on 25. August 2003, press release186/2003

Finnish NGOs claim that an asylum seeker should not be deported before the administrative court has made its decision on an appeal. According to the RAC, there is a possibility that Finland is returning people who are in a risk of human violations in their home country. In an accelerated procedure it is not always guaranteed that applications are handled individually. In an accelerated procedure the appeal time is so short that it is difficult to provide legal aid. After a negative decision, the applicant has only eight days to appeal and get a decision that prohibits deportation. (Mikkonen & al. 2002.) According to the RAC, accelerated procedure has sometimes been used also with asylum seekers who have been waiting for a long time already the handling of their application. It is possible that a person has been waiting a year in a reception centre and then suddenly has to leave the country in few days.

Temporary protection

The Act on the Integration of Immigrants and Reception of Asylum seekers (93/1999) was amended by an Act (118/2002) on provisions on the arrangement of reception for persons receiving temporary protection in Finland in situations where a big group of people has fled from their native locality to avoid an armed conflict or some other situation of violence or environmental catastrophe. Temporary protection can be given to the person, who needs an international protection and whose safe return to the country of origin is not possible because of a mass influx of displaced persons as a result of armed conflict or environmental catastrophe. (Immigration Affairs in 2002.)

So far, asylum seekers have not been granted a temporary protection status. Finland has made provisions concerning temporary protection to the Aliens Act. These provisions have not been used yet. In the Aliens Act it says that the Government will decide when and concerning which people temporary protection will be applied. Temporary protection can be granted for maximum of three years. At the same time, provisions concerning reception of people in need of temporary protection were added to the Act on the Integration of Immigrants and Reception of Asylum Seekers. Both amendments came into force 1 March 2002. For separated children under temporary protection a group home attached to reception centre can be established. A guardian can be appointed to the minor.

- *relevant practice in your country*

The average handling time of the asylum applications was one year in 1998-2001. But this includes applications that have been processed in an accelerated procedure, which means that in a normal procedure the handling time has been about two years.

The majority of negative asylum decisions are to applications that are taken into an accelerated procedure. In practice people whose applications are handled in an accelerated procedure are deported from Finland.

Roma children and an accelerated procedure

Applications of separated children are not normally handled in an accelerated procedure. Roma children from Eastern European countries arriving with a group of

people seeking asylum have, however, formed an exception. Finland received Roma groups from Eastern-European countries in 1998-2000. Some of these children made their own application. All Roma people including children have been returned after accelerated procedure has been finished.

Roma children have not been regarded as separated children even though some of them have not had parents or other legal caregiver with them. Some of the adults have had wives who are underage. Roma children have not been placed in group homes because it has been seen to be better that children stay with the groups they come with. According to the lawyers of the Refugee Advice Centre, Roma children are separated children and they should be appointed a guardian. Children cannot easily get legal aid if they do not have a guardian to contact a lawyer who can protect their legal rights in the process.

11.b) *To what extent does this conform to the Statement? Please outline in brief.*

The law does not exclude the possibility of using the accelerated procedure with children although it has been very rarely used with children. Roma children from European countries who had arrived with a group of people used to be the only minors whose applications were processed in an accelerated procedure. Recently there have been also some other cases where an application of a separated child has been regarded as manifestly unfounded. In practice all the applications that are handled in an accelerated procedure or regarded as manifestly unfounded get a negative decision.

11.c) *Are any changes needed? In relation to any first principle?*

Applications of separated children and children in general should always be processed in a normal procedure.

Legal Representation (SGP: C 11.2)

11.d) *Please describe:*

- *relevant law and policy in your country*

Asylum seekers are entitled to free legal aid during the whole determination procedure, including appeals proceedings. In first instance, applicants receive free legal assistance from the lawyers of the Refugee Advice Centre. This is also often the case during the appeal procedure. The legal assistance provided by the Centre is subsidised by the Government.

According to the Integration Act, separated children are appointed a guardian (for more information about the guardian system, see Chapter 3). Separated children are assisted

by a guardian at all stages of the asylum procedure. The guardian is responsible for organising legal aid and contacting the lawyer if needed.

- *relevant practice in your country*

A lawyer from the Refugee Advice Centre is often present at the asylum interviews of separated children whenever invited. The lawyers have also travelled around the country to meet some of the children. Earlier on there were not enough resources and personnel to do this but the situation has improved in recent years.

The lawyers point out that they cannot function unless the guardian of the child contacts them. The Directorate of Immigration should always inform the guardian of the asylum interview of the child so that the guardian can inform the lawyer.

Detained applicants very often experience difficulties in receiving adequate legal assistance. They are often appointed a private lawyer for the detention case, when there is a risk that the lawyer is not necessarily aware of the client's asylum case and the asylum procedure. The Refugee Advice Centre, for instance, is very seldom informed of detention cases although it is the main provider of legal aid to asylum seekers. (ECRE 2000.)

The Central Union for Child Welfare together with the Refugee Advice Centre had European Refugee Funding (ERF) for two years for a project "Alone in Finland". Its target groups were separated children, guardians and lawyers. One focus was co-operation between refugee lawyers and guardians as well as developing training for guardians. E.g. asylum procedure, the best interest of the child and the role of a guardian and a lawyer were discussed in training events.

11.e) *To what extent does this conform to the Statement? Please outline in brief.*

The legal aid system and the guardian system conform to the Statement.

11.f) *Are any changes needed? In relation to any first principle?*

A guardian should always be appointed to separated children even if the child is nearly 18 years old or has arrived with a group of people. Without a guardian children cannot get legal aid because the lawyer cannot actually work if there is no one to represent the minor.

Minimal Procedural Guarantees (SGP: C 11.3)

11.g) Please describe:

- ***relevant law and policy in your country***

Earlier the asylum procedure of children did not differ from asylum procedures of other applicants. The long handling times and an accelerated procedure were regarded as the biggest problems in the asylum procedure. The waiting times of children used to be from one year up to two years or longer.

The Directorate of Immigration has set as its aim to process asylum applications of separated children within three months (which is said in the Government Decision in Principle from 1997) or as a maximum in six months. The Directorate of Immigration has also set a goal of shortening the family reunification process to one year in most cases. The government paid attention to handling times of minors' applications also in its report on the implementation of the Integration Act. The report stresses that the aims should be achieved in practice also. In their statement on Government Bill amending the Aliens Act, NGOs demanded that applications of separated children should be handled expeditiously. This was included in the new Government Bill for the Aliens Act.

The long handling times are a problem especially for children. Many of separated children turn 18 years before they get a residence permit and they lose the right for refugees' family reunification process. The UN's Committee on the Rights of the Child expressed its concerns in 2001 regarding the handling times of children's applications. Also the Office of the Ombudsman of the Finnish Parliament required in 2001 that the Ministry of Interior has to clarify why it has taken so long to process children's applications and how the situation will be improved.

Appeal procedures

One has the right to appeal negative decisions in the normal procedure within 30 days. The time for appeal is the same for everybody.

Pursuant to the Aliens Act, negative decisions by the Directorate of Immigration can be appealed to the Helsinki Administrative Court. It is also possible to appeal a decision whereby Convention status was refused but a residence permit granted. The appeal must be lodged within 30 days of notification of the decision and it has a suspense effect. Legal assistance is allowed and it is free during the appeal procedure. The Administrative Court considers whether Convention status or another form for residence permit should be granted to the appellant, and it may also examine whether there are other reasons which may prevent him/her from being expelled from Finland. (ECRE 2000.)

If the Administrative Court's decision is negative, the applicant can lodge a request for a leave to appeal with the Supreme Administrative Court. However, this can only be granted if the Supreme Court considers that ruling on this issue is important for the applicant of the law in other similar cases, for reasons of uniform judicial practice or if there are other weighty grounds. In practice, leaves to appeal are granted very rarely. (ECRE 2000.)

Following a refusal to grant a leave of appeal or a negative decision by the Supreme Administrative Court, the rejection is final. However, the applicant may still lodge a new asylum application, provided that the situation in the country of origin or his/her personal situation has clearly stated. According to the new Government Bill revising the Aliens Act, new asylum applications will be processed very quickly so that the applicant can be expelled immediately after the decision of the Directorate of Immigration. (ECRE 2000.)

- *relevant practice in your country*

The Directorate of Immigration has explained that long handling times are due to the lack of personnel, lack of resources, increase of the amount of asylum applications and the right to appeal decisions. In addition, it slows down the process to clarify unclear identities and misuse cases. In Dublin Convention cases it may take a long time to get replies from other countries. Appointing a guardian, solving the whereabouts of family members and possible age determination tests and language analyses can also slow down the process of separated children. The Ministry of Interior proposed that the minimum handling time of three months should be counted from the date when the Directorate of Immigration has received all the documents needed for decision making. (Mikkonen & al.. 2002.)

At the end of 2001, interview functions of the Directorate of Immigration were extended to include asylum interviews of separated children. Processing of the matters was focused on a special Child Affairs Unit. In addition to in-service training, expertise in this area was acquired through the Odysseus funded multinational Children First project. Transformation of the interviews from the police to the Directorate of Immigration has speeded up the asylum procedure of separated children.

The officials of the Directorate of Immigration stated in the end of 2002 that the average handling time of separated children's asylum applications had shortened from about 17 months down to 7 months. The shortest handling times were three months.

11.h) *To what extent does this conform to the Statement? Please outline in brief.*

Long asylum procedures and waiting times used to be the worst problem of separated children in Finland. However, the new handling system of the Directorate of Immigration has speeded up the handling times and diminished waiting queues. The new system has also improved the level of interviews and completed the decision makers' knowledge of the applicant. Applications of separated children are prioritised among some other special groups. Also the decreased number of applications of separated children has eased the situation. It is more efficient and faster that the same person makes the asylum interview and asylum decision.

The criteria on making decisions to children's applications are rather human because minors usually get a positive decision. The minimal procedural guarantees conform to the Statement because asylum seekers have a right to appeal the decision and people making decisions are professionals. If there are manifestly unfounded cases concerning

children, these cases will not have a right to appeal. These decisions are, however, reviewed by the Helsinki Administrative Court.

According to the Refugee Advice Centre, there are still many underage asylum seekers who do not get to be interviewed nor get their decision in a reasonable time.

11.i) *Are any changes needed? In relation to any first principle?*

According to the Refugee Advice Centre, too much proof is required to clarify the identity of the child and this slows down the asylum procedure. Decisions, statements and other documents concerning separated children should be prioritised in all courts and other instances and in all levels (e.g. age determination, Dublin Convention inquiries, family reunification interviews, DNA-testing, decision making). Time limits should also be set to all these.

NGOs have criticised the accelerated asylum procedure of being too fast to have a look at individual cases. Also the time limit for making an appeal is very tight, only eight days. This makes it difficult to provide legal aid and make an appeal. The Court also has to make its decision very quickly and sometimes in a haste.

The appeals have accumulated in court in Helsinki. The court should prioritise children's cases to shorten the handling times. The Refugee Advice Centre has also pointed that the handling of appeals of families with children still takes too long.

Independent Assessment (SGP: C 11.4)

11.j) *Please describe:*

- ***relevant law and policy in your country***

Special needs of children in asylum interview are not mentioned in the Aliens Act. The law states that special attention has to be paid on the best interest of the child, development and health. Opinions of the child have to be taken into account in accordance with the age and development of the child.

The needs and best interests of separated children are taken into account in the Directorate of Immigration's new asylum interview guidelines for interviewing children (Guidelines for... 2001).

Separated children are appointed a guardian whose task is to see that the best interest of the child is taken care of in the asylum procedure and other decisions concerning the child. The guardian is also responsible for contacting lawyers if the child needs legal aid.

- ***relevant practice in your country***

Independent assessment is not used in the asylum procedure.

The Ombudsman for Minorities gives a statement on asylum applications of children, but the office does not meet the child for making a statement. A Senior Officer Pirjo Takalo from the Office of the Ombudsman states that they take into account the best interest of the child and human rights perspective when writing statements. It is, however, difficult to know how these statements affect the decision making of the Directorate of Immigration because the statements are not binding. The Ombudsman for Minorities is preparing a research on affects of the statements to the decisions.

Asylum seekers can ask for a statement regarding their need for treatment and help in dealing with their experiences of torture from psychiatrists of The Centre for Torture Survivors in Finland. The Directorate of Immigration can take into account these statements when making asylum decisions. However, the centre serves only adult clients. According to the senior lawyer Ms Hytinantti from the Refugee Advice Centre, this may in some cases affect children's asylum procedure, and in that sense children are in a weaker position than adults.

11.k) *To what extent does this conform to the Statement? Please outline in brief.*

Independent assessments are not used in asylum procedures. Only the statements of the Ombudsman for Minorities are used in asylum procedure, but the office does not meet the child but writes the statement based on papers (concerning e.g. the asylum interview).

11.l) *Are any changes needed? In relation to any first principle?*

Children are not able to get statements concerning possible torture experiences and need of treatment from expert professionals. It may affect their asylum decision. The Centre for Torture Survivors in Finland should have more resources for serving children or a special unit for children should be established.

Interviews (SGP: C 11.5)

11.m) *Please describe:*

- ***relevant law and policy in your country***

As with asylum-seeking adults, minors also have to attend an asylum interview. No interview is made with very small children though. As a rule, the guardian is present at the asylum interview. (The Ministry of Labour 2002.) The interview is organised after placing child to the reception centre and after social history is taken by the personnel at the reception centre, and after a guardian has been appointed. When minors are concerned the interviews are organised as soon as possible.

Until 2001, the police conducted asylum interviews and wrote down the asylum interviews during the interview. Afterwards the personnel of the Directorate of Immigration made decisions on the basis of written minutes of the asylum interview protocol. The previous system was criticised because police was not trained for

interviewing children and there were no special guidelines on interviewing children. The decision-makers did not meet the applicants.

There have been remarkable changes in the asylum interviews. In March 2001, the Directorate of Immigration started conducting the asylum interviews that form part of the examination of asylum applications (this is regulated in the amendment made to the Aliens Act, 648/2000). Asylum interviews seek to determine the grounds submitted by the applicant in support of claims of persecution and other violations of rights.

The objective is gradually to transfer all such asylum interviews from the police to the Directorate of Immigration over the period of 2001-2004. However, it seems at the present that the aim will not become true over the planned time period because of lack of resources. So far the transforming has come true basically only with separated children. Separated children have been interviewed by the Directorate of Immigration, with only few exceptions. The Directorate has trained officials who interview all separated children and also make their decision. The police are still responsible of interviewing concerning the identity, arrival to the country and travelling routes.

At the present the decision is made on the basis of the asylum interview protocol made by the Directorate of Immigration although the interviews are also recorded in order to avoid mistakes. The Refugee Advice Centre proposed that interviews would be recorded and then literally transcribed. However, the practice proved to take too much time and thus be very costly. Therefore the former practice was chosen, which means the interviews are typed during the interview and these documents are used as asylum protocols.

- *relevant practice in your country*

The applicant has the right to use an interpreter and a legal adviser at the interview. When a separated child is in question, the child, an officer from the Directorate of Immigration, interpreter, guardian and a lawyer from the Refugee Advice Centre are usually present in the asylum interview. The child can have other support persons as well in the interview if (s)he wishes so. However, having too many people present would be embarrassing or disturbing to the child. (Mikkonen & al.. 2002.)

At the end of 2001, interview functions were extended to include asylum interviews of separated children. This is part of a larger reform of transferring all asylum interviews from the police to the Directorate of Immigration (see above). Processing of the matters was focused on a special Child Affairs Unit. According to the new system, the personnel of the Directorate travel to do the interviews in group homes where children are placed. The handling process of applications is meant to become more efficient and shorter when the same person does the interviews and the asylum decision. The personnel also specialises on geographic areas.

Persons interviewing children during asylum procedure have had special training for it. In addition to in-service training, expertise in this area was acquired through the Odysseus-funded multinational Children First project (in which the Directorate of Immigration, IOM and the Ministry of Labour were associates). During the project training was organised and the Directorate of Immigration produced detailed and profound interview guidelines for interviewing separated children. Description and

guidelines for the process of how to act when a separated child enters the country, was also produced. The interview guidelines include a framework for the interviews and example questions. Traumatized children and how to face them is also taken into account. (Guidelines for...2001.)

Despite positive changes NGOs have been concerned about the implementation of reform. It seems that developments are depending on financial situation of the Directorate of Immigration and this may bring sudden and unexpected difficulties in implementation of developments, sometimes connected to very practical questions. An example of this was experienced in the end of 2002 when there were some delays in asylum processes of children who lived far from the metropolitan area. It was said that it is too costly to send officials to make interviews to distant locations from the capital. In a couple of cases the local police finally made the interviews, which was not meant to happen – the police should nowadays only do the part of the interview concerning travel route and identity. So far this has not happened again and according to Arja Kekkonen from the Directorate of Immigration, since the beginning of the 2003 there have been no problems in travelling for interviews to group homes where children are placed.

It is meant that the Directorate of Immigration's and police's part of the asylum interview should be done at the same time but the regional police are often overloaded, which may slow down the asylum procedure. In order to speed up the asylum procedure of minors, the Ombudsman for Minorities also aims to write statements to minors' applications as soon as possible.

11.n) *To what extent does this conform to the Statement? Please outline in brief.*

The Finnish asylum procedure conforms to the Statement better than before since the asylum interviews were transformed to the Directorate of Immigration (see above). The child-friendly environment is organised as far as possible during the interviews. It also seems that the new system has in most cases shortened the handling times of the applications of the separated children.

11.o) *Are any changes needed? In relation to any first principle?*

Since the local police are still doing one part of the asylum interview they should continuously have training on interviewing asylum seekers and especially children concerning the identity and travelling routes. There should be police officers who specialise on interviewing asylum seeking children.

The Child Affairs Unit of the Directorate of Immigration sees it as important that the guardian is present at the interview. According to Refugee Advice Centre there have been some cases where police has began the interviewing young person of 17 years of age before a guardian has been assigned. This has also happened in some cases with a detained young person. However, the Directorate of Immigration has been strict with the rule in recent years. Arja Kekkonen from the Directorate states that it is an unquestionable rule that separated children are interviewed only with a guardian. If this should happen, the interview is not valid and has to be done again with a guardian.

See also Chapter 7, Right to Participate, Interpreters.

Criteria for making a decision on a child's asylum application (SGP: C 11.6)

11.p) Please describe:

- ***relevant law and policy in your country***

Separated children used to get in most cases a residence permit on the grounds of need of protection (A3). Children are not deemed to be capable to manifest a well-founded fear nor to be well aware of the conditions of their home country. According to the Refugee Advice Centre, there are cases where minors have got a protection status (A3) even in they should have got a real refugee status. There have also been cases where unaccompanied children first get a negative decision and after appealing they have received a positive decision. It seems that separated children have lately been given more non-refugee statuses (A4) than before and children have also received quite a few negative asylum decisions.

A child's asylum application can be grounded on e.g. Geneva Refugee Convention, Convention on the Rights of the Child and the Finnish Aliens Act. However, the Directorate of Immigration does not usually refer to international conventions in its decision and the justification is usually based solely on the Aliens Act.

According to the Aliens Act's General Objectives:

"When a decision applying to a child who is under the age of 18 is made under this act, special attention shall be paid to the [best] interests of the child as well as to matters relating to his development and health."

- ***relevant practice in your country***

According to the Directorate of Immigration, separated children have not applied for asylum because of genital mutilation or child trafficking or a threat of any of those. (Mikkonen & al.. 2002.) However, the situation has changed recently concerning asylum seeking children who have been child soldiers or in a danger of recruitment to the army. Former child soldiers have come to Finland from e.g. Democratic Republic of Congo, Sri Lanka and Rwanda. These applicants have received a resident permit on the ground of need of protection.

According to Arja Kekkonen from the Directorate of Immigration, there have been no cases where a girl would have applied for an asylum on the grounds of genital mutilation or forced marriage. According to the Aliens Act, in a case of persecution based on gender it is possible to grant a residence permit but not asylum. However, according to Kekkonen, it would be possible to grant asylum as well if a criterion of persecution is fulfilled. The Directorate of Immigration points out that every case is different and there are many other things that have to be taken into account. In the new Government Bill for Aliens Act gender based persecution is mentioned as an possible element when describing the grounds for granting asylum (section 87, Government Bill for...HE 28/2003).

Children get asylum decisions usually faster than adults. The average handling times of children have not been available and it is thus difficult to make comparisons but it is

clear that nowadays the procedure is normally faster for children because their applications are prioritised and a special Child Affairs Unit of the Directorate of Immigration handles their applications.

Before deportation of asylum seekers who have received a negative decision, the Ombudsman for Minorities gives its statement to the Directorate of Immigration. According to Senior Officer Pirjo Takalo from the office of the Ombudsman, they intend to pressure the best interest of the child and children's cases are handled as soon as possible. In 2002, the Ombudsman gave a statement to 117 deportation cases of which 15 were minors. They had come to Finland as separated children or with their families. (Third periodic...2003.)

11.q) *To what extent does this conform to the Statement? Please outline in brief.*

In principal, the criteria for making a decision on a separated child's asylum application seem to be quite humane because most children get positive decisions. The main problem until nowadays used to be the length of the procedures.

It can be seen, however, quite problematic that children are demanded to give very strong evidence concerning their identity. This often lengthens the process.

11.r) *Are any changes needed? In relation to any first principle?*

The situation has improved considerably since the Directorate of Immigration established a special group for children's applications and produced interview guidelines.

Separated children should never be returned unless it is conformed that the child could return safely. The Directorate of Immigration has to investigate the conditions in a home country and who is going to take care of the child before the child is returned. The principles of the Convention on the Rights of the Child have to be taken into account and it has to be assured that the child gets proper reception and care in the home country or in a third country. It has to be also ensured that safety and care of the child continue in the future.

Young People who become adults during the asylum process (SGP: C 11.7)

11.s) *Please describe:*

- ***relevant law and policy in your country***

Becoming an adult has many significant effects on the life of separated children. After turning 18 years they can no longer live in a group or family group home and they are no longer entitled to apply for refugees' family reunification programme. The duty of the guardian also ceases when a child turns 18 years. When youngsters turn 18 they are all of a sudden on their own even though often they are not used to coping on their own. Because of all these reasons, it is really important for the child, what is the result of age

determination testing (more on age determination see...). Long handling times of the asylum applications may result in that a child cannot apply for a family reunification because (s)he turns 18 years before getting a residence permit. (Mikkonen & al.. 2002.)

When it comes to family reunification, the date when the application was launched is decisive when considering whether a child is regarded as minor or major (Government Decision-in-Principle on Immigration and Refugee Policy Programme). This principle is also included in the guidelines of the Directorate of Immigration. It will be also safeguarded by the law; it was written in the new Aliens Act, because during preparing the Government Bill there was a lot of criticism towards suggestion that the date when decision is made should be the decisive date. (Government Bill for... HE28/2003). But if the applicant gets a negative decision and appeals, the point of making the appeal determines the age.

- *relevant practice in your country*

In principle children have to leave from group and family group homes when they turn 18 years. In practice, if there is room at the homes, minors can sometimes stay longer for example because they have younger siblings still living in the home or they want to finish the school. The group and family group homes noticed years ago that young persons need support in getting used to independent living. As a consequence, support flats have been established in conjunction with group and family group homes. Some of the homes have been able to increase the number of support flats when there have not been many children. Nowadays more attention is also paid on supporting young people after they move out of the homes to live independently or in support flats for persons over 18 years.

11.t) *To what extent does this conform to the Statement? Please outline in brief.*

Because minors can stay at family and family group homes only until they turn 18 years, it is important that they learn to cope in everyday life with support. Some of the homes have support flats for 17 years old minors who can learn to live on their own with the support of counsellors before moving out of the group and family group homes to live independently. This also eases the situation of some young people who turn 18 years during the asylum procedure.

However, the legal problems concerning the asylum process are still the same than before: if the child turns 18 years before getting a residence permit (s)he is not entitled to refugees' family reunification. Also, if the child appeals the asylum decision, the date of the appeal is decisive instead of the date when the asylum application was handed in.

The Refugee Advice Centre has had cases where a child has received a negative decision soon after turning 18 years. This does not conform to the Statement if the decision-makers have postponed the decision until a child turns 18.

11.u) *Are any changes needed? In relation to any first principle?*

Separated children who turn 18 years need more support. They do not belong to group or family group homes with minors but it is also questionable to place them to reception

centre with adults. Group homes and family group homes should have the possibility to offer alternatives in housing, e.g. support flats for young people.

12. DURABLE SOLUTIONS (SGP: C 12)

Remaining in a Host Country or Country of Asylum (SGP: C 12.1)

Grounds for a child remaining in a host country (SGP: C 12.1)

12.a) *Please describe:*

- *relevant law and policy in your country*

The particularity of Finland has been to issue asylums scarcely (0,4 % percent of all applicants in 2002, total 14 cases). If not negative, usually not an asylum but a fixed-term residence permit has been issued. Resident permits must be regularly renewed and can be cancelled. Recognised refugees are protected by suspension clause and they are entitled to permanent residence after two years. However, minors are not granted convention statuses. (ECRE 2000.)

Most separated children have received a residence permit and been able to stay in the country.

According to the Aliens Act, the residence permits are:

A3-status

- An applicant is granted an asylum (A3), (Aliens Act, section 30⁹), or
- A residence permit due to the need of protection (A3), (Aliens Act, section 31¹⁰), or
- A residence permit within the refugee quota or other weighty humanitarian reasons.

Finland accepts refugees on a yearly basis based on an agreement with UNHCR. The number of quota refugees is approved by the Parliament when deciding on the state budget. The official quota was 750 in 2002 but it could not be fulfilled. Quota refugees came from Afghanistan, Iran and Iraq in 2002. According to the Government Immigration and Refugee Policy Programme adopted in 1997, this number should

⁹ "An alien shall be granted asylum and issued a residence permit if, owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, he resides outside his country of origin or habitual residence and if, owing to such fear, he is unwilling to avail himself of the protection of the said country."

¹⁰ "An alien residing in Finland may be issued a residence permit on the basis of his need of protection if he, in his country of origin or habitual residence, is threatened by capital punishment, torture or other inhuman or degrading treatment or if he cannot return there because of an armed conflict or environmental catastrophe."

gradually increase to 1,000 refugees each year. (ECRE 2003, the Ministry of Labour 2002.) Usually there are not separated children among quota refugees.

The residence permit A3 is considered to be a de facto status: its holders are entitled to refugees' family reunification programme and to the same social benefits as Convention and quota refugees. Persons granted residence permits based on the need for protection are entitled to permanent residence after two years. (ECRE 2000.) In a drafted proposal for a new Aliens Act it is suggested that permanent residence permit could be obtained only after four years of living in the country. This is argued to be needed because of harmonisation process of EU legislation. (Government Bill for...2003.)

The Ombudsman for Minorities gives to the Directorate of Immigration a statement on all asylum applications of separated children. The best interests of the child and human rights perspective are taken into account in their statements. It is difficult to know how these statements affect decision making of the Directorate of Immigration because statements are not binding. The Office of the Ombudsman is going to do a systematic investigation of the affects of their statements.

A4 status – non-refugee status

According to the Aliens Act (section20), a residence permit (A4) may be issued if "*refusing a residence permit would be clearly unreasonable*". A4 is given when grounds for asylum or residence permit due to the need of protection are not fulfilled, but neither would refusing the claim totally be reasonable. It is a status given to "persons other than those referred to above (A3) whose stay in the country is of a permanent nature". Due to the long processing time of asylum applications many asylum seekers get integrated into the Finnish society in a way that to deny residence permit would be undue. It is possible to apply for such a residence permit also following a final rejection of an application for asylum.

This category falls outside refugee status and is considered as normal immigration status. It's holders were not equal before the Integration Act was changed. The Government report on implementation of the Integration Act stated that costs arising from reception of such a person should be reimbursed by the Government on the same way that other refugees are. (Government's Report to... 2002.) The change was made to the Act and now it can be said the holders of a "non-refugee" residence permit come under the same integration programme and receive the same social benefits as Convention or de facto refugees.

However, there is a difference concerning their right to family reunification, because there are financial requirements in the Aliens' Act. Others than refugees and de facto refugees can have their closest family members to Finland only if they are able to guarantee the necessary means of support of these persons. In practice, this is naturally impossible for separated children.

In the proposed Government Bill for the new Aliens Act, there is a change in this: in exceptional cases the financial requirements would not necessarily have to be fulfilled. Separated children are mentioned as an example of such an exception. But there is another problem concerning family reunification of these separated children: according to the Bill the family reunification of children with this residence status would primarily

take place in a country where parents are, if the return is considered to be safe. The Bill does not, however, define any criteria for conditions that could be seen as safe enough. The Finnish NGOs stress that the best interests of the child, their right to family reunification and ties they may have in Finland should be respected.

This residence permit category (former A4) will be called a “residence permit given because of individual humanitarian reasons”. According to the Bill this permit could be suitable especially e.g. for separated children. Due to this NGOs are afraid that in the future many separated children can get only this permit, not de facto refugee status. To these children it means thinking about return instead of family reunification in Finland.

- *relevant practice in your country*

In the end of 1990s the Directorate of Immigration started to grant status A4. Many separated children coming from different countries have received such a residence permit. The Directorate of Immigration is investigating whether the child can return to the home country or if the child can be reunited with parents or other legal caregivers in a home country or in a third country when granting these decisions.

Several separated children have received A4-status and have appealed the decision with help of their guardian. Some separated children have received negative decisions and appeals are usually made in these cases as well. Statistics on appeals and results are not available. According to the Refugee Advice Centre, it seems to depend on the country of origin when an appeal is approved in the Courts of Appeal. In many case the status of Somali children have been changed but there are also many other cases where the Court has not approved an appeal.

The Refugee Advice Centre has listed single cases where a young person has received a negative asylum decision soon after turning 18 years. It is possible that in these cases the authorities are afraid of giving a negative decision to a minor and wait instead until (s)he turns 18. Another problem is that when appealing a decision, often the administrative court does not take into account that a person has been underage when arriving in Finland.

In 2002, 12 separated children received a negative decision. Most of them were nearly 18 years old and it was decided that grounds for granting a residence permit or an asylum were not fulfilled. (The third periodic... 2003.) Recently a couple of applications of separated minors have been regarded as manifestly unfounded or they have received a negative asylum decision in a normal asylum procedure. There have been single cases of minors from e.g. Ghana, Russia and Western Sahara who have been returned.

12.b) *To what extent does this conform to the Statement? Please outline in brief.*

The A4 decisions are not made in the spirit of “the best interests of the child”. These children are not returned but neither they given the possibility to family reunification. The Administrative Court has changed several A4 decisions to a residence permit due to the need of protection.

12.c) *Are any changes needed? In relation to any first principle?*

The Finnish NGOs have been concerned of the A4 statuses given to separated children. The A4 decisions should be transformed to status A3, which gives children a right to refugees' family reunification.

In principle separated children and young people should not be returned to their home countries when coming from conflict or unstable areas. It is very problematic to regard asylum applications of separated children as "manifestly unfounded". There have also been a few cases where a separated child has been returned to another country on Dublin Convention grounds.

The Refugee Advice Centre is concerned of cases of minors who have received a negative decision at the age of 17. The age should not be used as criteria to return the child.

Family Reunification in a Host Country (SGP: C 12.1.2)

12.d) *Please describe:*

- ***relevant law and policy in your country***

Persons who have been granted asylum or a residence permit due to need for protection (A3) are entitled to refugees' family reunification programme in Finland. For purpose of family reunification, a family member is defined in the Aliens Act (section 18 b) as the spouse or unmarried underage child of the adult person and parents of the underage child residing in Finland. If the alien residing in the country is a child, reunification with parents (or in some cases maybe other natural or legal caregiver) is possible. When making the decision the officials also take into account Section 18 c of the Aliens' Act which has a reference to continuing the family life in the country of origin¹¹.

Another relative of a person may be issued a residence permit if refusing the permit would be unreasonable because the persons in question intend to continue their earlier close family life in Finland or because the relative is fully dependent on the person residing in Finland. This is why non-married siblings less than 18 years of age can also be granted a resident permit in practice, even if the law does not define siblings as family members of a child.

There are no financial or housing requirements. Travel costs to Finland are paid for by the State. Persons residing in Finland with other types of permanent residence permits can be allowed family reunification with their family members only if they are able to

¹¹ "The overall consideration shall also take into account the possibilities of person already residing in Finland with a permit to move back to his home country or to a third country to lead a family life if the family ties may be deemed to be strongest there in their entirety." (Aliens Act, Section 18 c)

guarantee the necessary means of support of these persons. In practice, it is very difficult for refugees and especially for children to meet the financial requirements. (ECRE 2000.) (see more on this below, 12 a, A-4 status.)

The asylum interview includes inquiries about the child's family. This information contributes to a possible family reunification at a later stage. The Directorate of Immigration makes the decision concerning family reunification. According to the Aliens Act, the best interests of the child shall always be taken into consideration in all decisions concerning the child.

The new proposal for Aliens Act has changes concerning family reunification of separated children. (see in 12 a, A-4 status) This has caused some discussion between politicians and even in the media even though these minors are such a small group in Finland. The terms "pilot children" and "anchor children" were used by some politicians in favour of tightening the right for a family reunification in Finland.

According to the Aliens Act (and also in proposal for new Act), siblings of a minor are not defined as family members in connection with family reunification, not even underage siblings. This means they are not within the family reunification programme for refugees. It is very difficult to get a residence permit for these family members. NGOs are concerned that this might cause unjust situations, and the law should guarantee that also siblings would be allowed to reunite. In some cases these siblings can be the only family members a child has.

It often happens that because of a long asylum procedure some of the applicants became 18 years old during the procedure, which ceases their right to family reunification. If the applicant gets a negative decision and then appeals, the relevant age will be that of appeal. (Mikkonen & al.. 2002.) According to the new guidelines of the Directorate of Immigration, the length of the procedure may not influence.

Since 1999 negative family reunification decisions may be appealed to the regional Administrative Court. In a case of a negative decision the guardian should negotiate with the minor and contact a lawyer for possible appeal. It is though, more difficult to get help of a lawyer in family reunification cases because the Refugee Advice Centre concentrates basically with asylum cases and have no resources to take also family reunification cases. In some cases a person who has appealed the negative decision has been forwarded to DNA testing by the Court.

- *relevant practice in your country*

According to the new handling system of asylum applications at the Directorate of Immigration, a same person handles the asylum and family reunification application of minors. This is meant to make the procedure more effective. The Directorate of Immigration has stated that the handling times of asylum and family reunification have become shorter and that the process is shortening still. (Mikkonen & al. 2002.)

Red Cross takes care of the travelling and arrival arrangements after the Directorate of Immigration has made a positive family reunification decision. According to the family reunification statistics of the Finnish Red Cross, in 2002 there were 126 cases (positive decisions) which means the Red Cross helped little over 400

persons in travel and arrival arrangements. Out of these 129 cases 42 were positive decisions to separated children's applications. The biggest groups were Somalis, Iraqis, Afghans and Iranians. The average waiting time for all groups was 23 months. The average waiting time for separated children was 28 months. The longest awaiting time was 61 months and shortest eight months.

Usually the whereabouts of the child's family are investigated already in the beginning of the asylum procedure. Investigation is sometimes difficult, because children may be afraid of telling the whereabouts of their parents and family assuming that this information hinders family reunification in Finland. They can be afraid of being sent to where the family members are. If children lie or conceal information because of this, it may reduce their credibility in asylum procedure.

The Finnish Red Cross provides family tracing for family members who have been separated. However, family tracing is done only if the child wants it and the procedure has nothing to do with the family reunification process. The authorities have to rely in their own resources and contacts when investigating the whereabouts of family members.

The Directorate of Immigration has recently made some negative decisions to family reunification applications of separated children. Arja Kekkonen from the Directorate of Immigration explains that it is seen in these decisions that the family ties of the child are not in Finland but merely in a home country or in a country where parents are residing. (Section 18 c of the Aliens Act, see 12 d.) Thus it would be according to the best interests of the child that the family was united in these countries instead of Finland.

The Administrative Court of Helsinki has not changed these decisions justified by the Aliens Act (section 18 c). In practice these cases have been Somali children whose parents are residing in Northern Somalia (Somaliland) or permanently in Ethiopia. In relation to these cases the Court has also stated that the security situation in Somaliland is not an obstacle for returning children. The Court also states that economical difficulties or desire to give children education is not a reason for granting a residence permit. Yearly there has been about 10-15 of these cases. The Refugee Advice Centre is appealing some of these cases to the European Court of Human Rights.

DNA testing to confirm family relations

In 2000, the Aliens Act was amended in order to introduce DNA testing into legislation. According to this, it is possible to carry out such tests when family ties cannot be proved by other means. The decision to use a DNA test is made by the Directorate of Immigration. The State covers the expenses of DNA testing. Testing is done at the same time when interviewing the persons in question.

In the beginning DNA testing was used mainly with Somalis and Kurds but at the present testing is offered also to other African and Asian families who cannot prove their relations with the necessary documents.

Most families that have been tested have received a positive decision to their family reunification application based on family ties. Negative decisions have mostly been given to those who have not come to the tests. According to the Refugee Advice

Centre, it should not be a reason to grant a negative decision if the person had denied testing or has not been able to come. (Mikkonen & al. 2002.)

DNA testing is costly and this may cause difficulties for family reunification if there are a lot of applications. The Directorate of Immigration had budget problems in 2002 but according to the Directorate, they are now (2002-2003) able to do as many DNA-tests as needed.

Most applicants are pleased about the possibility of proving their family relations with the DNA testing. Some of them would like to pay for the testing but it is not possible because testing has to be done under control of the Finnish authorities.

12.e) *To what extent does this conform to the Statement? Please outline in brief.*

The family reunification procedures used to be very slow in Finland. This concerned separated children as well. According to the Government decision (1997), the family reunification process should be fast and flexible and it should not take longer than three months. In practice the average waiting time for children has been about a year and often more than a year. The Committee on the Rights of the Child has paid attention to this and urged Finland to shorten handling times of family reunification applications of children (Concluding Observations ...2000).

The Directorate of Immigration is aiming to shorten handling times of family reunification applications. It has already succeeded fairly well already in shortening the handling times of asylum applications of separated children. Children's applications are now prioritised and a Child Affairs Unit takes care of them just like it is responsible for separated children's asylum applications.

NGOs are afraid that in the future separated children will mainly get a new residence permit based on "individual humanitarian reasons" based to the Government Bill for the new Alien's Act. If the Bill passes in the Parliament like it is written now, it can weaken separated children's right for family reunification (see more in 12.a, A-4 status).

12.f) *Are any changes needed? In relation to any first principle?*

Separated children have received a lot of negative decisions to their family reunification applications. This has concerned NGO's. They see the right to family reunification in Finland should be recognised and there is no reason to try to make it more difficult.

It can be seen quite problematic to justify negative family reunification decisions with links and family ties in a home country or a third country of residence. If the best interests of the child principle would be respected, does this mean that family reunification has to be done in home country or third country? It might lead to very careful assessment of the circumstances of parents or other caregivers. How realistic it is to investigate the circumstances in a country of origin or in a third country? How it could be prevented that the child is not sent to another country soon after return? Anyway, the other close links to host country that a child has already created has to be taken into consideration also. Thus, family reunification is linked to voluntary return and is quite problematic area in the light of the rights of the child.

Integration (SGP: C 12.1.3)

12.g) Please describe:

- ***relevant law and policy in your country***

Reception of asylum seekers and integration of immigrants falls under responsibility of the Ministry of Labour in Finland. The Act on the Integration of Immigrants and Reception of Asylum Seekers (the Integration Act) entered into force in 1999. The Act established a new system of reception of asylum seekers and also confirmed existing practices. It includes provision on the accommodation, benefits and other services granted to asylum seekers arriving in Finland.

Finland's Constitution was amended in the end of 1990s in order to guarantee fundamental rights, with a few exceptions concerning rights in voting and rights of residence, to all persons living in Finland, including foreign citizens.

As far as social conditions are concerned, there is no differentiation between refugee status, quota refugees and those who receive a residence permit on the grounds of need of protection. In practice, there are also few differences between this first group and aliens with other types of residence permits. However, only refugees receive special financial assistance when they move into their own apartment, and the subsidies paid by the state to the municipalities apply only for the above-mentioned groups. In principle, refugees are entitled to the same social benefits as nationals. In practice, however, they usually receive less because many of the benefits, such as pensions and unemployment benefit, are earnings-related. (ECRE 2000.)

General on integration

An integration plan is an individual plan made by municipality or employment office together with an immigrant. The measures that help the immigrant to integrate in the Finnish society are put together in the plan. The plan is made for the maximum of three years. In order to get the full integration allowance an immigrant has to be co-operative and active and try to follow the plan. As a rule the authorities have not made integration plans for minors less than 17 years because they are included in the plans made for their parents.

According to the municipal social workers, children that belong to risk groups need their own plans. Separated children belong, naturally, in one of these risk groups. Children are also seen to have a right for an integration plan for longer period than the normal three years. The Report on the Implementation of the Integration Act contains a proposal that integration plans for children should be made for longer time if necessary. (Government's Report to... 2002.)

Once an unaccompanied minor has been granted a residence permit, (s)he is settled in a municipality, selected on the basis of individual requirements. The possibilities for the child's placement are family group homes, relative families, supported housing or in some cases child welfare institutions. Local authorities make an assessment and decision on where the child will be living together with the child, the guardian and the

adults who have taken care of the child during asylum procedure (workers in the reception centre and possible relatives).

The municipality is responsible of arranging the necessary care to them. In those group homes, which are combined group and family group homes, young people can stay still after the asylum procedure is over. This practice was introduced mainly because the asylum procedure has been very long. This was often a good solution because children have got used to the environment; they have gone to school maybe a year, they have made friends and other contacts. Some want to move close to some relatives in another city, of course, and then an assessment has to be done by the social workers. (Mikkonen & al. 2002). (More on accommodation and care services see Chapter 10a, 10b and 10c.)

- *relevant practice in your country*

In its report on implementation of the Integration Act, the Government considers the Act well functioning and necessary but the implementation of the Act still incomplete. Different actors in the field find it a problem that no new resources were allocated for the implementation, when enacting the Act. There have been particular deficiencies in offering services and language courses as well as interpreter's services. The proposal tries to find improvements in the status of immigrant children and women and it requires more resources for immigrant training. (Government's Report to... 2002.)

One of the main findings of the report was that the Act does not bind municipalities strongly enough to support integration of immigrants who do not belong to the labour force. More attention should be paid on welfare and integration of children and young people. There is already proof of increased amount of immigrant children as child welfare clients. A responsible body for integration of children and young people should be appointed. It has also been proposed that the Ministry of Social Affairs and Health could take more responsibility of integration of immigrants who do not belong to the labour force.

The Parliament requires (HaVM 20/2002) that the Government submit a new report to the Parliament by the end of the year 2007, where account is taken especially of different costs caused by the integration, and their municipal distribution as well as their distribution among the state and the municipalities. Attention has to be paid to cooperation and clear division of tasks between the State and municipalities.

Health and Education

There is not systematic psychological assessment of any kind and no special services for traumatised asylum seeking nor refugee children. There are, however, some organisations that offer services to improve the situation of refugee and immigrant children who need help. An NGO (Folkhälsan) has run an international children's home in Helsinki since 1994 for young immigrants who have been taken into care. Many of the children who have stayed in this home have a refugee background and they have come as separated children. The organisation has opened lately a new therapeutic unit for youngsters who are traumatised or in need of more support and help than ordinary therapy and discussion. The special unit uses for example action therapies, such as art, music and exercise.

Another NGO (The Family Federation of Finland) established a multicultural family counselling centre in 2003. The services include e.g. support and counselling to multicultural families by appointment or in the phone and production and distribution of information on and for multicultural families. The employees form a multilingual team. (www.vaestoliitto.fi/toimintayksikot/kotipuu/sisaltosivut/englanti.htm)

In education most problems seem to be connected with language. On the other hand Finnish (or in some cases Swedish) teaching is seen to be not sufficient. There are many immigrant children who finish the primary and secondary school but often with too weak skills to continue studies. It is often due to insufficient knowledge of the Finnish language; children can communicate well verbally but it is not enough for studies. On the other hand, there is criticism in having too little teaching of mother tongue. It has been even proposed that mother tongue studies should be compulsory to immigrant children. More trained teachers of mother tongue are also needed. (Mikkonen & al.. 2002.)

Many language problems arise from the fact that the immigrant population is still small and there are lot of schools where immigrant children are very few. It is difficult to offer special arrangements for teaching and very difficult to find mother tongue teachers. Another problem is that it is difficult to find a right class level for young people who have gaps in schooling in their country of origin. They cannot cope in the class of their own age and placing them with young children lessen their motivation to study. (Mikkonen & al.. 2002).

Young people who become adults

Separated children usually need help when trying to build their own life. Often they have lived in a reception centre or in family group home for a long time and coping all alone in every day life can be difficult. There is an NGO that provides support housing for young separated refugees who have turned 18 years (Ehjä ry). Young people live in flats on their own but they have staff to support them every day and to help in building a life of their own. The organisation makes a contract with the municipality where the child lives. However, the organisation can offer flats only for very few separated children. Municipalities are in general not willing to pay for the costs because it is not prescribed in the law. Only if a child has been taken into care by the child welfare law (s)he is entitled to have so called after care services, which means e.g. to get a support flat.

The Government Report on the Integration Act states that separated children should be regarded as equal to Finnish youngsters who have been taken into care and are thus entitled to after care services until they turn 21 years. (Government Report on...2002.) Several NGOs and the Deputy Parliamentary Ombudsman (Paunio 2001) have also demanded this change. The guardian should be able also to continue as a support person until the child turns 21 years.

Projects supporting integration

In 2002, the Ministry of Labour administrated the implementation of the European Refugee Fund (ERF) projects in Finland. By the resources of the Fund, the aim is to further the reception of refugees, asylum seekers, and to evenly divide the

encumbrances caused to the Member States as a consequence of the reception. In Finland, almost every project focused on supporting integration of refugees. A couple of projects focused especially on separated children.

One of the projects focused on separated young persons and got good results with a new model it developed for supporting separated young persons after they turn 18 years and have to move from the group and family group home. According to the model, each young person has a circle of support persons who meet up regularly and who follow the situation of the youngster. The circle may consist of a social worker, guardian (who usually ceases when a child turns 18 years), a staff member from the group home, Finnish "friend family", relatives, etc.

Save the Children Finland organised in cooperation with the Ministry of Labour in 2002 a project "Somalia Today - Renewing Home Country Links" in which some separated children made an organised trip to their home country, Somalia. The aim of the project was to familiarize Somalia, to give youngsters a realistic idea of returning and to activate them in planning their life in the future.

12.h) *To what extent does this conform to the Statement? Please outline in brief.*

Statements recommendations are being followed fairly well. The recommendation on placing children in a foster family of their own culture has proved difficult to follow, because the refugee and immigrant population is still rather small. It is not easy to find good foster families that already would be well integrated and able to take care of other children than their own. Small family group homes are seen a good solution for most children, although there are also very young children living in them. However, there is not research on how different accommodation arrangements affect separated children. In general, it seems that in Finland foster care is not automatically seen as best alternative for children placed outside home (in child care).

In the family group homes there are also staff members who have immigrant or refugee background themselves. It is, however, impossible to have a person to match every single child's ethnic group, since separated children come from various countries.

Siblings can live together if it's not against the best interests of the child.

12.i) *Are any changes needed? In relation to any first principle?*

In the Report on the Implementation of the Integration Act separated children and their integration are mentioned in many aspects. In general, the report criticises the Act for not obliging municipalities to make integration plans for persons who do not belong to the labour force. The law does not prescribe who is responsible for integration of children and young people in municipalities. The report also states that the official integration period of three years is too short for integration process of children and young people who have come to Finland as asylum seekers. It was also proposed that children should have individual integration plans in the future. (Government's Report to... 2002.)

One of the most important shortcomings is still lack of after care services. Separated children should be guaranteed these services (see more in 12.g “Young people who become adults”).

Adoption (SGP: C 12.1.4)

12.j) Please describe:

- ***relevant law and policy in your country***

Adoption is not seen as an alternative for separated children, at least if their parents are still living and the family could still be reunited. These children are not normally placed in Finnish families or children’s homes even temporarily since their contacts with their own language and culture are seen to be important to maintain (in case of family reunification). There are few single cases where a refugee child has chosen to live with a Finnish family, but it has been only temporary. (Mikkonen & al. 2002.)

- ***relevant practice in your country***

It is not known that a child with refugee status or residence permit (A3, A4) would have been adopted to Finnish families.

12.k) To what extent does this conform to the Statement? Please outline in brief.

Adoption is not used for separated children arriving to Finland. There has not been much discussion about the possibility of adoption of separated children and it is not likely that the authorities would start using adoption with separated children.

12.l) Are any changes needed? In relation to any first principle?

Changes are not needed because adoption is not seen a good solution with separated children.

Identity and Nationality (SGP: C 12.1.)

12.m) Please describe:

- ***relevant law and policy in your country***

A minor cannot apply the Finnish nationality by him/herself. The legal caregiver makes the application for the child. A minor who is 12 years old or older is also heard. To obtain the Finnish nationality (s)he must have lived in Finland for six years without interruption and will continue to live there. (Directorate of Immigration, www.uvi.fi/englanti/kansalaisuus.html). Basic knowledge of Finnish or Swedish is also required.

There have been no cases in Finland where a separated child has been found stateless or without a nationality. Therefore there are no problems concerning nationality except the long handling times of citizenship applications. (Mikkonen & al. 2002.)

- *relevant practice in your country*

Most refugees who apply for a Finnish nationality will get it in the end but the problem is that the waiting times have been very long especially for applicants from Somalia and some other countries. Refugees get an alien's passport after receiving a residence permit or asylum but often they have in practice to wait several years altogether before being able to travel anywhere out of the country.

If children have told incorrectly their name and/or age for some reason and thus have been given a wrong identity at first, they have had problems in correcting it later. (for more information, see Chapter 4, Registration and Documentation).

12.n) *To what extent does this conform to the Statement? Please outline in brief.*

There have been hardly any stateless separated children in Finland. If there were any, they would probably be given an Alien's passport. It is not known whether some kind of special and speedy protocol could be used in principle with minors in need.

12.o) *Are any changes needed? In relation to any first principle?*

The handling of alien's passport and nationality applications should be done faster especially when a child is in question. It should be sorted out how many separated children live with Alien's passport and would it be possible to grant the citizenship for stateless separated children quicker than in the normal procedure.

Family Reunification and Returns to a Country of Origin (SGP: C 12.2)

Voluntary return (SGP: C 12.2.1)

12.p) *Please describe:*

- *relevant law and policy in your country*

The numbers of returned refugees and immigrants are very low in Finland and return programmes do not involve separated children.

There are no regulations concerning the principles of voluntary return. The Finnish Aliens Act does mention about the possibility to reunite the family in country of origin:

“The overall consideration shall also take into account the possibilities of a person already residing in Finland with a permit to move back to his home country or to a third country to lead a family life if the family ties may be deemed to be strongest there in their entirety” (Aliens Act, section 18 c).

- *relevant practice in your country*

Separated children are not usually rejected and returned to their home countries (except Roma minors who were returned in an accelerated procedure with groups they had come with). It is not known that any separated children would have voluntarily returned to their home countries. For most separated children it is not yet possible to return to their home countries because of the situation over there or because they have no family to go back to. There are, however, cases where parents/ relatives have sent their children back without consulting the authorities in Finland (see more on Chapter one “The missing children”). The reasons parents have given were e.g. familial conflicts and educational reasons. (Mikkonen & al. 2002.)

IOM regional office for Baltic and Nordic States in Helsinki is involved in a project called The Return of Qualified Afghans Programme, which aims to boost reconstruction, capacity building and development process in Afghanistan. The Programme will facilitate the short and long term employment, return and reintegration of Afghans. Afghans have made 32 applications for supported return.

According to the Ministry of Labour, 21 refugees mainly from Bosnia-Herzegovina returned in 2002 so that they received return allowance. (ECRE 2003.)

12.q) *To what extent does this conform to the Statement? Please outline in brief.*

There have been no separated children who would have voluntarily returned to their home countries from Finland. It is not therefore possible to evaluate how the Statement is being followed.

12.r) *Are any changes needed? In relation to any first principle?*

There have not been any voluntary returns of separated children. If separated children volunteer to return in the future, the guidelines of the Statements should be followed and national guidelines produced.

The Government Bill for new Alien’s Act does, however, concern NGO’s. Organising return in the name of family reunification is very problematic. (See more on this in Chapter 12.a, A-4 status.)

Conditions that must be fulfilled prior to return (SGP: C 12.2.2)

12.s) Please describe:

- ***relevant law and policy in your country***

The Commission on Immigration and Refugee Policy of the Ministry of the Interior presents in its report (Controlled... 1997) that an asylum application of a minor should only be rejected if this is in the best interests of the child. The authorities should estimate together how the child could be returned to his country of origin without insulting his rights. In details the Commission's recommendation correspond to the Statement.

- ***relevant practice in your country***

The Ministry of Labour is responsible of issues concerning return. The International Organisation for Migration (IOM) coordinates return projects and it also takes care of the travel arrangements to the home country. Some of the projects are financed by the State and some by European Refugee Fund (ERF). The Ministry of Labour can order projects from IOM by its own or EU funding. Return programmes are usually planned for certain national groups.

12.t) To what extent does this conform to the Statement? Please outline in brief.

It is not possible to see whether the Statement is followed because there are practically no returns of separated children.

12.u) Are any changes needed? In relation to any first principle?

See above.

Programmes and Aid to Facilitate Reintegration (SGP: C 12.2.2)

12.v) Please describe:

- ***relevant law and policy in your country***

The Act on Integration of Immigrants and Reception of asylum seekers includes regulations on compensations for return. Travel expenses and a special repatriation allowance may be paid to a refugee wishing to repatriate. The travel expenses of a person who has not got a residence permit and voluntarily leaves the country are compensated by the State. In some cases this applies also when a person withdraws his/ her application. A refugee returning to his/her country gets a compensation for return which includes travel and removal expenses within reason and a compensation to settle down. Refugees and their children who plan a return to their home country of origin are provided with training that supports their return.

- *relevant practice in your country*

So far, selected refugee groups, such as Bosnians and Kosovo Albanians, have been offered regular counselling on repatriation. However, basic information may be obtained from the municipal social workers and the International Organisation for Migration (IOM). The IOM has also had projects that e.g. offer information and counselling for asylum seekers in Finland, assistance to the return and reintegration of unsuccessful asylum seekers and return and counselling assistance to asylum seekers from Eastern Europe.

There did not used to be clear return programmes for rejected asylum seekers but the IOM has started pilot programmes for asylum seekers who receive a negative decision or decide to cancel their asylum application. The IOM has conducted a project in Finland, under which financial assistance is given to asylum seekers withdrawing their application during the determination procedure, or to those willing to return home voluntarily following a final negative decision. (For more information, see www.iom.fi). This does not usually involve children and cases of separated children are not known.

Save the Children Finland organised in cooperation with the Ministry of Labour in 2002 a project "Somalia Today - Renewing Home Country Links". It was funded by ERF from the Voluntary Return budget-line but the aim was not to repatriate but more to help them in building their identity and give a more realistic view to possible return in the future.

12.w) To what extent does this conform to the Statement? Please outline in brief.

The compensation for return is regulated by law.

12.x) Are any changes needed? In relation to any first principle?

There are no return programmes for minors; helping in integration is more current.

Settlement in a Third Country (SGP: C 12.3)

12.y) Please describe:

- *relevant law and policy in your country*

According to the Aliens Act, overall consideration is used when granting residence permits¹². The law mentions possibility of moving back to a home country or a third country if family ties are there.

- *relevant practice in your country*

¹² "The overall consideration shall also take into account the possibilities of a person already residing in Finland with a permit to move back to his home country or to a third country to lead a family life if the family ties may be deemed to be strongest there in their entirety" (Aliens Act, article 18 c).

According to the Directorate of Immigration and the Ministry of Labour, it is rare that people who have been granted a residence permit in Finland would then move to a third country. A couple of family reunifications have been made to Finland from another country and vice versa. No problems have occurred in these cases. (Mikkonen & al. 2002.)

In recent years quite a few refugees who have got the Finnish nationality have moved to other EU countries. This has occurred with especially Somalis who move from Finland to Great Britain after getting a Finnish nationality. Reasons behind this are e.g. difficulties in getting employment in Finland and language difficulties. Many of these families have children who move with them.

There are separated children who have been sent to country of origin or to a third country against their will by their parents. (see more in Chapter 1, “The missing children”)

12.z) *To what extent does this conform to the Statement? Please outline in brief.*

See 12 e, 12f and 12 r.

12.zz) *Are any changes needed? In relation to any first principle?*

Settlement of separated children in a third country is not an issue in Finland yet but it might become so if returns are going to happen in the name of family reunification. However, it has not so far involved separated children unless they live with their relatives who decide to move or if they have been reunited with their families in a third country (these cases are very rare).

What comes to the Finnish employment and integration policies, more attention should be paid on it. Finland is loosing refugees who have gone through reception and integration programmes and who usually have learnt Finnish and are more or less integrated labour force who cannot find a job.

13. DATA COLLECTION

Who should be responsible for collecting data on separated children? Please consider both government departments and NGOs.

There is lack of systematically collected statistical information on separated children in Finland. Each institution is responsible for collecting data relating to their own decisions and other field of action, but there is no centralised data base about refugee children – or refugees and asylum seekers in general. One has to ask for different statistics form

different institutions. For example the Office of the Ombudsman of the Parliament has demanded statistics and efficient follow-up of handling times of separated children's asylum applications (Paunio 2001).

The Directorate of Immigration did not used to collect information on handling times of asylum and family reunification applications of separated children because their applications were handled in the same procedure with adults' applications. Since the beginning of year 2001 the situation has changed because the Directorate of Immigration established a special child task group for doing interviews and decisions for separated children's applications. The Directorate has collected statistics concerning separated children's asylum and family reunification decisions and handling times since the beginning of 2001. These statistics are not public but they can be obtained from the Directorate if requested.

What sort of data is required? From government? From NGOs?

Inka Hetemäki reported already in 1999 in the Assessment of Finland that "each institution should produce their own data with statistics and a common data bank of all information concerning refugee children should be maintained". However, these problems are still the same four years later. An improvement has though happened in the statistical system of the Directorate of Immigration.

The general problem concerning statistics of separated children is that information is scattered in different authorities who have a responsibility of certain tasks. A common data base for information on separated children would be helpful for developing and following the situation of separated children in Finland. Another problem is that there are still some authorities and NGOs who do not keep statistics of separated children or their statistics are not public.

Proposal of instances to collect information on separated children in Finland:

Ministry of Interior:

Directorate of Immigration:

- Asylum applications and asylum decisions of separated children by country and by status
- Decisions on refusal of entry by countries
- Applications for family reunification by countries
- Decisions on family reunifications
- Expulsions and deportations of minors
- Age and gender of applicants
- Handling times of applications

Passport authorities:

- Decisions on refusal of entry children and adults
- Number of asylum applications at the border by children and adults

Police:

- Decisions on detention of adults and children and their lengths
- Statistics and information of missing children

Ministry of Labour:

Immigration affairs:

- Quota refugees (numbers, countries of origin)
- General information on reception system
- The numbers and statuses of children staying at each group and family group homes

Ombudsman for Minorities:

- Follow up of handling times and decisions given to separated children and their detention
- Statements given to minors' asylum applications, detentions and deportations
- Follow up of discrimination and racism related to children
- Other relevant information

Regional authorities (Employment and Economic Development Centre of Uusimaa)

- A data base of guardians (contact information, number of children, training etc)

NGOs

The Refugee Advice Centre

- Statistical information on their clients, asylum cases, appeals and results of appeal, decisions by Courts, etc.

The Finnish Red Cross

- Statistics of family reunifications which came true, handling times and countries of origin.

Please provide any current data on separated children, which is available (from both government and NGOs).

The data enclosed here is the data collected and counted for this assessment. Statistics on separated children are not available separately. All this information is already in the questionnaire in respective sections.

Refusals of entry:

Asylum seekers may not be refused entry by passport control officials. The statistics concerning the whole of Finland for all the minors refused entry at the border are not available because minors are not compiled on statistics separately from adults. According to Deputy Chief Janne Piironen from the Frontier Guard, asylum seekers are

not rejected and persons to be possible asylum seekers (by appearance) are asked if they want to make an asylum application.

Asylum applications of minors:

Finland receives remarkably less separated children than other EU countries. In the 1990s roughly 1200 asylum seeking separated children came to the country which was a rather high percentage of all asylum seekers. During the last years the amount of separated children has decreased and Finland has received only about 20-40 separated children a year. Part of the children has been Roma children who have not been considered and treated as separated children because they have come with a group of people. (Mikkonen & al. 2002.)

In 2001 Finland received only 32 asylum seeking separated children. In last two years a change can be seen; it seems the numbers are rising again. For year 2002 the number was 70 and 2003 already 108. There are also an increasing variety of countries of origin (such as Somalia, Iraq, Angola, Congo, Pakistan, Mongolia, Serbia, Macedonia, Afghanistan, Yugoslavia, Turkey and Russia), although Somalia is still the most common. In 2003 the top five countries of origin were Somalia (35), Sierra Leone (12) and Angola (12). The age of children varies but most of them are 15-18 years old. However, there were many young children among the applicants as well.

According to the Directorate of Immigration from the 108 applicants in 2003 already 35 had also got the decision by Jan 2004 – 3 of them negative, 19 de facto refugee statuses (need of protection), and 11 with status A4.

The officials of the Directorate of Immigration have lately counted applications by hand. This table shows how many have come in the last decade. * The figures concerning the years 1999-2001 can still be seen more or less indicative.

Table: Asylum seeking separated children in Finland

YEAR	Separated children seeking asylum
1991	160
1992	151
1993	169
1994	112
1995	107
1996	88
1997	105
1998	135
1999 *	69 + 58 Roma children # = 127
2000 *	26 + 46 Roma children # = 72
2001*	32
2002	70
2003 (preliminary)	108
Total	1436

Roma children are not counted as separated children by Directorate of Immigration, because they came with an extended family and also left the country with the family.

Age assessments:

According to the Directorate of Immigration, age determination tests had been carried out to about 10% of separated children by year 2001 (about 120 children). In 2002, only a couple of tests were made.

Detention:

There are not national statistics on detention of separated children. According to Veikko Pyykkönen, the director of the Helsinki Custody Unit, four separated children were detained in the centre in 2002.

The Helsinki Custody Unit in Helsinki is the only one specialised in detained immigrants in Finland, but it is possible there have been some minors detained in police cells in other parts of the country.

Family reunifications:

According to the family reunification statistics of the Finnish Red Cross, family reunifications were made to 126 applications in Finland in 2002. These 126 family cases included over 400 persons. The biggest groups were Somalis, Iraqis, Afghans and Iranians. The average waiting time for all groups was 23 months. Out of these applications 42 were of separated children. The average waiting time for separated children was 28 months. The longest awaiting time was 61 months and shortest eight months.

14. POLITICAL LEVEL - SUPPORT FOR CHANGE

Please where possible provide the following information :

- *describe the level of contact NGOs working with separated children have with: central government departments, local and regional governments*

The Finnish Red Cross is doing family tracing for children when asked.

The legal aid for asylum seekers is mainly provided by the Refugee Advice Centre (NGO).

Friendship societies and NGOs organise activities and happenings. The Red Cross organises support friends to refugees.

The Aliens Act is to be revised to make it consistent after numerous changes since it came into force in 1991. The new Government restarted the process and gave the Bill to the Parliament in June 2003. A group of NGOs has been active in preparation of the law in 2002 and 2003. Some of their proposals were taken into the Government Bill and they received media attention.

- *describe any contacts with European institutions e.g.: members of European Parliament, European Commission, or European Council. (give names if possible)*
- *can you identify at the different political levels, any sources of support for improving the situation of separated children?*

The Ombudsman for Minorities, maybe also the Office of the Ombudsman of the Parliament, Human Rights Group in the Parliament, Child Welfare Organisations, Church.

- *can you identify, at the different political levels, the main obstacles to change?*

There is lack of cooperation when it comes to child and alien affairs. There should be more cross-administration.

Finland does not yet have an Ombudsman for Children in the governmental level.

15. Interviews of separated children and young people

Altogether 31 separated children and young people were interviewed in 2002 by Reetta Helander and Anna Mikkonen in a project of The Family Federation of Finland. In addition to qualitative interviews, participant observation and field diaries were also used. Helander and Mikkonen spent time with the children by living with them in three different group homes. Some interviews were also conducted in one youth centre in Helsinki. This text is based on a publication about experiences of separated children (Helander & Mikkonen 2002). The book is in Finnish but it has a summary in English, Swedish and Somali language. In the interviews children and young people told about their experiences of the escape, reception and life in Finland.

Often the decision to send the children was made by their parents, but some children had become separated from their families already in their home countries or during their escape. Some of the children had come to Finland together with their siblings. Some were on their way to another country, but ended up in Finland for various reasons or by accident. Some children had been separated from their families quite suddenly.

According to the children and youngsters who were interviewed, the most painful and difficult thing in their lives was separation from parents and family. They miss their parents and worry about them. They especially miss their mothers. This anxiety and coping in a new country cause various symptoms such as sleeplessness, nightmares, eating disorders, depression and aggression. Some of the children have chronic head and stomach aches. Some of them cry and feel afraid at night. The symptoms get worse if the child receives bad news from the home country or has not had contact with her/his family for a long time.

The children have various experiences in different kinds of living arrangements. Most children feel comfortable about staying in group or family group homes, and they have a close bond with members of the staff. Some of them have difficulties following the rules of group homes and family group homes where they are placed. Some complain about the distant location of the home. In general, however, children and the young people get along well with each other and the personnel. The institutions feel almost like home. When living in an institution, practising and maintaining one's own religion, culture and native tongue can be more difficult than when living in a family of relatives, especially if there are no employees who share the same ethnic background with the children.

At its best, staying with relatives may seem almost like being with one's own family but this arrangement is not without its problems either. The relatives may themselves be struggling to adapt to the new situation and cope in a new country. Problems sometimes arise when the child or young person does not obey rules of the family. If problems become critical, the child may be placed in a children's home.

The children and young people appreciate the Finnish school system, and they feel responsible for doing well in school. However, the foreign language and unfamiliar contents of the curriculum, family worries and traumatic memories make concentrating in school difficult. Various leisure activities involving sports, art, music and the like are important for the children who were interviewed.

Some of the separated children feel that they do not have anyone to talk about their problems and worries. Only a few have talked to a therapist or a psychologist. Many of

the children, however, talk to the employees in the institution or with their friends, relatives and representatives.

For some children the employees in a group or family group home are the only close Finnish adults they know. The children are in contact with their families and relatives usually by phone. When living in a family of relatives, the child is surrounded by adults from her/his own culture, and families visit each other. Also, most of Somali children and young people living in a group home visit their compatriots in reception centres, mosques, the city centre, or through acquaintances. Some group and family group homes have arranged for the children a Finnish support family with whom the children spend their leisure time. If the child or young person has come to Finland together with her/his siblings, they usually become very important and close to each other. Many of the children have plenty of good friends but, on the other hand, quite a few have no Finnish friends.

Waiting for asylum and family reunification decisions is a long and arduous process for the children. Some of the children and young people who were interviewed had waited two years to get the asylum decision. Receiving a positive decision for family reunification was said to be “the happiest day of the life”. Although the family reunion is a happy occasion and the children are relieved that their family is safe, the new family life is not always easy. Children and young people may have partially forgotten their native language and adopted norms and values of the Finnish culture. This may cause disagreements between parents and children. Sometimes it can also be burdensome for a child to function as an interpreter and guide for her/his parents in a new culture and society.

Despite their difficult situation and experiences, the children and young people who were interviewed have lots of hopeful and realistic plans for the future. All the interviewees want to study for many years in Finland, but most want to return to their home countries when it is safe. Some of the children said that it is still too dangerous to go back though. Young people want to help rebuild their home country and nearly all of them dream about returning to their home countries sometime in the future.