



Ministry of the Interior
Finland

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Action Plan for the Prevention of Irregular Entry and Stay for 2021–2024 — Tackling the Parallel Society

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Ministry of the Interior

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ISBN pdf: 978-952-324-587-7

ISSN pdf: 2490-077X

Layout: Government Administration Department, Publications

Helsinki 2021 Finland

Action Plan for the Prevention of Irregular Entry and Stay for 2021–2024 — Tackling the Parallel Society

Publications of the Ministry of the Interior 2021:34**Publisher** Ministry of the Interior**Subject**

Migration

Organisation Project working group engaged in updating the Action Plan for the Prevention of Irregular Entry and Stay**Language** English**Pages**

80

Abstract

In line with the Government Programme of Prime Minister Marin's Government, the Action Plan for the Prevention of Irregular Entry and Stay has been updated for the period 2021–2024. The purpose of the Action Plan is to tackle comprehensively irregular entry and stay, cross-border crime and the emergence of a parallel society outside the Finnish society. The Action Plan also examines the status of those residing in the country without a right of stay, the phenomena of abuse associated with them and the status of human trafficking victims. The Action Plan has taken full account of the measures set out in the previous action plans.

The updated Action Plan includes actions at both strategic and operational levels. In total, there are 52 actions, and they have been divided chronologically into five different themes: actions in the countries of origin and transit, actions at the border, actions in Finland, actions to promote return, and actions concerning those without a right of stay in the country. Measures relating to irregular entry and stay must be both effective and humane at the same time. The pervasive principles of the Action Plan include safeguarding fundamental and human rights and improving the detection of human trafficking and the identification of vulnerable persons.

The project working group prepared the Action Plan between 10 September 2020 and 15 January 2021. In addition to the Migration, Police and Border Guard Departments and the Administration and Development Department at the Ministry of the Interior, representatives from the Ministry for Foreign Affairs, the Ministry of Social Affairs and Health, the Ministry of Economic Affairs and Employment, the Finnish Immigration Service and the National Police Board participated in the work of the project working group. During the preparation of the Action Plan, the project working group consulted a wide range of stakeholders. The Action Plan was finalised at political level.

Keywords immigration, irregular immigration, trafficking in human beings, exploitation, migration

ISBN PDF 978-952-324-587-7**Reference number****ISSN PDF** 2490-077X**Project number** SMDno-2020-1957

URN address <http://urn.fi/URN:ISBN:978-952-324-587-7>

Laittoman maahantulon ja maassa oleskelun vastainen toimintaohjelma vuosille 2021–2024 – pois varjoyhteiskunnasta

Sisäministeriön julkaisuja 2021:34		Teema	Maahanmuutto
Julkaisija	Sisäministeriö		
Yhteistökijä	Laittoman maahantulon ja maassa oleskelun vastaisen toimintaohjelman päivittänyt hanketyöryhmä		
Kieli	englanti	Sivumäärä	80

Tiivistelmä

Pääministeri Marinin hallitusohjelman mukaisesti laittoman maahantulon ja maassa oleskelun vastainen toimintaohjelma on päivitetty vuosille 2021–2024. Ohjelman tarkoituksena on vaikuttaa kokonaisvaltaisesti laittomaan maahantuloon ja maassa oleskeluun, rajat ylittävään rikollisuuteen sekä siihen, ettei Suomeen syntyisi virallisen yhteiskunnan ulkopuolelle varjoyhteiskuntaa. Ohjelmassa tarkastellaan myös ilman oleskeluoikeutta maassa oleskelevien asemaa ja heihin liittyviä hyväksikäytön ilmiöitä sekä ihmiskaupan uhrien asemaa. Ohjelmassa on otettu kattavasti huomioon edellisten ohjelmien toimenpidekirjaukset.

Ohjelma sisältää sekä strategisen että operatiivisen tason toimenpiteitä. Kaikkiaan toimenpiteitä on 52, ja ne on jaettu kronologisesti viiden eri teeman alle: toimet lähtö- ja kauttakulkumaissa, toimet rajalla, toimet Suomessa, toimet paluiden edistämiseksi ja toimet koskien maassa ilman oleskeluoikeutta olevia. Laittomaan maahantuloon ja maassa oleskeluun liittyvien toimien on oltava samanaikaisesti tehokkaita ja inhimillisiä. Toimintaohjelman läpileikkaavia periaatteita ovat perus- ja ihmisoikeuksien toteutumisen turvaaminen sekä ihmiskaupan ilmitulon edistäminen ja haavoittuvassa asemassa olevien tunnistaminen.

Toimintaohjelma on valmisteltu hanketyöryhmässä ajalla 10.9.2020–15.1.2021. Hanketyöryhmän työskentelyyn ovat sisäministeriön maahanmuutto-, poliisi-, rajavartiolaitos- ja kehittämissosaston lisäksi osallistuneet edustajat ulkoministeriöstä, sosiaali- ja terveysministeriöstä, työ- ja elinkeinoministeriöstä, Maahanmuuttovirastosta ja Poliisihallituksesta. Hanketyöryhmä on kuullut toimintaohjelman valmistelun aikana useita sidosryhmiä. Toimintaohjelma on viimeistelty poliittisessa käsittelyssä.

Asiasanat maahanmuutto, laitton maahanmuutto, ihmiskauppa, hyväksikäyttö, muuttoliike

ISBN PDF 978-952-324-587-7
Asianumero

ISSN PDF 2490-077X
Hankenumero SMDno-2020-1957

Julkaisun osoite <http://urn.fi/URN:ISBN:978-952-324-587-7>

Åtgärdsprogram mot olaglig inresa och olaglig vistelse i landet för 2021–2024 – förebyggande av ett skuggsamhälle

Inrikesministeriets publikationer 2021:34		Tema	Migration
Utgivare	Inrikesministeriet		
Utarbetad av:	Projektarbetsgruppen för uppdatering av åtgärdsprogrammet mot olaglig inresa och olaglig vistelse i landet		
Språk	engelska	Sidantal	80

Referat

I enlighet med regeringsprogrammet för statsminister Marins regering är syftet med projektet att uppdatera åtgärdsprogrammet mot olaglig inresa och vistelse i landet för åren 2021–2024. Målet med programmet är att på ett övergripande sätt påverka olaglig inresa och vistelse i landet, gränsöverskridande brottslighet samt att förhindra att det uppstår ett skuggsamhälle utanför det officiella samhället i Finland. I programmet bedöms också ställningen för dem som vistas i landet utan uppehållsrätt och inslag av utnyttjande som är förknippade med dem samt ställningen för offer för människohandel. I programmet har man på ett heltäckande sätt beaktat de åtgärder som tagits in i tidigare program.

Programmet innehåller åtgärder både på strategisk och operativ nivå. Det finns totalt 52 åtgärder som har delats upp kronologiskt under fem olika teman: åtgärder i ursprungs- och transitländerna, åtgärder vid gränsen, åtgärder i Finland, åtgärder för att främja återresor och åtgärder som gäller personer som vistas i landet utan uppehållsrätt. Åtgärderna i anslutning till olaglig inresa och vistelse i landet måste vara både effektiva och humana. Genomgående principer i åtgärdsprogrammet är att trygga tillgodoseendet av de grundläggande och mänskliga rättigheterna samt att främja avslöjandet av människohandel och att identifiera utsatta personer.

Åtgärdsprogrammet har beretts i en projektarbetsgrupp under tiden 10.9.2020–15.1.2021. Utöver inrikesministeriets migrationsavdelning, polisavdelning, gränsbevakningsavdelning och förvaltnings- och utvecklingsavdelning har företrädare för utrikesministeriet, social- och hälsovårdsministeriet, arbets- och näringsministeriet, Migrationsverket och Polisstyrelsen deltagit i projektarbetsgruppens arbete. Projektarbetsgruppen har hört flera intressentgrupper för beredningen av åtgärdsprogrammet. Åtgärdsprogrammet har färdigställts i en politisk behandling.

Nyckelord invandring, olaglig invandring, människohandel, utnyttjande, migration

ISBN PDF	978-952-324-587-7	ISSN PDF	2490-077X
Ärendenummer		Projektnummer	SMDno-2020-1957

URN-adress <http://urn.fi/URN:ISBN:978-952-324-587-7>

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INTRODUCTION

The Government Programme of Prime Minister Marin's Government notes that the action plan for preventing irregular entry and stay will be updated. This is the fourth national Action Plan for the Prevention of Irregular Entry and Stay, and it covers the years 2021–2024.

As a rule, migrants enter the European Union (EU) territory legally for work and family reasons, and only a small proportion of people arrive illegally. In Finland, too, most migrants arrive legally to work or study, or because of family ties. Irregular entry and stay remain rare in Finland compared to other European countries, or to all migration into Finland.

In a Communication titled a New Pact on Immigration and Asylum issued in September 2020, the European Commission notes that migration concerns all Member States, which is why a common response to it is needed. In particular, this applies to the development of the Common European Asylum System. The EU must also prepare for rapid changes in the operating environment. This Action Plan discusses EU-level actions on preventing irregular entry and stay. Small Member States like Finland can benefit from active involvement in EU cooperation also in this area, as its results often have a higher impact than national actions. Exchanging information and experiences with other European countries is useful when considering our national actions.

The previous action plan for 2017–2020 focused on the changing operating environment and the challenges that emerged as the number of asylum seekers arriving in Finland and other European countries increased rapidly in 2015 and 2016. Actions related to these persons are still needed today, a fact which is also recognised in the Government Programme. The Government Programme sets the goals of developing the system of voluntary returns, seeking to conclude return agreements with all key third countries whose citizens Finland can safely return, and preventing and combating irregular stay, the trafficking in human beings and abuses associated with it. An ability to comprehensively prevent the emergence of a 'parallel society' in Finland is in the interests of both society and individuals.

The Action Plan examines actions for preventing irregular entry and stay and the phenomena associated with them across a broad front. Proactive measures begin in

migrants' countries of origin and transit and continue with actions at the border and within the country. The Action Plan also contains sections on return and reintegration as well as on persons living in the country without a right of stay. These actions aim to prevent irregular entry and stay and detect abuses, exploitation and trafficking in human beings while also preventing the emergence of a parallel society. In many respects, these actions concern work continuously carried out by the authorities, which this Action Plan seeks to make visible.

The actions related to irregular entry and stay should be effective but humane. The Action Plan emphasises respect for fundamental and human rights, promoting the detection of human trafficking and identifying vulnerable people as cross-cutting principles. In the prevention of irregular entry and stay, it is essential that the public officials taking the actions are knowledgeable about key fundamental and human rights standards and that they strive to promote the realisation of these rights when applying provisions. In all actions, particular attention will be paid to persons in a vulnerable position and, in particular, to children.

A person who has no right of stay runs a higher risk of becoming a victim of human trafficking and other forms of exploitation. To tackle this problem, the authorities and third sector actors need competence in recognising different forms of human trafficking and other exploitation. The working group drafting the Action Plan liaised with parties preparing projects on the status of human trafficking victims and preventing the exploitation of foreign labour at the Ministry of Justice, Ministry of Social Affairs and Health and the Ministry of Economic Affairs and Employment.

As part of implementing the national cooperation model for internal security, the Ministry of the Interior carried out phenomenon-based work in cross-administrative cooperation, the themes of which included 'Asylum seekers staying in the country without a residence permit' in early 2020.¹ The formulation of the five priorities for influencing this phenomenon proposed by the working group was underpinned by extensive stakeholder cooperation and the working group's efforts. The proposed priorities and the material collected as part of the project were taken into account comprehensively in the Action Plan update.

The Action Plan proposes both strategic and operational actions. This is why it will also be monitored at two levels: the Ministry of the Interior will be responsible for monitoring and reporting on the implementation of the operational actions, whereas the working

¹ The objective of the national cooperation model for internal security is to promote safety and security in people's daily lives and to strengthen the sense of security of the population living in Finland. The cooperation model strives to influence these aspects systematically and over the long term.

group of public officials for the prevention of irregular entry (later referred to as the LAMA working group), which is led by the National Police Board, will monitor and report on the implementation of operational actions.

Table 1. Action Plan areas

4. Actions in countries of origin and transit	5. Actions at the border	6. Actions in Finland	7. Actions to promote return	8. Actions concerning those in Finland without a right of stay
4.1. Influencing the root causes of forced migration in countries of origin and transit	5.1. Effective border control	6.1. Improving cooperation and information exchanges between authorities	7.1. Assisted voluntary return and reintegration	8.1. Situation of persons in Finland without a right of stay
4.2. Cooperation with migrants' countries of origin and transit	5.2. Visa fraud	6.2. Verification of identity	7.2. Forced return	8.2. Work-based residence permit
4.3. Actions at Finnish missions and liaison officer activities	5.3. Information systems and biometric identifiers	6.3. Permit procedures	7.3. Cooperation with migrants' home countries	8.3. Obtaining a travel document
4.4. Communication about migration		6.4. Precautionary measures		8.4. Service system
4.5. Developing anticipation		6.5. Imposing an entry ban		8.5. Firewall
		6.6. Monitoring of foreign nationals		

1 CONCEPTS

1.1 Irregular entry

Under section 11 of the Aliens Act, conditions for entry include a valid travel document and a visa or residence permit. Additional conditions are that an entry ban has not been imposed on the person, and that they are not considered a danger to public order or security, or public health or Finland's international relations. Under Article 5 of the Schengen Borders Code², EU external borders may be crossed only at border crossing points and during the fixed opening hours. The entry conditions for third-country nationals in Article 6 of the Borders Code are similar to those laid down in the Finnish Aliens Act.

Under chapter 17, section 7 of the Criminal Code, a person who crosses or attempts to cross the border of Finland without a valid passport, visa, or residence permit or does so other than through a valid point of entry into or departure from the country, or contrary to a statutory prohibition (excluding an entry ban), shall be sentenced for a state border offence. Provisions on a territorial violation are laid down in chapter 17, section 7b of the Criminal Code.

1.2 Applying for asylum

The right to apply for asylum is a human and fundamental right that belongs to everyone. Many asylum seekers do not have a travel document and a residence permit or visa when arriving, or they enter the country with false or counterfeit documents.³ In this case, they do not meet the conditions for entry and are registered as irregular migrants. Asylum seekers are the largest group of irregular migrants in both EU and national statistics.

Under section 40 of the Aliens Act, an alien may reside legally in the country until a final decision on his or her asylum application or an enforceable decision on his or her removal

² Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code).

³ Under Article 31 of the Convention Relating to the Status of Refugees (Finnish Treaty Series 77/1968), the Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

from the country has been made. A person's status may change rapidly as, once they have been refused asylum and a decision to remove them from the country has been made, they may submit a subsequent asylum application, and this makes keeping statistics a challenge.

1.3 Irregular stay

A migrant's stay in Finland is irregular unless one of the conditions for legal residence listed in section 40 of the Aliens Act applies. The migrant's stay may also be legal without a residence permit in certain situations specified in the Act, including when asylum has been applied for as noted above.

Under the EU directive on returning⁴ illegally staying third-country nationals, 'illegal stay' means the presence on the territory of a Member State of a third-country national who does not fulfil, or no longer fulfils the conditions of entry as set out in Article 5 of the Schengen Borders Code or other conditions for entry, stay or residence in that Member State. The definition is broad and covers different situations in which third country nationals do not have a right of stay in the Union.

When the police come across a foreign national who is in the country without a right of residence, they take the necessary action. For example, such persons may be asylum seekers whose asylum applications have been refused but who have not complied with the decision to remove them from the country, or persons who either have not applied for a visa or residence permit at all or whose visa or residence permit has expired.

Under section 185 of the Aliens Act, an alien who deliberately resides in the country without the required travel document, visa or residence permit, or without right to gainful employment is gainfully employed or pursues a trade, shall be sentenced to a fine.

1.4 Irregular immigration

Irregular immigration usually involves an abuse of legal means of entry. For example, a visa or residence permit may be applied for on grounds that do not correspond to the actual purpose of the entry. A migrant may work illegally during the visa exempt period. The asylum procedure may also be abused. A means of entry that appears legal can be

⁴ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

achieved by hiding from the authorities the actual purpose of entry and providing false information on the matter, including counterfeit documents.

1.5 Undocumented migrants

'Undocumented' is a standard language concept often used as a synonym for irregular stay. In particular, it is favoured by NGOs and the media. Rather than being clear cut, this concept includes both persons staying in the country without a right of residence and, for example, EU citizens who are not covered by the Finnish social security system. Due to its vagueness, the concept is usually perceived as problematic in the language used by the authorities. In this Action Plan, the concept 'undocumented' is only used when referring directly to Government Programme entries on this matter.

1.6 Persons in the country without a right of stay

In this Action Plan, persons staying in the country in breach of section 40 of the Aliens Act are referred to as 'persons (in the country) without a right of stay'. Migrants without a right of stay are either those who no longer meet the criteria for legal residence, for example as they have been refused asylum or due to some other decision, or persons whose stay, after irregular entry, has not been legalised at a later state, for example by submitting an asylum application.

2 MIGRATION SITUATION IN THE EUROPEAN UNION AND FINLAND

2.1 Irregular entry and stay in European Union territory

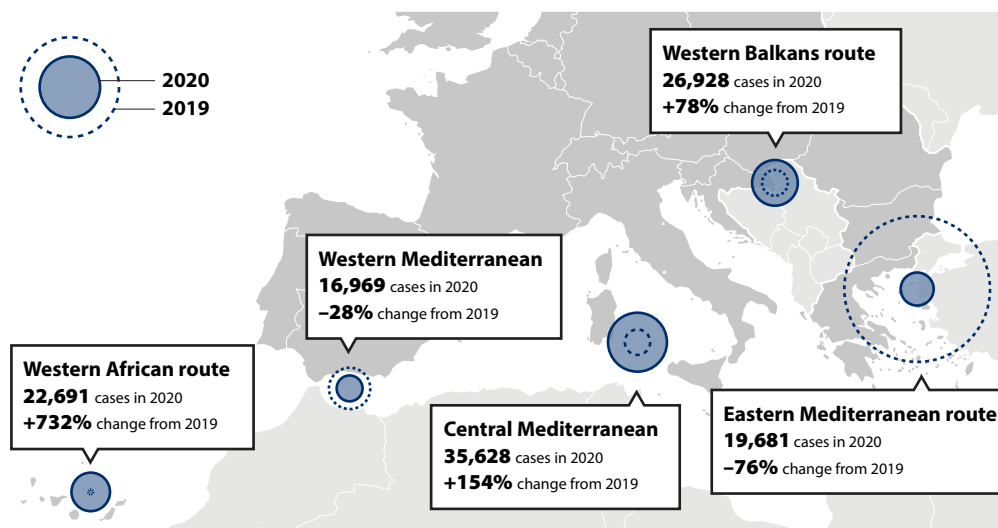
As a rule, migrants enter European Union (EU) territory legally for work and family reasons⁵, and only a small proportion of people arrive illegally. In 2019, around 142,000 illegal border crossings were registered at the external borders of the EU. This figure was the lowest in six years. Illegal crossings of the EU's external borders were mainly registered on the Western, Central and Eastern routes across the Mediterranean.⁶ In 2019, this migration mainly involved Afghan, Syrian, Moroccan and Turkish citizens, as well as citizens of different countries in Sub-Saharan Africa.

In 2020, around 124,000 illegal crossings of the EU's external borders were registered. On the Eastern and Western routes across the Mediterranean, the figures were lower than in the previous year. The reasons for this reduction are believed to include the impact of the COVID-19 pandemic on people's mobility, in particular. On the Central Mediterranean route, the number of migrants increased but remained low compared to the corresponding period in 2016–2017. The number of migrants on the Western Balkan route also increased. In late 2020, growing numbers were registered particularly on the Western African route to the Canary Islands, which is used especially by citizens of Morocco and Sub-Saharan countries.

According to Frontex, around 5,700 people who attempted to enter the EU territory with documents that were counterfeit or belonged to another person were detected at the EU's external borders in 2019. In 2020, this figure was around 3,800.

5 Some 20.9 million third country nationals were legally resident in the EU in 2019, accounting for 4.7% of the EU population.

6 The Western Mediterranean route mainly refers to the maritime route from Morocco to Spain; the Central Mediterranean route leads from Libya to Italy; and the Eastern Route mainly means the sea crossing from Turkey to Greece.

Figure 1. Illegal crossings of the EU's external borders in 2019 and 2020

Source: Frontex 2021.

The number of illegal border crossings correlates to the number of those who drowned in the Mediterranean. According to the IOM⁷, 5,100 people drowned in the Mediterranean in 2016. Since that year, the numbers of crossings and attempted crossings of the Mediterranean have gone down, also reducing the number of drownings. However, nearly 1,900 people drowned in 2019 and nearly 1,400 in 2020 as they attempted to cross the Mediterranean. According to the IOM, at least 19,200 people have drowned in the Mediterranean since 2014.⁸

The COVID-19 pandemic has shown how quickly human smugglers and traffickers are able to adapt their practices. As stringent border controls have reduced the number of available routes, more dangerous ones with a high risk of loss of life have been opened. When countries begin lifting their travel restrictions, illegal crossings of the EU's external borders can also be expected to increase. The pandemic's negative effects on the economy and employment may force more people to leave their countries.

It has been estimated that 3.9 to 4.8 million people lived in Europe in 2017 without a right of stay, most of them in Germany, the United Kingdom, France and Italy.⁹ According to Eurostat statistics, around 630,000 persons without a right of stay were found in the EU

⁷ International Organization for Migration

⁸ For more accurate statistical data, visit: <https://missingmigrants.iom.int/region/mediterranean>

⁹ National Bureau of Investigation, Julia Jansson: Varjojhteiskunta valokeilassa – Turvapaikkajärjestelmästä poistetut ja kadonneet henkilöt. Kadonneet-projektin strateginen loppuraportti 2019, POL-2019-681382019, p. 23.

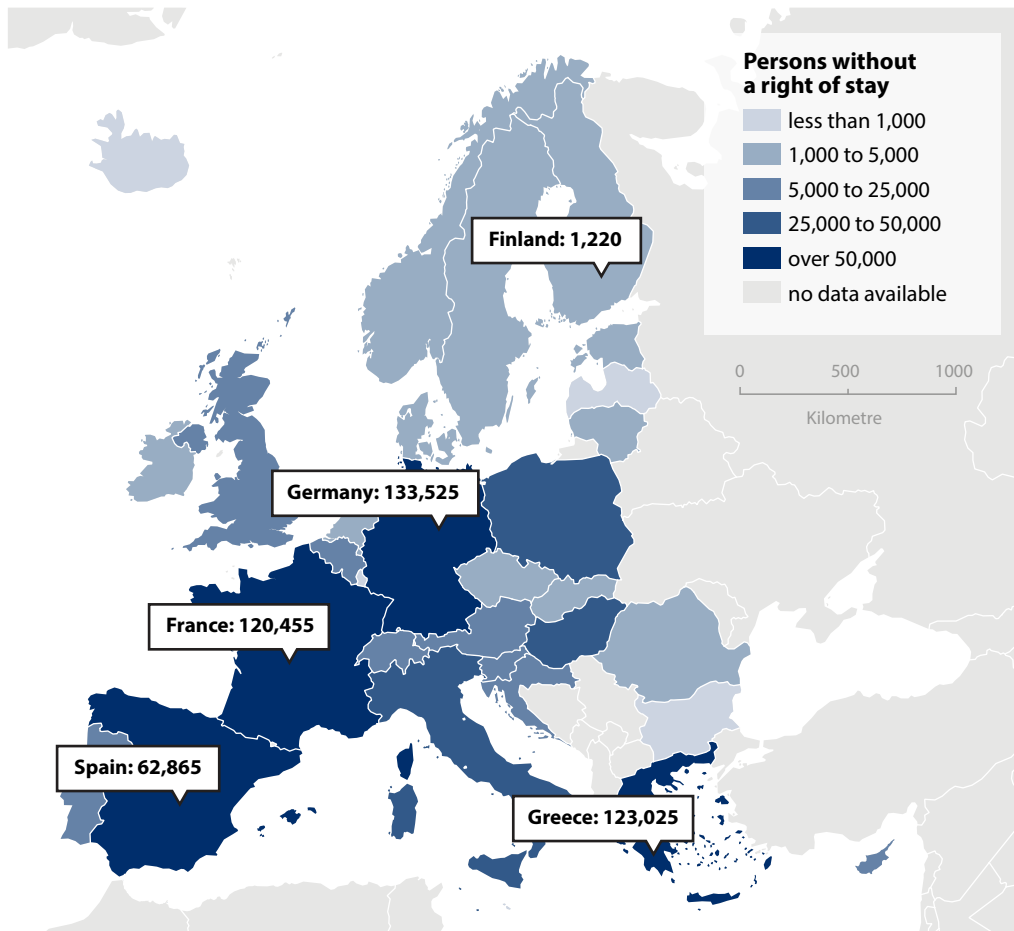
territory in 2019, the greatest numbers in Germany, Greece, France and Spain. More than a half of them were young men, and they mainly were citizens of Afghanistan, Morocco, Ukraine and Syria.

The estimated numbers of people without a right of stay in the other Nordic countries vary. According to information obtained by the Action Plan working group, the whereabouts of asylum seekers who had disappeared from the asylum system were investigated in Norway in 2017.¹⁰ At that time, it was estimated that their number in Norway did not exceed 400. In Denmark, it is estimated that thousands, and possibly even tens of thousands, of people have remained in the country without a right of stay after being refused asylum. Sweden has not itemised those who have been refused asylum among other persons living in the country without a right of stay in its estimates. In 2017, their number was estimated to be between 20,000 and 50,000¹¹. As consistent criteria have not been applied when examining the numbers of people staying in the Nordic countries without a right of stay, the estimates are not comparable. However, it would appear that the number of persons without a right of stay is considerably higher in Sweden than in the other Nordic countries.

10 Politiets. Politiets utlendingsenhet 2017: Försvunnet. Asylsøkere som forsvinner fra kjente adresser.

11 SOU 2017:93 (Klarlagd identitet – om utlänningars rätt att vistas i Sverige, inre utlänningskontroller och missbruk av resehandlingar).

Figure 2. Third country nationals without a right of stay found in EU and EFTA Member States in 2019



Source: Eurostat (migr_eipre).

2.2 Applying for asylum in European Union territory

In 2019, almost 700,000 asylum applications were submitted in the EU, a figure many times higher than the number of migrants entering its territory illegally. The reasons for this include the arrival of applicants from countries whose citizens do not require a visa in the EU,¹² subsequent applications, applicants who move on from one Member State to another, and the fact that persons have entered the area legally with a visa or a residence permit, and either their actual purpose was to apply for asylum or they only made the

¹² In 2019, the proportion of asylum seekers from visa exempt countries, mainly Venezuela, Colombia, Georgia and Albania, was 27%.

decision to apply for asylum after their arrival. The largest numbers of asylum applications were submitted in Germany, France, Spain, Greece and Italy. In 2020, the number of asylum seekers was lower than in previous years due to the COVID-19 pandemic.

According to the European Commission, only 30% of the asylum seekers were regarded as being in need of international protection in 2019. This is a significant change from 2015 and 2016, in which years many asylum seekers fleeing the Syrian war arrived in the EU and were granted international protection.¹³

2.3 Situation of returns in the European Union

In 2019, there were some 491,000 people in the EU who had been ordered to leave the EU territory. Almost a quarter of these decisions were issued in France, followed by Greece, Germany and Spain. The highest numbers of decisions to remove a person from the country in 2018 and 2019 were issued to citizens of Ukraine, Morocco, Albania, Afghanistan, Algeria and Pakistan.

Around 142,000 third country nationals who had been issued with a decision to remove them from the country returned voluntarily or were forcibly returned to countries outside the EU in 2019, which means that 29% of those who were issued with these decisions actually left the EU territory. Citizens of Ukraine, Albania, Morocco and Georgia accounted for the largest numbers of those who returned, or were returned forcibly. The number of those removed from the country in return operations supported by the EU Border and Coast Guard Agency Frontex has grown and reached nearly 16,000 in 2019.

2.4 Irregular entry in Finland

In 2019, more than 71,000 residence permit applications were submitted to the Finnish Immigration Service, mainly based on work, studies and family ties. The Finnish Immigration Service issued nearly 38,000 first residence permits in Finland in 2019. Slightly over 10,000 permits were granted on the basis of family ties, 9,500 on the grounds of employment and more than 5,000 for studies, while less than 3,000 were granted on the basis of international protection. Because of the COVID-19 pandemic, the numbers of applications submitted and permits issued were both clearly lower in 2020 than in 2019.

¹³ In 2016, international protection was granted to 56% of asylum seekers.

In recent years, Finland's borders have been crossed around 60 million times a year, mostly at the internal borders of the Schengen area. The number of illegal crossings of Finnish borders has traditionally been low, as Finland is not on the main migration routes to Europe.

The number of irregular entries into Finland through the Schengen area continued to be moderate in 2019, similarly to the year before. Once internal border controls were introduced in March 2020 because of the pandemic, the total numbers have been even lower. Due to the border controls and more stringent entry provisions introduced to control the pandemic, there has been considerably less traffic across the internal border in general. The key path for irregular entry into Finland¹⁴ across internal borders is the Eastern Mediterranean route. This route is mainly used by those who intend to apply for asylum in the EU and who continue their journey from mainland Greece to the rest of the Schengen area with false documents. However, internal border controls in key transit countries, which have been in effect for a lengthy period of time, curb irregular entry by land. In addition to flights across internal borders, ferry traffic from Sweden and Estonia accounts for a significant proportion of irregular entry into Finland across internal borders.

In 2019, the situation of irregular entry at Finland's external borders remained unremarkable. Ten illegal crossings from Russia to Finland were detected at border crossing points and ten on land borders in the east. In 2019, fewer incidents of irregular entry were detected in air traffic than in the previous year. In total, the number of persons who crossed the border illegally was 29. On the other hand, attempts to use transit flights¹⁵ in connection with abusing legal means of entry continued to increase and involved 129 persons during the year.

As travel restrictions were enforced in traffic across the external border in 2020, irregular entry at border crossing points came to a practical standstill. The only illegal border crossings were observed at the land border with Russia. In the context of abusing legal means of entry, a smaller number of persons arriving on transit flights has been observed while the restrictions have been in force than in normal times.

In 2019–2020, around 70 to 80 criminal investigations related to the organisation of irregular entry were initiated every year. Other offences related to irregular entry include forgeries, providing false personal data, violations of the Aliens' Act, violations of an

14 In the absence of internal border controls, irregular entry into Finland from the Schengen area cannot be fully monitored. However, indications of the situation can be obtained from asylum seekers' accounts of their routes and the methods used for entering the country.

15 Cases where a person arrives on a transit flight to Helsinki-Vantaa Airport and fails to board their connecting flight are classified as 'abuse of legal means of entry' rather than as irregular immigration.

entry ban, trafficking in human beings, pandering, Aliens Act violation by an employer, extortionate work discrimination and the use of foreign labour with no permits.

2.5 Applying for asylum in Finland

Asylum seeker numbers have decreased in Finland in recent years. In 2019, 4,550 asylum applications were submitted in Finland, of which 2,467 were first applications. The highest number of asylum applications was submitted by citizens of Russia, Afghanistan and Turkey. In 2020, 3,209 asylum applications were registered in Finland, of which 1,275 were first applications. This figure is clearly lower than in previous years.

Asylum seekers mainly arrive in the country without the documents required for entry, often assisted by smugglers. Some asylum seekers arrive legally, mainly with visas issued by Finland or from visa exempt countries. As an estimate, over two hundred asylum seekers arrived in Finland with a visa issued by Finland in 2019, mainly from Russia, Turkey and Iran. If the visa was obtained by fraudulent means, Finland is in most cases only a transit country on a journey to other parts of the EU. Migrants may also attempt to travel to other Member States with a visa issued by Finland. Visas issued by one Member State have significance for the EU as a whole.

In recent years, subsequent applications have accounted for 45% to 60% of all asylum applications submitted. The largest number of subsequent applications have been submitted by citizens of Iraq, Somalia and Afghanistan. Subsequent application refers to an asylum application that the applicant submits after being issued with a final decision on their earlier application for international protection by the Finnish Immigration Service or an administrative court.

2.6 Return to the migrant's home country

A person who does not have a right of stay in Finland is expected to leave the country, and in this case, a voluntary return is the primary option. In 2015–2020, 5,420 people have returned from Finland to a number of different countries under the IOM's assisted voluntary return programme. The largest number of migrants have returned to Iraq, Albania, Afghanistan and Russia.¹⁶ The number of migrants opting for assisted voluntary return has gone down significantly in recent years: in 2016, for example, their number was 2,113, whereas this figure in 2020 was 217. Not all of those returning on a voluntary basis

¹⁶ 3,570 to Iraq, 374 to Albania, 221 to Afghanistan (since 2016) and 208 to Russia.

do so through the assisted voluntary return programme: in 2016, for example, around 1,400 persons returned voluntarily to Iraq on chartered flights arranged by the Finnish authorities.

When migrants' return is enforced by the police, these persons are either supervised or escorted. In the former case, the police or border control authorities supervise the person's exit from Finland, whereas an escorted return means that police officers accompany a person who has received a decision to remove them from Finland on their way to the country of destination cited in the decision.

A total of 2,656 persons were returned from Finland by the police in 2019, 421 of them under escort. The largest group of persons returned by the police were those guilty of offences, including violations of an entry ban. The COVID-19 pandemic significantly hampered the organisation of returns in spring 2020. Escorted returns were for the most part suspended between March and May. However, the preparation of returns, including identification of migrants, was continued normally and some individual returns could be carried out. In 2020, the police returned a total of 2,127 people, of whom 205 were escorted. The most important destination countries to which migrants were returned in 2020 were Estonia and Russia. Small numbers of migrants were returned to Somalia and Afghanistan. Since autumn 2018, some migrants who had perpetrated offences have been returned to Iraq.

2.7 Persons in Finland without a right of stay

Estimating the number of persons living in Finland without a right of stay is difficult. A rough estimate of this phenomenon can be obtained by examining the number of Aliens Act violations, as a large proportion of the persons guilty of these violations are living in the country without a right of stay.¹⁷ In 2018 and 2019, slightly over 2,000 violations of both the Aliens Act and an entry ban were recorded, whereas in 2020, the total number of these violations was around 2,500.¹⁸ EU citizens who violate an entry ban

¹⁷ A migrant can also violate the Aliens Act by working without a legal right to gainful employment in Finland, for example, even if their stay in this country were legal as such. An EU citizen may be guilty of an Aliens Act violation if they fail to register a stay exceeding three months.

¹⁸ A total of 2,049 violations of the Aliens Act were recorded in 2018 (including violations of entry bans). In 2019, a total of 1,495 violations of the Aliens Act and 558 violations of an entry ban were recorded, while these figures were 2,109 and 434 in 2020. The figures indicate the number of violations, and it is consequently possible that one person may have committed several offences. The increase in the number of violations in 2020 is noteworthy, given that crossing internal borders was restricted due to the COVID-19 pandemic.

mainly arrive in Finland from the neighbouring countries, particularly Estonia, and they often also perpetrate other offences while in the country.¹⁹

According to estimates, a significant proportion of those who do not have a right of stay in Finland arrived as asylum seekers in 2015 and 2016. The Kadonneet ('Missing') project of the police estimated in 2019 that around 220 to 900 people who had been refused asylum and issued with a decision to remove them from the country but who had not left were living in Finland at that time.²⁰ In summer 2020, the Association of Finnish Local and Regional Authorities estimated that the number of such persons was between 700 and 1,100.²¹ The authorities had also failed to remove them from the country. Removing a person from the country may prove impossible because, for example, the third country refuses to readmit them, or only readmits small numbers of returning migrants at irregular intervals. Another reason may be that these persons attempt to avoid being removed from the country by hiding from the authorities or by physically resisting the return, making it impossible to return them on normal scheduled flights under supervision. Should they wish, a person who has been refused asylum may always return to their home country. The reluctance of certain third countries to readmit their citizens only applies to those who are returned by the authorities.

According to the Finnish Immigration Service, around 4,000 of the asylum seekers who arrived in 2015 and 2016 remained in the reception system at the end of 2020. Having been refused asylum, they have later submitted a subsequent application/applications and have remained in the reception system for this reason. They will be legally resident in Finland until a legally valid decision has been issued on the asylum matter, or an enforceable decision to remove them from the country has been made. It is likely that some of the persons currently in the reception system will end up living in the country without a right of stay.²²

19 A total of 434 foreign nationals subject to an entry ban were encountered in Finland in 2020, of whom 247 were Estonians.

20 National Bureau of Investigation, Julia Jansson: Varjolyhteiskunta valokeilassa – Turvapaikkajärjestelmästä poistetut ja kadonneet henkilöt. Kadonneet-projektin strateginen loppuraportti 2019, POL-2019-681382019.

21 Report by the Association of Finnish Local and Regional Authorities "Kielteisen turvapaikkapäätöksen saamisen jälkeen Suomeen oleskelemaan jääneitä henkilöitä tavataan noin 30 prosentissa kuntia", 9 July 2020. Available at: <https://www.kuntaliitto.fi/tiedotteet/2020/kielteisen-turvapaikkapaatoksen-saamisen-jalkeen-suomeen-oleskelemaan-jaaneita>

22 Under section 14a of the Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings (746/2011), foreign nationals have the right to receive reception services until they leave the country. If a person is not willing to leave the country voluntarily with assistance, they will be provided with reception services for no more than 30 days after the decision to remove them from the country becomes legally valid and the police have informed the reception centre that removing them by the authorities' actions is not possible.

In 2015–2016, the asylum process was affected by some quality issues due to a large backlog. These problems were identified both in the Finnish Immigration Service's report and in an independent third-party report.²³ The identified problems have delayed the processes of applicants who arrived in those years and contributed to the submission of subsequent applications. The problems were addressed and, at present, the proportion of cases submitted to appeal courts involving incorrect interpretation of the law or procedural errors in processing an application is less than two per cent of all decisions.

Persons who are not in the asylum and reception system and who have been refused asylum and issued with a decision to remove them from the country are often in a vulnerable position in society. Many of them have been living in Finland for years, and no rapid change to their situation is on the horizon. Due to their vulnerable position, such persons may be exposed to trafficking in human beings or other forms of exploitation, or they may become socially excluded and end up becoming involved in crime. Most of them live in the Helsinki Metropolitan Area, to which many of them move from other municipalities in Finland. According to a report of the Association of Finnish Local and Regional Authorities²⁴, this group includes families with children, persons who are ill or have disabilities, and those who are practically illiterate. According to an estimate of the Association of Finnish Local and Regional Authorities, this figure includes 30 to 50 families with children, whereas Helsinki Deaconess Institute estimates that there are hundreds of children without a right of stay living in the Helsinki Metropolitan Area alone.

Other persons staying in the country without a right of stay include those who do not apply for asylum or a residence permit at all because they are not planning to stay in Finland, or because they know that they do not meet the criteria for being granted asylum or issued with a residence permit. Some may be living in Finland without a right of stay because their residence permit or visa has expired and there are no grounds for re-issuing it. A person's stay may also be irregular in a situation where they have by oversight failed to apply for an extension permit in time. In this case, they are not guilty of an Aliens Act violation, the criterion for which is acting with intention.

23 Owlgroup: Turvapaikkaprosessia koskeva selvitys, 27 June 2019. Available at: <https://intermin.fi/documents/1410869/3723692/Turvapaikkaprosessia+koskeva+selvitys+27.6.2019/60bd290f-ffbd-2837-7f82-25fb68fe172c/Turvapaikkaprosessia+koskeva+selvitys+27.6.2019.pdf>

24 Report by the Association of Finnish Local and Regional Authorities "Kielteisen turvapaikkapäätöksen saamisen jälkeen Suomeen oleskelemaan jääneitä henkilöitä tavataan noin 30 prosentissa kuntia", 9 July 2020. Available at: <https://www.kuntaliitto.fi/tiedotteet/2020/kielteisen-turvapaikkapaatoksen-saamisen-jalkeen-suomeen-oleskelemaan-jaaneita>

3 CROSS-CUTTING PRINCIPLES OF THE ACTION PLAN

3.1 Securing the realisation of fundamental and human rights

Fundamental and human rights, which stem from human dignity, belong equally to all people. Public authorities' responsibilities include not only respecting and protecting human rights but also actively realising and safeguarding them.²⁵ This can be done by interpreting the law in a manner that promotes the realisation of fundamental rights and through active efforts to change practices and legislation.

The basic premise regarding most rights protected under human rights treaties is that no difference can be made between the country's own citizens and other people. In Finland, too, fundamental rights belong to everyone residing in the country in principle, and no distinction is made on the basis of the nature of their stay. However, the right to move freely around the country and choose where to live is limited to Finnish citizens and foreign nationals staying in Finland legally.

The sovereignty of the State includes the right to determine who is allowed to enter its territory. The protection of fundamental and human rights must be taken into account in the management of immigration, however, including respect for family life. The conditions for entry and stay must not be applied in a discriminatory manner. The right to international protection is an exception to states' right to control entry.

The right to seek and obtain protection against persecution in the applicant's home country is recognised under the UN's Universal Declaration of Human Rights and the Convention Relating to the Status of Refugees (Geneva Convention). The cornerstone of international law on refugees is the principle of non-refoulement, according to which no one may be returned to a country where they are at risk of persecution, torture or other inhuman treatment. This means in practice that the authorities must, for each person applying for asylum or making appeal to non-refoulement, to investigate if the

²⁵ Section 22 of the Constitution obliges public authorities to guarantee the observance of fundamental and human rights.

person may be at risk of prohibited treatment if they were returned. The principle of non-refoulement is also included in the Constitution of Finland.

The EU has strengthened the right to international protection by recognising the right to asylum in the European Charter of Fundamental Rights and by also providing for subsidiary protection, which complements the asylum process.²⁶ The Geneva Convention has at times been criticised for its definition of a refugee; as it requires demonstrating persecution for certain personal reasons, it is poorly suited to today's conflicts and disasters that force people to leave their home countries and seek protection elsewhere.

The provision of the European Convention on Human Rights which prohibits torture and inhuman treatment has been considered applicable to cases of returning migrants, regardless of whether or not the person has applied for asylum. The prohibition of torture is also included in several other human rights treaties and the Finnish Constitution. This prohibition is absolute. No exception can be made to it, and this principle cannot be limited on any grounds, not even in exceptional circumstances or if there is a serious threat to national security or the life of another person.²⁷ Protocol No. 4 to the European Convention on Human Rights also prohibits the collective expulsion of aliens.

As a rule, the rights protected under human rights treaties are not absolute and they can be restricted. Any restrictions should generally be based on law, have acceptable objectives and also be necessary in a democratic society. In practice, this is about finding a fair balance between an individual's rights and such competing objectives as protecting other people's rights or other interests of the state.

Identifying persons in a particularly vulnerable position is of primary importance, as they often have a right and need for special support or services. These groups include children as well as victims of human trafficking, torture or gendered violence. Other groups requiring particular attention are persons with disabilities or in poor health, sexual and gender minorities and certain minority groups facing discrimination, including the Roma or stateless persons. Specific obligations under international treaties apply to many of these vulnerable groups, including the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities as well as the Council of Europe's Convention on preventing and combating violence against women and domestic violence and Convention on Action against Trafficking in Human Beings.

²⁶ According to the Explanations relating to the Charter of Fundamental Rights of the European Union, Article 18 is based on Article 78 of the Treaty on the Functioning of the European Union (TFEU), which requires the Union to respect the Geneva Convention on refugees ratified by all EU Member States.

²⁷ The European Court of Human Rights has stressed the fact that the prohibition of torture is based on the most fundamental values of democratic society, and it must be applied also in difficult circumstances and irrespective of the conduct of the person concerned. *Gäfgen v. Germany* (2297805) 1 June 2010.

In addition to those discussed above, essential fundamental and human rights to be taken into account in connection with irregular entry and stay include, *for example*:

- principle of the child’s best interests as the primary consideration (in all decisions concerning children),
- right to personal liberty and integrity (precautionary measures, in particular the requirement of absolute necessity and the principle of last resort regarding detention),
- protection of private life and personal data (including registrations, screening, house searches),
- protection of family life (if a person has family members in Finland),
- right to information (at all stages of the process and in a manner that the person understands),
- right to essential care (even if the stay in the country is irregular),
- protection of property (in connection with detention and returns),
- right to initiate an administrative matter (permit procedures),
- right to have one’s matter dealt with without delay but appropriately (permit procedures);
- right to receive a reasoned decision (permit procedures),
- right to have a matter heard by an independent court (permit procedures),
- the right to legal protection of a victim of an offence; and
- non-discrimination (particularly in the monitoring of foreign nationals but also in other respects).

The requirements of good governance oblige the authorities regardless of the customer’s background.

Action 1 *Addressing the realisation of fundamental and human rights in all actions related to preventing irregular entry and stay.*

3.2 Promoting the detection of trafficking in human beings and identification of persons in a vulnerable position

Victims of human trafficking in Finland frequently are persons who are in a vulnerable position because of either their personal traits, including an illness or disability, or a low social status. Persons who are in the country without a right of stay or who are uncertain about their residence permits have an extremely high risk of being exploited or even

becoming victims of human trafficking. So far, however, their number in the assistance system for victims of human trafficking has been low.

The assistance system for victims of human trafficking is the authority responsible for providing statutory assistance for trafficking victims. The numbers of persons seeking help from the assistance system have been growing: 303 requests for assistance were made in 2019, and 394 in 2020.

It is difficult to assess whether the increase in client numbers is due to increased awareness or a growing number of cases. An asylum seeker's need for assistance is in most cases reported by a reception centre, the Finnish Immigration Service or a counsel. The need for assistance experienced by other groups is usually reported by the victims themselves or an NGO. In 2019, 39 reports made by the victims were registered, whereas in 2020 this figure was 70.

Some persons who have had several asylum applications turned down also find their way or are directed to the assistance system. If they are not victims of human trafficking, the system has no means of helping them as it cannot offer assistance in matters exclusively concerning residence permits, and the reflection period granted by the assistance system, which is at maximum six months, would not change the situation of these persons.²⁸

The most common forms of trafficking in human beings involve labour or sexual exploitation. It may also involve forced marriages, or exploitation in begging or criminal activities. The largest number of trafficking cases identified in Finland have concerned labour exploitation in which the victim, usually a foreign national, is forced to work on poor terms and often in conditions that violate human dignity. Trafficking in human beings is also a constantly changing phenomenon and new manifestations of it continuously emerge, such as trafficking related to benefit fraud and identity theft. In these situations, the victim is kept in poverty and conditions that violate human dignity, enabling the exploiter to collect the wages or other benefits paid to them and, for example, take loans in the victim's name. Trafficking in human beings is above all economic crime, and the perpetrators gain significant criminal proceeds.

A maximum reflection period of six months can be granted to a victim of human trafficking whose stay in Finland is irregular by the criminal investigation authorities or the assistance system. During this period, the victim can recover from their experiences and decide if they wish to cooperate with the authorities and have the human trafficking

28 Section 52b of the Aliens Act (Reflection period for victims of trafficking in human beings who are in the country without right of residence).

offence against them investigated. During the period of reflection, their stay is legal and they will not be removed from the country. A person may be granted a residence permit on the basis of being a victim of human trafficking. A residence permit may also be issued to a person who has stayed and worked in Finland illegally if the case involves particularly exploitative employment conditions, or to a person who was a minor while working illegally.²⁹ These permits have seen little use.

Trafficking in human beings is largely hidden crime, and not only the perpetrator but also the victim may attempt to stay out of the authorities' reach. Trafficking victims do not always dare seek assistance from the authorities or make a report of an offence. Victims may fear retaliation from the perpetrators, be suspicious of the authorities, or not know their rights. Sometimes a trafficking victim does not even realise they are a victim.

When a person is in the country without a right of stay, the threshold for filing a report of an offence on their own initiative may be high due to uncertainty about fulfilling the criteria for a residence permit or fear of being removed from the country. A person staying in the country with a residence permit based on employment may also be fearful of bringing up potential exploitation, as they may be afraid of losing their job and thus also their residence permit. They may additionally worry that residence permits granted to their family members due to family ties will no longer be renewed if the sponsor does not have a sufficient income. In this case, the family may be deported to their home country, and once there, they may in the worst case be threatened by the persons who exploited the sponsor in Finland. These fears are exacerbated by the fact that the exploitative employer often provides false information about Finnish labour legislation and residence permit criteria.

It is important that the authorities working on the customer interface have the ability to recognise victims, or potential victims, of human trafficking and also detect other, less severe phenomena of exploitation. By examining the possibility of setting up a firewall (see section 8.5.), the Action Plan wishes to contribute to lowering victims' threshold for reporting exploitation and offences against them. This is also believed to promote the detection of human trafficking. One of the most effective ways of preventing human trafficking is making it as difficult as possible for the criminals and enforcing criminal liability more effectively.

The central government is working on several mutually supportive actions to prevent human trafficking. The Ministry of the Interior has decided to allocate additional resources

²⁹ Under section 52d of the Aliens Act, a reflection period can also be granted in situations referred to in this provision.

to the police for their work against human trafficking. The National Police Board has allocated most of these resources to Helsinki Police Department, in which a team focusing on detecting and investigating human trafficking offences has been established. The police will allocate a total of 20 person-years to the work against human trafficking in 2021. The Ministry of Justice is preparing a cross-administrative action plan against human trafficking, the aim of which is to promote the recognition and detection of human trafficking, enforce criminal liability more effectively, improve the status of trafficking victims and prevent and reduce human trafficking. The Ministry of Social Affairs and Health is drafting an overhaul of the legislation on assisting victims of human trafficking. The Ministry of Economic Affairs and Employment is preparing an amendment to the Aliens Act to prevent labour exploitation and promote its detection.

Other actions listed in this Action Plan, notably actions 7, 12, 30, 40 and 49, also aim to prevent trafficking in human beings and promote its detection.

Action 2 *Improving the authorities' ability to recognise victims of human trafficking and other exploitation. Improving the process of directing victims to the assistance system for victims of human trafficking and enforcing criminal liability more effectively. The aim is to prevent and reduce trafficking in human beings and the exploitation of vulnerable people.*

Action 3 *Improving the authorities' ability to recognise vulnerable applicants. Reviewing the national implementation of the EU directive on common procedures for granting and withdrawing international protection regarding procedural guarantees for vulnerable persons.*

4 ACTIONS IN COUNTRIES OF ORIGIN AND TRANSIT OF MIGRATION

Migration is driven by climate change, global inequalities and conflicts. This makes influencing irregular entry and stay through proactive measures in countries of origin and transit of migration important.

While improving the living conditions in the countries of origin, a confidential relationship can be built, which in turn also facilitates talks about issues that are more difficult for these countries, including returning their citizens. By developing legal channels, a positive message can be sent to both migrants attempting to enter Europe and their countries of origin. This may also reduce the pressure on people to put their lives at risk by seeking irregular entry into Europe and relying on facilitators of irregular entry.

Communication about migration raises people's awareness of its practices and risks. As international migration grows, the importance of anticipating changes in the operating environment has been recognised both in the EU and Finland.

4.1 Influencing the root causes of forced migration in countries of origin and transit

Influencing the root causes of forced migration can help prevent situations in which people have to leave their countries to seek safety or a future elsewhere. These root causes include conflicts and crises, climate change, weak social structure, poor human rights situation, crime and famine. The reasons leading to forced migration are complex, and the results of efforts to influence them will only be visible many years later. The factors that motivate attempts to reach Europe also include demographic and economic trends. In its Communication titled a New Pact on Migration and Asylum issued in September 2020, the European Commission noted that providing economic opportunity, particularly for young

people, is often the best way to create perspectives for people and thus to reduce the pressure for irregular migration.

The EU has striven to influence the root causes as part of a comprehensive approach to migration for a long period. For example, one set of measures in the Joint Valletta Action Plan of the EU and key African countries for migration addresses influencing the root causes of migration. Development policy, such as financing instruments, is another way of making an impact. Many other policy sectors, including trade and investments, education, energy and digitalisation, also contribute to boosting economic growth and the building of viable and stable societies in countries of origin and transit of migration. Addressing these aspects requires cross-administrative cooperation as part of a comprehensive approach to migration issues.

Key countries of origin of asylum seekers in Finland have for many years been Afghanistan, Iraq and Somalia. Finland has participated in stabilisation and reconstruction efforts currently underway in these countries in many ways. This participation has included peacekeeping, civilian crisis management, political advocacy, participation in coordinating assistance, establishing bilateral relations and supporting development cooperation projects alike. A vicious circle of conflicts has persisted in these countries, eroding their structures. This is why supporting their overall development has only been possible from time to time and in some fields of activity. At the moment, only a handful of projects directly relevant to migration are being implemented with the support of Finland's development cooperation funds in these countries. Most development cooperation projects which Finland supports in Afghanistan aim to influence the root causes of migration, including stability, population control, education, basic services, water supply, economic development and job creation.

Joint actions, especially with other EU countries, and supporting particularly fragile countries through multilateral funding channels are of primary importance for a small country like Finland. Examples of EU-level work include the long-standing Regional Development and Protection Programmes (RDPPs) seeking to improve the conditions in the Middle East, North Africa and the Horn of Africa. The RDPPs offer a platform for coordinating EU Member States' activities in these regions.

Action 4 *Promoting cooperation across the boundaries of administrative branches to achieve the EU's common objectives relating to migration.*

Action 5 *Participating more actively in joint actions with other EU Member States and Schengen Associated Countries to influence the root causes.*

4.2 Cooperation on migration with countries of origin and transit

Cooperation on migration with key countries of origin and transit takes place at both national and EU level. At EU level, it involves especially cooperation within the framework of such dialogues as the Rabat, Khartoum, Prague and Budapest processes³⁰. In this practical cooperation, developing border control, combating the smuggling and trafficking of human beings, and returning migrants are emphasised as the EU's objectives. In summer 2020, the EU intensified its cooperation on these issues with its partner countries in North Africa³¹. Providing correct information on pathways to legal immigration and the risks of human smuggling and trafficking are other examples of an area in which cooperation could be stepped up. Tools for identifying disinformation are needed especially for young people, who are susceptible to different influences.

Finland can offer expertise and competence in such areas as developing asylum and reception systems, border control, provision of correct information, assisted voluntary return and reintegration, and the enforcement of decisions to return migrants by the authorities' actions. Such projects may also facilitate negotiations and agreements on readmission. Practical experience has shown that the same strategies do not work with all partner countries: sometimes a better outcome can be achieved bilaterally, at other times by relying on a common EU front. In most cases, it is worthwhile for a small country to participate in projects carried out in European cooperation, as they have a higher impact than national actions and their costs per Member State are reasonable.

When the EU negotiates on returns and readmissions with partner countries, these countries often highlight the need for legal entry routes. While the number of people in these countries who have used legal entry routes for labour has so far been modest compared to the needs and pressures to gain entry, they are important signals for those seeking to enter Europe and for third countries. The existence of legal routes is also a way of reducing irregular immigration which, among other things, also contributes to better adaptation of immigration to labour market needs. The resettlement of quota refugees is a means of providing protection for the most vulnerable refugees and showing solidarity

30 The Budapest Process: an inter-regional dialogue on migration stretching from Europe to the Silk Routes region, also covering Europe's Eastern neighbours, the Western Balkans and Central Asia.

The Prague Process: dialogue on migration between European and Central Asian countries.

The Rabat Process: Dialogue on Migration and Development between European countries and Northern, Western and Central African countries.

Khartoum Process: a platform for political cooperation amongst the countries along the migration route between the Horn of Africa and Europe which emphasises preventing trafficking in human beings and the smuggling of migrants.

31 The Ministerial Conference in July 2020 was attended by the Interior Ministers of Algeria, Libya, Mauritania, Morocco and Tunisia.

to countries that have received large numbers of refugees. It is in Finland's interest to advocate the participation of an increasing number of countries in resettlement as well as developing and expanding the offer of legal entry routes.

According to the European Commission, the EU aims to develop and deepen tailor-made partnerships with key third countries of origin and transit. The objective is pursuing comprehensive, balanced and tailor-made partnerships that are mutually beneficial. Engagement with partner countries will be stepped up across all areas of cooperation. In order to achieve real partnerships and shared ownership, different interests need to be reconciled. For this, a better understanding of the migration perspectives of countries of origin and transit is needed, and trust needs to be built. These goals cannot be achieved without continuous dialogue.

- Action 6** *Participating more actively in dialogues and other cooperation on migration between the EU and third countries, especially with regard to key countries of origin and transit from Finland's perspective.*
- Action 7** *Reviewing the visa system and the accessibility of visa services in order to promote legal means of entry.*
- Action 8** *Finding out about complementary legal channels developed in other countries to support national discussion.*

4.3 Actions at Finnish missions and liaison officer activities

On the global scale, migration is not declining. People also migrate in and out of Finland for a number of reasons. Finnish missions play a key role in entry procedures as they issue visas and receive residence permit applications. It is important to ensure that the staff at Finnish missions are committed to dealing with migration issues. The head of the mission is responsible for ensuring that the mission has workable relations not only with the host country but also with Finnish migration authorities.

The missions' task in the prevention of irregular entry is to detect attempted abuses related to visa or residence permit applications. They may include cases where a residence permit or visa is applied for on fraudulent grounds, organisation of irregular entry, or different types of exploitation. The missions play an important role in recognising potential victims of human trafficking offences already at the visa or residence permit application stage. Several missions have outsourced the reception of applications to a private service provider. In this case, it is important to supervise the partners' activities

and engage in cooperation between the actors to ensure that the standard of the activities is sustainable in terms of preventing irregular immigration.

To identify cases of abuse, good knowledge of and competence in different immigration processes as well as an understanding of the host country's culture are needed. The preconditions for recognising counterfeit or false documents at missions include not only up-to-date equipment but also continuous training provided to the mission staff and external service providers. On-going cooperation with the authorities, for example with the border authorities, is essential. The missions keep a close eye on the situation in their host countries and share information and experiences with missions and authorities in other countries. Due to the COVID-19 pandemic, the missions have been able to receive fewer applications than usual. The division of the missions' operating areas has been followed as normal, one of the reasons for this being that each mission possesses the best expertise in counterfeit documents in its own area.

The missions have invested in expertise related to immigration by boosting their human resources. Training on entry, trafficking in human beings, potential exploitation and security risks is organised for both new and experienced public officials. Possibilities for independent study have also been developed. The LAMA working group's field trips to countries or regions of origin that play a key role in irregular entry have supported the organisation of training.

Border Guard liaison officers support the visa officers of the missions in their operating area in the processing of visas, provide training for mission staff and private partners, and work together with different actors in their operating areas.³² In an experimental project, a Finnish Immigration Service liaison officer has visited missions to provide training and support the residence permit process. The experiences gained in this project have been positive. The police also have several crime prevention liaison officers who deal with immigration issues alongside with their other duties. The LAMA working group, which is led by the National Police Board, monitors the liaison officers' work.

The European liaison officers network in the field of migration consists of, in addition to the Member States' national liaison officers for immigration, of the European Migration Liaison Officers (EMLOs), officers posted by EU agencies (particularly Frontex), and European Return Liaison Officers (EURLOs), who will be transferred to Frontex in 2021. The EU is striving to step up cooperation between the Migration Liaison Officers and

32 The Border Guard has liaison officers in Beijing, Moscow and St. Petersburg. In addition, a Border Guard representative visits Petrozavodsk and Murmansk regularly.

coordinate their work, thus making better use of the existing liaison officers.³³ In addition to collecting information, the liaison officers can support the Member States with returns, readmission and reintegration, legal immigration procedures and the fight against human smuggling. A Steering Board working under the Commission has been established to coordinate the European network of immigration liaison officers. The Board defines the priorities and work plans for the activities. The Border Guard represents Finland in the Steering Board.

The police have participated in European liaison officer work by sending a EURLO to Nigeria and earlier also to Iraq. Finland's national liaison officers work closely together with the officers and agencies in other countries and with the European liaison officers.

Action 9 *Developing the training provided by the liaison officer network at Finnish missions on the phenomena of irregular entry and human trafficking and their prevention.*

Action 10 *Developing further the concept of visiting liaison officers, aiming for more permanent activities.*

4.4 Communication about migration

The Ministry for Foreign Affairs is responsible for communicating about migration in Finland³⁴. Tapping foreign missions' local knowledge of the media environment and similar is a natural part of this work. While information about asylum seekers and their lives in Finland was previously provided on the websites of key missions, more recently this information has been available centrally in several languages on the web service asyluminfo.fi. The site also has a Facebook channel that can be activated if necessary. A Google tool is used to regularly monitor searches concerning Finland and migration. Filtered by region and language, the tool shows the countries in which Google searches featuring Finland and immigration are made as well as the search words used. Knowing this may be useful when planning communication. In addition, the Ministry for Foreign Affairs has had migration-themed communication projects in Somalia, Iraq and Afghanistan. The most effective communication channels in each country have been used in these projects. The themes have included human smuggling and return migration as

³³ This work is underpinned by the 2019 Regulation on the creation of a European network of immigration liaison officers (2019/1240).

³⁴ In this context, communication about migration refers to communication directed at countries of origin, transit and/or destination of migration, and/or local communication aiming to influence migration.

well as influencing the root causes of irregular immigration, including conflict resolution and peacebuilding.

The challenges of communication about migration cannot always be anticipated. For example, its effects may turn out to be exactly the opposite to what was assumed. Merely disseminating information about Finland may in some countries be enough to create interest in attempting to enter the country. When seeking a better life, people may belittle the dangers of the journey or the possibility of being cheated. Describing the legal channels, even if they are available for very few, as part of official communication is important in terms of ethics and credibility, provided that the information reaches the right audience. In some countries, lack of trust in the authorities is so deep-seated that citizens also find it hard to believe information coming from foreign authorities.

The challenge lies in counteracting false information and unsubstantiated promises given by human smugglers and dishonest employment agents. Immigrants may also make unfounded claims concerning life in Finland to their fellow countrymen in their own communities, which may motivate attempts to enter Finland. On the other hand, accurate information provided by immigrant communities, even when it aims to repress plans to migrate, may also fail to have the desired effect in the country of origin, as those planning to migrate are reminded of the existence of a safety net in the destination country. It is also possible that the decision to journey to Europe is made by someone else rather than the migrant, for example their parents, which makes targeting the communication difficult.

On social media, messages can be communicated to a large audience cost-effectively. It is important that the authorities are also actively present in the social media and that the official nature of their presence and the information they provide can be identified as clearly as possible. Providing information in the languages of the probable countries of origin and drawing on the information produced by monitoring Google searches when making decisions on the language selection is crucial. Less educated and even illiterate people are a challenge of their own.

A person applying for a residence permit in Finland is often encountered for the first time at a Finnish foreign mission. At that time, it is important to provide the applicant with correct information about the different stages of the permit process, allowing them to assess their situation and make decisions based on accurate information. Those who are migrating for work should be informed of basic facts regarding employment conditions, and the details of studying should similarly be explained to a student. Applicants also need information about the possibility of their family members coming to Finland and their rights and obligations in Finland. Other stakeholders, including the party inviting migrants to Finland, should also be informed of the fact that the legislation on entry,

residence and employment will be enforced, and penalties will be imposed for breaching them. Sharing information and experiences across the boundaries of administrative branches is vital to develop communication directed at applicants and other parties.

Action 11 *Using the social media more extensively and innovatively to communicate about migration.*

Action 12 *Providing more information about the way Finnish society and labour market work at the missions to persons applying for residence permits.*

4.5 Developing anticipation

While anticipating changes in the operating environment is increasingly difficult, it is also more essential. As an example of a rapid change in the operating environment can be cited the escalation of the situation at the land border between Greece and Turkey in spring 2020. More efforts to build situational awareness and ensure preparedness are indeed being made both in the EU and in Finland. In addition to the main migration paths to the EU, monitoring the situation in Russia is important for Finland.

At EU level, especially Frontex and the EU Asylum Support Office EASO as well as the Europa Commission under the IPCR Mechanism³⁵ collect and analyse information on migration routes and the factors that affect them. In connection with its Communication on a New Pact on Migration and Asylum published in September 2020, the European Commission issued a recommendation on an EU Mechanism for Preparedness and Management of Crises related to Migration³⁶, the purpose of which is to contribute to more efficient migration management by monitoring and anticipating migration flows, building resilience and preparedness for a migration crisis. At the same time, efforts are being made to improve the effectiveness of the measures and timely reaction to different crisis situations. The document urges for continuous anticipation and monitoring both at EU and national level. As new features, the document proposes that the Commission prepare annual Situational Awareness and Analysis reports on migration and contains an obligation to prepare EU and national strategies on migration management.

The 'Whole-of-Route' approach adopted during Finland's Presidency of the Council of the EU has proven an effective way of examining migration routes to Europe. It means that the routes are examined as a whole, rather than looking at individual countries or

35 Integrated political crisis response (IPCR)

36 Commission Recommendation of 23.9.2020 on an EU Mechanism for Preparedness and Management of Crises related to Migration (Migration and Crisis Blueprint).

nationalities. The approach is useful in anticipating possible migration to the EU. The missions operating on the route and migration liaison officers play an important role in collecting information and identifying new phenomena and risks. Finnish missions prepare high-quality reports on the migration situation in different parts of the world, and it is important to ensure that these reports are also available to experts engaged in national anticipation work.

The parties monitoring and anticipating migrations in Finland are, in particular, the Border Guard, the Finnish Immigration Service and Finland's foreign missions. At the national level, Finland is investigating ways in which this information could be compiled more efficiently and used better, not only to anticipate the development of migration routes but also to identify phenomena and to prepare immigration and asylum policy, including preparedness for the entry of large groups of migrants.

Action 13 *Developing national cooperation on collating and analysing information further to build and maintain a common and coordinated situational picture of migration.*

5 ACTIONS AT THE BORDER

The border authorities both in Finland and other EU countries detect irregular immigration and enable the prosecution of those who organise it. The monitoring of border crossings is facilitated by up-to-date and interoperable information systems and the use of biometric identifiers in verification of identity.

Cooperation with transport service carriers is important. If they are aware of the risks of irregular entry, the service providers can participate effectively in the fight against this phenomenon.

In line with the Government Programme, it is important to ensure that people coming to work in Finland arrive with a permit that is intended for working by such means as eliminating the use of tourist visas.

5.1 Effective border control

Migration pressure on Europe will continue in the future. In keeping with the European Integrated Border Management model³⁷, irregular entry and stay are prevented using a four-tier access control model. This Action Plan also implements measures included in the National Integrated Border Management Strategy.

Migrants mainly arrive in Finland legally with appropriate documents and using the regular border crossing points. Through efficient external border control and monitoring of foreign nationals, which compensates for the abolition of internal border controls, an effort is made to detect and combat irregular immigration to Finland and enable the prosecution of those who cross the borders illegally and organise irregular entry. Those attempting to enter the country illegally usually have false or counterfeit documents or documents issued to another person, use transit air traffic or enter across a land border. Concealing migrants in vehicles has so far been rare in Finland. This method, which is

37 European Integrated Border Management, EIBM

hazardous for persons arriving or being smuggled into the country illegally may, however, also become more common in this country in a near future.

In Finland, human smuggling is understood to mean the organisation of irregular immigration. The organisation of irregular entry is cross-border criminal activity often associated with other serious crime. As it may also involve human trafficking or other crime, it is important that the authorities are able to recognise victims of these offences. Human smuggling is practised by professional criminal gangs. They may subject a person entering the country illegally to inhuman conditions that put the person's health and life at risk. Persons smuggled into the country may also be exploited in different ways.

In its Communication on a New Pact on Migration and Asylum issued in September 2020, the European Commission proposed targeted Counter Migrant Smuggling Partnerships with key third countries. The new EU Action Plan against Migrant Smuggling for 2021–2025 focuses on combating the activities of criminal gangs engaged in human smuggling. The EU agencies Frontex and Europol actively combat human smuggling in cooperation with partner countries at the EU's external borders and with the Member States within the EU.

The Border Guard and the police are actively involved in Frontex and Europol work to prevent illegal entry and build a situational picture of irregular immigration at the EU's external and internal borders. The Border Guard participates in Frontex-coordinated joint operations on border sections determined by the EU. In 2020, they included the Mediterranean region, the Western Balkans and the largest airports in Europe.

The Border Guard works closely together with carriers operating international passenger services to Finland to raise their awareness of the risks of irregular entry and to enable them to combat it for their part. The Border Guard regularly provides advance training for carriers when new travel routes are opened.

- Action 14** *Participating in EU operating models aiming to prevent and detect irregular entry. In this context, Finland will promote the realisation of human rights in Frontex's work.*
- Action 15** *Intensifying cooperation between the authorities and carriers to prevent irregular entry.*
- Action 16** *Intensifying cooperation with key countries of origin of organised irregular entry in Finland.*

5.2 Visa fraud

Irregular entry, and the organisation of irregular entry, using visas obtained by fraudulent means is a phenomenon that concerns Europe at large and that is not sufficiently well known to assess its scale. It is highly likely that in Finland as well as in other EU Member States, fraudulently obtained visas are used to organise illegal immigration significantly more often than what the detected cases indicate. What makes this phenomenon more difficult to detect in border checks and the monitoring of foreign nationals is that the travel documents in question are technically authentic.

In the EU Policy Cycle's priority area of facilitating illegal immigration, a European action plan was implemented in 2020 to build a situational picture of the use of fraudulently obtained visas to organise irregular entry. As the outcome of the action plan, Europol found that the phenomenon is more widespread than what official reports indicate. It additionally concerns all Member States, both nationally and through their missions in third countries. According to Europol, this phenomenon has close links with organised crime.

Every year, Finnish missions turn down around 15,000 visa applications. This figure accounts for approx. 1.8% of the total number of applications³⁸, and itemising cases where the applicant intended to enter and/or stay in Finland or the EU illegally among them is difficult. In recent years, around 10 to 20 cases have been investigated in Finland annually as arrangement or aggravated facilitation of illegal entry by means of visa fraud. These detected cases have involved both bringing individuals into Finland illegally and organising the irregular entry of dozens, or even hundreds, of people into the country. As the cases are investigated, organised criminal groups are frequently found behind them.

Improved security features make counterfeiting traditional travel documents more difficult. This is why fraudulently obtained visas or travel documents issued to another person will increasingly be used to organise irregular entry in the future.

Action 17 *Investigating the phenomenon of irregular entry using fraudulently obtained visas and its scale.*

³⁸ During the same period, Schengen countries issued approx. 1.6 million decisions to refuse visas in total, which accounts for about 9.6% of the total number of applications. The differences in the proportion of refused visa applications between individual countries are large, as the applicant profiles vary greatly. The majority of Finnish applications are processed in Russia, where the number of refusals is low.

Action 18 *Stepping up cooperation and information exchanges between authorities to prevent and detect visa fraud and apprehend criminals who benefit from this phenomenon.*

5.3 Information systems and biometric identifiers

A precondition for effective external border control is up-to-date and interoperable information systems enabling the monitoring of persons who cross the external borders. The interoperability of information systems means linking all European systems related to borders, migration, security and justice and ensuring that they can work together.³⁹ Information system interoperability can help prevent abuses related to identities. The Smart Borders legislative project currently under way in the Ministry of the Interior will support the interoperability of information systems. The project is drafting the amendments to national legislation necessitated by the Entry/Exit System (EES) and the European Travel Information and Authorisation System (ETIAS). The goal is to submit a government proposal to Parliament during the spring session 2021.

Biometric identifiers are the best way of verifying a person's identity and checking that it matches that of a person identified previously. In case of asylum seekers, for example, this means comparing their fingerprints with fingerprint data stored in the Eurodac register and the VIS register when receiving an asylum application. This shows if the same person has previously applied for asylum in the Schengen area, or applied for or received a visa to the Schengen area. National development needs related to biometric identifier use have been examined in a development project conducted in cooperation by the Finnish Immigration Service and the Police University College (the MISEC project).⁴⁰

Action 19 *Deploying the Smart Borders information systems and integrating them with national registers to ensure that the system will operate efficiently.*

Action 20 *Developing biometric identifiers as a whole, thus enabling their use as the primary method of finding data on a person in national and EU systems on entry.*

³⁹ According to the European Commission, the information systems for border security and migration management should be fully interoperable by the end of 2023.

⁴⁰ Final report of the MISEC project, "Kehittämistarpeet maahanmuutto- ja turvallisuusviranomaisten selvittämistoiminnassa ja yhteistyössä ulkomaalaisasioiden käsittelyssä" 3 December 2020.

6 ACTIONS IN FINLAND

Verifying the real identity of a person lays the foundation for processing all residence permit matters and ensuring national security. When the applicant can be identified, their background can be investigated and, consequently, it is possible to assess if they meet the conditions for being issued the residence permit they applied for.

Cooperation between different authorities and smooth information flows between them are of paramount importance in the fight against irregular entry and stay. Cooperation is essential not only in the processing of applications and detecting abuses and exploitation but also in the prevention and fight against serious crime.

In line with the Government Programme, the immigration administration must ensure the swift and smooth processing of work-based residence permits with a view to achieving an average processing time of one month and sufficiently rapid processing of work-based residence permits for seasonal workers to ensure that enterprises can satisfy their need for labour.

The aim is at combining rapid and streamlined processing and the fight against irregular entry, ensuring that both can be done successfully and that achieving the goal of swift and smooth processing set in the Government Programme is not jeopardised.

Automation will be developed in immigration administration to improve the efficiency of application processes. Changing the order in which the preconditions for issuing residence permits are investigated could also help streamline the permit processes. The risks associated with illegal immigration should be addressed in the development work and when making any changes. Appropriate and targeted ex post permit supervision will also support risk prevention. It can help uncover both cases in which a person is abused as well as abuses committed by a person.

More detailed information is needed on the use of precautionary measures referred to in the Aliens Act. In the interest of security and to intervene in abuses, it may in some cases be justified to consider cancelling a permanent residence permit or imposing an entry ban on a person living abroad.

6.1 Improving cooperation and information exchanges between authorities

Seamless national cooperation and exchanges of information between the authorities are vital in order to combat irregular entry and stay. Different authorities' needs to process data related to immigrants is recognised in the Act on the Processing of Personal Data in Migration Administration, which entered into force in early September 2020. The general obligations and principles of the EU's General Data Protection Regulation regarding the processing of personal data and data disclosures must also always be observed. Finland has effective cross-administrative structures in place that facilitate the development of cooperation and information flows. An example of them is the cross-administrative LAMA working group chaired by the National Police Board, the task of which is to monitor the phenomenon of irregular entry and develop the fight against it.

The TUPA function⁴¹ of the National Bureau of Investigation also offers a cooperation structure for the immigration and security authorities. It has representatives from the Finnish Immigration Service and the Finnish Security and Intelligence Service. The National Police Board established this function as the National Bureau of Investigation's asylum investigation task was transferred to the Finnish Immigration Service and the number of asylum seekers increased in 2016, and it has been a significant step forward in streamlining cooperation between the authorities. Originally, the purpose of the TUPA function was to investigate potential security threats associated with asylum seekers entering the country and to share information as far as this is permitted by the access rights, among other things with police units and the Finnish Immigration Service. Its tasks were later expanded. The immigration authorities have brought up a need to develop the

41 TUPA is a centralised function that supports crime prevention and security in connection with the asylum process. It was established by the National Bureau of Investigation in spring 2016.

TUPA function.⁴² Challenges have also been identified in information exchanges between the authorities, for example regarding the type of information that can be disclosed to another authority, and the purposes for which this can be done.

Residence permit matters and asylum investigations were transferred from the police and the Border Guard to the Finnish Immigration Service in 2016–2017.⁴³ It was already noted in the planning stage of this transfer of duties that it would further increase the importance of cooperation and information exchanges between the authorities.⁴⁴ The old role of the police in residence permit matters and the asylum procedure made it possible to examine matters related to the security of society as part of asylum investigations carried out by the police. After the transfer of duties, the Finnish Immigration Service has striven to develop its procedures for informing the police of suspected offences known to it and other matters that are essential for the performance of police duties. In practice, many suspected offences have concerned document fraud.

- Action 21** *Examining the possibilities of developing the existing cooperation structures and seeking new solutions for improving the cooperation.*
- Action 22** *Clarifying practices between the authorities to promote information sharing within the framework of the new personal data legislation on the security authorities and the immigration administration.*
- Action 23** *Submitting investigation requests concerning suspected cases of false personal data and other suspected offences observed by the Finnish Immigration Service more systematically to the police.*

6.2 Verification of identity

Identity is the foundation of processing all permit matters and essential for the police to assess security risks. Without verifying a person's identity, such tasks as assessing the grounds for the application presented by an asylum seeker or the risks associated with

42 In the context of the MISEC project, it was proposed that cooperation structures should be developed either by creating a new structure for cooperation between the immigration and security authorities or by overhauling the TUPA function to also increasingly serve the interests of the immigration administration. The project proposed that the cooperation structure for the authorities should comprise at least the Police/the National Bureau of Investigation, the Finnish Immigration Service, the Finnish Border Guard, the Foreign Service and the Finnish Security and Intelligence Service.

43 Before the transfer of duties, the first application for a residence permit in Finland was filed with the police, and the police received and decided on extended permit applications. In the past, the police and the Border Guard were also more directly involved in the asylum procedure.

44 HE 64/2016 vp.

irregular entry become impossible. A valid travel document required under the Aliens Act ensures that the authorities are aware of a foreign national's identity. At different stages of the process, the identity of foreign nationals seeking to enter Finland is examined by different authorities: the Foreign Service, the Border Guard, the police and the Finnish Immigration Service. Identification is primarily based on travel and identity documents presented by the applicant as well as data in national and EU Member States' shared information systems. In the asylum procedure, the applicant's oral account is often the primary and only proof of their identity, unless earlier register data can be found on them, for example concerning the submission of an asylum application in another EU Member State, as a large number of asylum seekers arrive without an identity document.

After the transfer of duties discussed above, the Border Guard continued to register asylum applications at the border and the police inside the country. However, the extent to which registering applications means checking the applicant's identity remained somewhat unclear. It has emerged that the Finnish Immigration Service does not have a sufficient range of means to check an applicant's identity, nor does it have the in-house expertise or technology needed to recognise counterfeit documents. The police and the Border Guard also have limited means of investigating the identities of asylum seekers arriving in Finland without a proof of identity. In this context, it has been considered if establishing a function similar to the Norwegian and Danish ID Centres would be necessary also in Finland to support the work of immigration authorities, the police and other authorities.⁴⁵ Appropriate resources would be required for this function, and it would not create any added value in itself unless the legislation were amended. It should additionally be considered how the Finnish foreign missions and the Finnish Immigration Service could support each other in issues related to verification of identity.

The key importance of verifying a migrant's identity and registering the data at the time of the first official contact has also been recognised in the EU. The proposal for a regulation introducing a screening of third country nationals⁴⁶ issued by the European Commission in September 2020 proposes that mandatory screening at or in proximity to the external border would be used to ensure that all third-country nationals who cross the external border, apply for asylum at border crossing points or disembark after a search and rescue operation are identified and registered in European information systems. At the same time, the security and health risks they may pose are assessed, and they are directed to the asylum or return procedure. It is likely that, in connection with the drafting and implementation of the proposal for a regulation, the roles and powers of different authorities regarding verification of identity will be re-examined nationally.

45 Final report of the MISEC project 3 December 2020.

46 Proposal for a regulation of the European Parliament and of the Council introducing a screening of third country nationals at the external borders; COM (2020) 612 final.

Action 24 *Clarifying the procedures for submitting asylum applications while taking the European Commission's proposal for a regulation on screening third-country nationals into account.*

Action 25 *Intensifying cooperation between the Finnish Immigration Service and Finnish foreign missions on verification of identity.*

6.3 Permit procedures

As a rule, migrants apply for a first residence permit in Finland in their home countries before arriving in this country. The application is submitted to a Finnish mission or an external service provider abroad.⁴⁷ It is the mission's task to check the applicant's identity and to obtain any additional information needed. The granting of a permit is largely based on information provided by the applicant, the sponsor or the employer. Decisions on issuing residence permits are made by the Finnish Immigration Service. Partial decisions on a work-based residence permit are made by the TE Office, and partial decisions on an entrepreneur's residence permit are made by the ELY Centre. As agreed in the Government Programme, the administration of work-based immigration was transferred from the Ministry of the Interior to the Ministry of Economic Affairs and Employment at the beginning of 2020.

In some cases, a residence permit may be applied for using fraudulent means or grounds in an attempt to come up with a reason for legal entry. The applicant, or the employer or customer inviting the applicant to Finland, may try to evade the regulations by concealing information, providing false information or using false or counterfeit documents. A residence permit may be applied for on grounds that do not correspond to the actual purpose of entry. For example, a person seeking to enter the country as a student may actually intend to work, or the family tie claimed by a family member is not genuine. In interviews organised at the missions and the Finnish Immigration Service, an attempt is made to determine the actual purpose of entry. In connection with processing residence permit applications, indications of money laundering, illegal employment or labour discrimination may come up. Some of the abuses are only uncovered later when a migrant applies for an extended permit in Finland.

New phenomena have been observed in applications for work-based residence permits in Finland, including falsifying work history or certificates, or coming to Finland with a work

⁴⁷ Under section 69b of the Aliens Act, a residence permit application could also be submitted to the mission of another Schengen State, but this practice is currently not used.

visa issued by some other country, for example Estonia. These cases are also associated with exploitation phenomena. In summer 2020, for example, a new operating method emerged. The perpetrators sought to circumvent the entry restrictions imposed due to the COVID-19 pandemic and to bring persons into the country with counterfeit employment contracts, in which the names of Finnish employers were used. The real purpose of entry was working without a permit, selling sexual services or participating in organised property crime.

A sub-group on preventing the exploitation of foreign labour, which is chaired by the Ministry of Economic Affairs and Employment, seeks ways of stopping exploitation. In the course of its preparative work, the group has discussed the possibility of safeguarding the legal status of an exploited foreign national by adding to the aliens legislation a special provision under which the victim of labour exploitation would have the right to stay in the country, seek employment and work in the same or some other vocational field by virtue of their existing residence permit. The group will continue its work until the end of 2021.

The Finnish Immigration Service engages in active development efforts to increase the use of automation in the processing of residence permit and citizenship matters. The purpose of using automation is to process applications more efficiently and thus shorten their processing times in a situation where the number of applications is growing. At the same time, the potential risks of automation in the context of irregular entry, including attempts to evade entry provisions, as well as impacts on the possibility of recognising victims of human trafficking and other forms of exploitation need to be identified and assessed. To achieve this, the Finnish Immigration Service also needs to improve its analysis capabilities.

The general requirements for issuing a residence permit include checking that the applicant has a valid travel document accepted by Finland and that the applicant's identity has thus been verified, and ensuring that the foreign national does not represent a risk to public order or security.⁴⁸ When a work-based residence permit is applied for, the TE Office first makes its partial decision, after which the Finnish Immigration Service can issue a decision on the residence permit application. In this context, it has been asked if the order of investigation should be reversed: the general requirements for granting a permit, including the applicant's identity and the risk to public order and safety, should be checked first. Only then would the criteria for issuing an individual permit be examined, or the two investigations could run in parallel. By changing the order of investigation, the authorities' resources could be saved and the decision-making could be speeded up.⁴⁹

48 Sections 35 and 36.1 of the Aliens Act.

49 Final report of the MISEC project 3 December 2020.

The previous Action Plan noted that the possibilities of amending the legislation should be examined to intervene in and prevent the return to Finland of a person living abroad by cancelling their residence permit or by terminating their protection status if the person is considered a risk to national security or public order and safety. This issue is particularly relevant to foreign nationals who have perpetrated offences in Finland, and foreign fighters returning from conflict zones. A report prepared by public officials in the Ministry of the Interior found that cancelling a permanent residence permit has been considered possible in such situations. Before a permanent residence permit is cancelled, the possibilities of withdrawing the person's potential protection status should be investigated, if their residence permit was issued on grounds of a need for international protection. Issues related to cancelling the residence permit and withdrawing the protection status of a person enjoying international protection are addressed in the current EU Qualification Directive and in the proposed EU regulation replacing it, which is currently being drafted. Its provisions will be directly applicable in Finland once the regulation has been adopted at EU level and its enforcement begins.

Action 26 *Imposing more severe penalties on employers who use fraudulent means in the entry procedure.*

Action 27 *Examining the possibility of changing the order in which the general requirements for being issued with a residence permit and the individual preconditions for issuing a residence permit are investigated.*

Action 28 *Examining the possibility of cancelling a permanent residence permit in cases where the person is regarded as a risk to national security or public order and safety as referred to in section 149 of the Aliens Act, and amending the legislation as required. Ensuring that the practice associated with a risk to public order and security is applied equitably and predictably.*

6.4 Precautionary measures

The police and the Border Guard resort to the precautionary measures referred to in the Aliens Act when necessary in order to carry out the actions laid down in this Act. Detention is a last-resort administrative precautionary measure, which is used if other precautionary measures laid down in the Aliens Act are not sufficient. Other precautionary measures include confiscating a travel document, obligation to report, residence obligation, a child's residence obligation and giving a security. The possibility of using the other measures should always be assessed before making a decision to detain a person. No statistical data on other precautionary measures besides detention can be obtained

directly from the information system for police matters. All precautionary measures are recorded in this system, however. The precautionary measures most commonly used by the police are the obligation to register and confiscating a travel document. However, detention is the only precautionary measure which can fully ensure that a person to be removed from the country is present when the decision to remove them is enforced.

If other precautionary measures are not considered sufficient, a foreign national may, exercising individual discretion, be detained to safeguard the achievement of objectives referred to in the Aliens Act, which include enforcing a decision to remove the person from the country. However, an unaccompanied child under the age of 15 may not be detained. Before using either detention or other precautionary measures, the necessity and proportionality of the action must always be assessed. A person placed in detention must be released as soon as the conditions for detaining them no longer exist. The detention period may not exceed 6 months and, in certain situations specified in the law, 12 months. In 2017–2019, the annual number of decisions to detain a foreign national was around 1,200 to 1,400.⁵⁰ During this period, the largest number of decisions to detain a foreign national made by the police concerned citizens of Estonia, Romania, Iraq and Gambia. The average length of the detention period was around 11 days in 2017, 12 days in 2018 and 11 days in 2019.

There are two detention units in Finland, one in Metsälä, Helsinki and the other in Joutseno. Detained families and vulnerable persons are primarily placed in Joutseno detention unit. Metsälä unit has 40 detention places and Joutseno unit 69. The number of places in Joutseno was increased in February 2018 as proposed in the previous Action Plan. Considering the number of persons who were to be removed from the country last year, the current detention capacity can be assessed as sufficient.

Action 29 *Developing information systems to make it possible to obtain statistical data on other precautionary measures besides detention directly from them.*

Action 30 *As stated in the Government Programme, investigating alternatives to detaining children aged over 15.*

⁵⁰ Numbers of decisions to place a foreign national in detention made by the police in 2017–2020: 1,234 in 2017, 1,287 in 2018, 1,080 in 2019 and 693 in 2020. The number of corresponding decisions made by the Border Guard in the same period: 61 in 2017, 103 in 2018, 94 in 2019 and 74 in 2020.

6.5 Imposing an entry ban

An entry ban may be imposed in connection with a decision to remove a person who is staying in Finland from the country. It cannot be imposed on a foreign national who has left Finland. An entry ban is usually imposed for a period of one to five years. It may also be imposed for an indefinite period of time or, in the case of an EU citizen, for a maximum period of 15 years if the person has been convicted of a serious offence or professional crime and they also pose a serious threat to public order and security. The imposition and length of an entry ban are based on an overall assessment. An entry ban basically applies to the entire Schengen area, however only to Finland in the case of an EU citizen. However, monitoring compliance with entry bans imposed on EU citizens, in particular, is challenging due to free movement in the Schengen area.

The previous Action Plan contained a proposal for investigating the possibility of, by amending the legislation, also imposing an entry ban on a person who has already left Finland or who applies for a first residence permit in Finland while living abroad. This amendment would make it easier to impose an entry ban on foreign fighters. An examination carried out by public officials at the Ministry of the Interior found that making this legislative amendment would be possible, as EU legislation does not deal with situations related to imposing entry bans on persons residing outside the EU, leaving them up to national legislation. Even in this case, it should be ensured that an overall assessment of the imposition and length of the entry ban is carried out. When a person is subjected to this measure, their right to be notified, to be heard and to lodge an appeal should additionally be safeguarded.

Action 31 *Drafting the necessary legislative amendments under which an entry ban could also be imposed on a person who has already left the country, or who has been refused a residence permit when applying for it while living abroad. Ensuring that the principle of proportionality, the child's best interests and the applicant's work and family ties are duly taken into account in the application practice of entry bans.*

6.6 Monitoring of foreign nationals

Monitoring of foreign nationals refers to supervising compliance with the Aliens Act and the provisions issued by virtue of it as well as preventing irregular stays. While the main responsibility for this rests with the police, the Border Guard and the Finnish Immigration Service also monitor foreign nationals within their remits. Additionally, the occupational safety and health authorities supervise compliance with the provisions of the Aliens Act. In

2019, the police spent a total of 14.3 person-years on the monitoring of foreign nationals across the country, whereas this figure in 2017 was 21.6 person-years.

The police primarily carry out monitoring of foreign nationals as part of basic policing, including traffic enforcement, criminal investigations or tasks related to maintaining public order and security. When a person who turns out to be a foreign national is encountered while performing these police duties, the police officers check their preconditions for staying in Finland. In addition, the police engage separately in thematic monitoring based on analysis results. This means that an analysis and advance assessment are conducted to decide the monitoring targets and grounds.

The police annually organise both regional and national monitoring campaigns of foreign nationals and participate in EU-level activities.

The purpose of the monitoring is to check if foreign nationals meet the conditions for staying in Finland. In connection with the monitoring, different types of offences may be uncovered, including organisation of irregular entry, trafficking in human beings, extortionate work discrimination and pandering. The goals of the monitoring of foreign nationals also include protecting vulnerable persons against being exploited by criminals or criminal gangs. The monitoring helps to identify victims of human trafficking and intervene in the activities of employers who exploit foreign labour.

The monitoring of foreign nationals must not have characteristics typical of border control. It should be based on the monitoring authority's general information and experience of illegal entry to and stay in the country. The monitoring authority has no prior knowledge of who has a right to stay in the country and who does not, but the basic premise is that the monitoring actions should always be based on observations made and on tip-off information or analysis data received. The monitoring may not be based solely or to a decisive extent on the person's actual or assumed ethnic origin. The prohibition of discriminatory ethnic profiling must be observed at all times. An overall assessment of the situation on its individual merits must always be carried out.

The prohibition of discriminatory ethnic profiling contained in the Aliens Act has been included in the guidelines and training related to the monitoring of foreign nationals issued to the police and border authorities. An updated version of the police guidelines for the monitoring of foreign nationals entered into force at the beginning of 2021. The updates focused particularly on clarifying the guidelines to improve the understanding and skills of police officers related to respecting the prohibition of discriminatory ethnic profiling and selecting the targets on the right grounds. In addition, the police published an online course on matters concerning foreign nationals and the monitoring of foreign

nationals in early 2021. This course highlights the prohibition of discriminatory ethnic profiling and the correct way of selecting the targets.

A network on preventing irregular entry and stays, which has representatives from all police units, also operates under the leadership of the National Police Board. The purpose of the network is to ensure that the tasks assigned to the police under the Aliens Act are carried out consistently across the country. The Finnish Border Guard participates in the activities of the network.

The Finnish Immigration Service has developed a consistent and efficient operating model for ex post permit supervision. This means checking the prerequisites for staying in the country based on register data. Resources amounting to approximately two person-years have currently been allocated to this supervision in the Finnish Immigration Service. Efforts to develop the functionalities of the case management system for aliens affairs (later referred to as the UMA system), which will help improve the effectiveness of permit supervision, is also relevant to carrying out the monitoring. Developing ex post monitoring plays a key role in speeding up and streamlining permit processes. To achieve the Government Programme objective concerning an average processing time of one month for work-based residence permits, a significant increase in risk-based and automated processing and also appropriate and effective ex post supervision will be required.

The monitoring carried out by the Finnish Immigration Service plays a key role in preventing abuses of permit procedures. It can help uncover both abuses against and by foreign nationals. The monitoring can provide information on the working and living conditions of foreign nationals in Finland and thus detect more efficiently cases involving such phenomena as exploitation or human trafficking. For example, they may include underpaying a foreign employee.

Under the Employment Contracts Act, the Finnish Immigration Service can impose a penalty fee on an employer employing a person whose stay in the country is irregular.⁵¹ As this penalty can only be imposed on a person who employs an irregular migrant, it does not cover all situations of illegal employment. The Criminal Code lays down a penalty for unauthorised use of foreign labour.⁵²

51 Chapter 11a of the Employment Contracts Act (55/2001) (Employers' joint and several liabilities in employing illegally resident employees).

52 Chapter 47, section 6a of the Criminal Code (39/1889).

- Action 32** *Developing the monitoring of foreign nationals and integrating it into basic daily policing and analysis-based monitoring of foreign nationals while paying attention to the prohibition of discriminatory ethnic profiling.*
- Action 33** *Developing the actions of the Finnish Immigration Service in responding to abuses in an appropriate and targeted manner as indicated by the supervisory task imposed on the agency in legislation. Using automation in the monitoring.*

7 ACTIONS TO PROMOTE RETURN

A person who has been issued with a decision to remove them from the country is obliged to leave Finland. The returning migrant can be supported in making the travel arrangements and reintegration; this is known as assisted voluntary return.

The longer a person stays in Finland for one reason or another, the higher the threshold for voluntary return often becomes.

As stated in the Government Programme, the system of voluntary return will be developed further as the primary option for securing the departure of unsuccessful applicants while supporting sustainable return. To prevent the emergence of a parallel society, expanding the target group for assisted voluntary return is justified.

High-quality permit processes in which human rights are respected make sustainable return of persons who do not meet the conditions for a residence permit possible. As noted in the Government Programme, Finland seeks to conclude return agreements with all key third countries whose citizens Finland can safely return. The decision on whether or not returning is safe is made by the Finnish Immigration Service as the competent authority and, ultimately, administrative courts. In addition to agreements, cooperation relationships between Finnish authorities and the destination countries of returns as well as Finnish missions in the destination countries promote successful returns.

7.1 Assisted voluntary return and reintegration

A person with no right of stay in Finland is expected to leave the country. The primary aim is ensuring that those to whom an enforceable decision to refuse asylum has been issued will exit the country on a voluntary basis within the set period. Sometimes a person leaves the country without the authorities being informed of this. Practically all countries readmit their citizens who return voluntarily or independently.

When the returning migrant is supported with making the travel arrangements, this is referred to as assisted voluntary return. If necessary, they may also be granted financial or in-kind assistance to support their reintegration. Under the Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings, the precondition for paying these benefits to a person who has applied for asylum is that they leave the country voluntarily and permanently after they have withdrawn their application, or after their application has been rejected.⁵³ Under this Act, the voluntary return of a trafficking victim can also be assisted. The number of these cases has been notably small. On the other hand, many of those issued with a decision to remove them from the country have asked for support for their return in recent years. The most significant group of this type are applicants for international protection who have received a residence permit on grounds other than international protection and whose permit has since expired.

The responsibility for assisted voluntary return rests with the Finnish Immigration Service, which is assisted with the practical arrangements by the International Organization for Migration (IOM). Since 2015, assisted voluntary return has been facilitated in Finland by increasing the reintegration benefits in key countries and by providing returning migrants with more information and personal advice. By increasing the value of the in-kind benefit provided in the country of return as goods and services, an effort has been made to develop more sustainable reintegration and support the returning migrant in making a living to eliminate any immediate need to leave the country again.

Under international law, every country has an obligation to readmit their returning citizens. Despite this obligation and readmission agreements and arrangements, some countries categorically refuse to accept other returning migrants besides those returning voluntarily and criminals. When migrants are not under pressure from being immediately returned by the authorities, few of them are willing to return voluntarily, and increasing the benefits paid to those returning voluntarily does little to motivate them. Experiences gathered over recent years show that the longer a person stays in Finland for one reason or another, the higher their threshold for returning becomes.

An asylum seeker waiting for a decision in Finland is offered information about the possibility of assisted voluntary return at all stages of the process. The idea is to make the options for returning clear for the client, in case they interrupt the asylum process or if they are refused asylum and they must leave the country. The purpose of this advice is to provide neutral information about the asylum seeker's options.

53 Section 31 of the Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings (746/2011).

In recent years, European countries have attempted to pool their resources and find new practices to facilitate reintegration and ways to support the country of origin in readmitting returning migrants. In particular, this work has been carried out within the framework of the ERRIN network⁵⁴. The network's efforts have prepared the ground for extending Frontex's competence. The new mandate gives Frontex the possibility of also supporting the Member States in assisted voluntary returns. To support the ongoing development work, the Commission will issue a strategy on sustainable voluntary return and reintegration in 2021.

- Action 34** *Extending the target group of the assisted voluntary return programme to promote returns. Deciding on the persons who would belong to the new target group and making the necessary legislative amendments.*
- Action 35** *Providing more information and advice about the possibilities of assisted voluntary return on different channels, including virtual ones, to those considering voluntary return and supporting municipalities and NGOs in the advice provision. Developing information in easy language and visual communication on assisted voluntary return.*
- Action 36** *Developing the means of reintegration, including reintegration benefits and training, both nationally and in cooperation with EU Member States and the returning migrants' countries of origin to secure sustainable returns.*
- Action 37** *Participating in the preparation of an EU strategy on voluntary return and reintegration and, if necessary, preparing a complementary national strategy for Finland's needs.*

7.2 Forced return

If a person does not opt for voluntary return, it is the statutory duty of the police to ensure that they leave the country, either by supervising the person when they board a means of transport leaving the country or by escorting the person to their country of origin. For larger groups of returnees, a chartered flight reserved for this purpose or return flights coordinated by Frontex can be used. The Non-Discrimination Ombudsman supervises the implementation of forced returns at all stages. The common procedures of the EU Member

⁵⁴ European Return and Reintegration Network, the members of which are 16 European countries, including Finland. In addition to the Member States, the activities are funded by the European Commission.

States for the return of third country nationals whose stay is irregular are set out in the EU Return Directive. Negotiations on a proposal for a recast Return Directive issued by the Commission in autumn 2018 are ongoing.

A key factor for the success of returns is workable cooperation relationships between the Finnish authorities and the destination countries as well as the Finnish missions in these countries. Most returns can take place without a specific readmission agreement. Every year, the police return migrants who have been issued with a decision to remove them from the country to around 100 different countries, even if official readmission agreements are only in place with some of them. Consequently, a readmission agreement is only one of the instruments that supports returns, and migrants can be returned to almost all countries in the world without a separate agreement.

Factors that hamper returns include some third countries' indifference to the mandatory nature of the readmission agreements as well as their reluctance to recognise their citizens when the migrant is returned by the authorities' actions, to issue travel documents to them and to accept others than those returning on a voluntary basis. For many countries, forced returns of their citizens are a sensitive issue of internal politics, which is why they prefer to receive returning migrants in small groups. This makes the process slow. The key issue for Finland is developing cooperation related to returns with Iraq, Somalia and Afghanistan.

The EU Member States face the same problems when returning migrants, which is why they are exerting increasing pressure on the European Commission to develop effective common measures on returns. European Heads of State and Government have also called for effective returns several times. The need to take action in different policy sectors as an incentive to improve readmission cooperation was highlighted in the European Council conclusions of June 2016, October 2017 and October 2018. In particular, the conclusions refer to trade, visa and development policies.

The greatest progress in the use of incentives has been made regarding the visa policy. Under Article 25a of the Visa Code, the Commission shall regularly assess third countries' cooperation with regard to readmission. A Member State may also notify the Commission if it is confronted with substantial problems. If cooperation on readmission does not proceed as desired, visa policy measures can be taken in relation to the third country in question. Within the framework of a coordination mechanism approved by the Council in summer 2020, the assessments of the effectiveness of readmission cooperation can also be used when considering incentives linked to other policy sectors. A similar proposal is contained in the European Commission's proposal for a regulation on asylum and migration management of September 2020.

The Commission's proposal for a New Pact on Migration and Asylum aims for a seamless process from pre-entry screening checks to the asylum procedure and, if necessary, return. As new features, the proposal contains a mandatory border procedure implemented at the entry stage for persons with low chances of being accepted as needing international protection. The importance of the border procedure would be emphasised on routes where a large proportion of migrants originate from countries with low recognition rates likely not to be in need of protection. This would mean that the possibility of a swift return procedure where necessary is particularly important after the application has been individually assessed. The Government has considered that additional information on the acceptable grounds and marginal conditions of the border procedure is needed at the EU level and emphasised the need to ensure adequate legal protection. Another new feature in the Commission proposal is that, in situations of pressure and in crisis situations, Member States could express solidarity by accepting responsibility for returning a certain number of persons (so-called 'return sponsorship'). Cooperation in return matters is also to be improved by a new Return Coordinator and a High-Level Network for Return.

- Action 38** *Making an effort to conclude and maintain bilateral readmission arrangements and participating in EU-level discussions on returns and cooperation with other EU Member States.*
- Action 39** *Improving the efficient return of migrants convicted of offences by agreeing on precise procedures with the destination country's authorities.*
- Action 40** *Ensuring that the monitoring mechanism of returns carried out by the authorities works effectively and that the Non-Discrimination Ombudsman is notified systematically and in good time of all return operations implemented by the authorities. Investigating the possibility of providing the Ombudsman with information directly from the UMA system. Developing information flows between the authorities to ensure that the situation of other permit processes that may be under way is appropriately taken into account when planning returns.*
- Action 41** *Participating actively in fulfilling Frontex's mandate in readmission matters and using common readmission actions while stressing fundamental and human rights.*

7.3 Cooperation with migrants' home countries

Support for the return of individuals is not always enough, as the community to which the person returns and especially governments in fragile countries also need support. European countries have different approaches to this issue. The resources used to support the returning migrants' country also vary and are partly linked to the nature of the bilateral relations between the countries concerned and the number of returning migrants.

Of European countries, Germany has taken the most comprehensive approach to readmission issues ('Whole-of-Government'). This means that not only the Ministry of the Interior but also the Ministry of Labour and the agency responsible for development cooperation are involved in returns. The administrative branches work together to support the structures of the country readmitting the migrant and, among other things, the employment of individual migrants, which promotes their sustainable reintegration. As another example can be cited Norway's collaboration with Somalia, which is based on close cooperation between the Ministry of Foreign Affairs, the Ministry of Justice and the police. These actors share a common view of the overall situation in Somalia and the importance of immigration issues. In Norway, the different administrative branches base their work on looking at Somalia comprehensively from a perspective in which migration, conflict prevention and development policy are interlinked. Actions supporting returns are closely linked to measures aiming to influence the root causes of forced migration; in this context, section 4.1 of this Action Plan refers to the need for a more comprehensive approach to migration issues.

The foreign missions manage Finland's relations with their host countries across a broad front, with priorities selected on the basis of Finland's overall interests. In return and readmission questions, the missions play an important role by networking and participating in negotiations on various agreements. They also provide the sectoral ministries with up-to-date information on the general situation in the country as well as on return matters and the attitudes of the country's authorities to them. The missions also participate in administrating development cooperation projects in their host countries. Experiences of projects related to immigration in Somalia are a good example of how involving the missions in potential future projects related to returns from the beginning is advisable.

Monitoring and managing migration and readmission issues are increasingly part of the missions' daily work. In some cases, it would be justified to place an official with a skills profile compatible with migration management in the mission. Several Nordic countries have posted a liaison officer for returns in Somalia, for example. Depending on the situation and the country, the job description of the officer specialising in return matters could include collecting and passing on country information and supporting

the reception and processing of residence permit applications and family reunification processes. As Finland's network of missions does not extend everywhere, this officer could also be located outside a Finnish mission.

Action 42 *Promoting the posting of a national readmission expert in key destination countries of returning migrants.*

8 ACTIONS CONCERNING THOSE IN FINLAND WITHOUT A RIGHT OF STAY

The Government Programme contains several entries aiming to prevent the emergence of a parallel society outside the regular Finnish society. Their aim is to prevent undocumented migration and provide more flexible opportunities to secure a residence permit based on employment for those whose applications have been refused but who have found work.

In situations where voluntary and forced returns do not work as desired, there is no single solution to the dilemma of persons living in Finland without a right of stay. The actions proposed in this Action Plan, including those that promote returns and clarification of the service system, are not mutually exclusive; they strive to reduce the risks that the situation poses to these persons and society.

Similarly to Finland, other EU countries have also considered solutions to the situation of those who have lived in the country for a long time without a right of stay. The experiences of other EU countries will be drawn on when considering national solutions.

8.1 Situation of those in Finland without a right of stay

The phenomenon of migrants who are in Finland without a right of stay is a relatively new one. This is why there has so far been little research in the lives and situation of these people in Finland. Many aspects of this complex phenomenon are hidden from the authorities, making it difficult to investigate. The authorities have a slightly better idea of the numbers of persons who have ended up staying in the country illegally through the asylum and reception system, but the situational picture concerning other persons staying in Finland without a right of stay is incomplete. Research evidence regarding the phenomenon and people without a right of stay is a prerequisite for seeing the full picture and for identifying and implementing effective measures.

Irregular stay is associated with many risks for both the persons living in the country without a right of stay and for entire society. According to NGOs working with asylum seekers and persons with no right of stay, an informal housing and labour market has already emerged outside official society in Finland. People living outside society have different backgrounds and life situations. They are at risk of being exploited in different ways and even becoming victims of human trafficking. Families with children and women are in a particularly difficult position.

The municipalities and cities in which persons without a right of stay live are concerned over the current situation and call for the central government to find solutions and provide clearer instructions for influencing the situation. Representatives of municipalities, cities and NGOs report on clients who face extremely complicated life situations. Families may have lived in a municipality for several years, with children who were born in Finland and attend school in this country. Nevertheless, they do not have a residence permit, which is why they are excluded from society and the services they need.

A number of researchers and NGOs⁵⁵ have noted that changes to the legislation and the practice of applying it have over the years put asylum seekers in a more difficult position. The changed situation has contributed to increasing the number of persons who have no right of stay. In keeping with the Government Programme, a research project was conducted in 2020 to examine the combined impact on legal protection of the numerous separate amendments made to the Aliens Act and of practices of applying the Act on the status of persons applying for and receiving international protection. The project was completed as part of the Government's analysis, assessment and research activities (VN TEAS) in February 2021.⁵⁶

The multidimensional nature of the phenomenon was emphasised as the Action Plan was updated. In consultations, the Non-Discrimination Ombudsman, some cities and NGOs have proposed granting these persons a residence permit as a solution to the situation. For example, they have proposed reinstating the provision on granting residence permits on grounds of humanitarian protection in the Aliens Act, less stringent criteria for issuing residence permits based on ties established in Finland, and bringing back the previous practice of issuing temporary residence permits for those who cannot leave the

55 E.g. Lyytinen, Eveliina (ed.): Turvapaikanhaku ja pakolaisuus Suomessa. Migration Institute of Finland, 2019 pp. 96–97; Final report of the Suojattomat project of Helsinki Deaconess Institute: Kohti järkeviä ratkaisuja Uuspaperittomien tilanne, tuen tarve sekä viisi toimenpide-ehdotusta, 2017 p. 9–10 & stakeholders consulted for the Action Plan update, appendix 2.

56 Pirjatanniemi E., Lilja I, Helminen M., Vainio K., Lepola O. & Alvesalo-Kuusi A.: The combined effects of the amendments to the Aliens Act and the practice of applying the Act with regard to the status of those requesting and receiving international protection. Prime Minister's Office. https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/162850/VNTEAS_2021_10.pdf?sequence=1&isAllowed=y

country, which meant that a permit could be issued even if the person refused to return to their country of origin. This raises the question of whether it is reasonable from society's perspective to exclude people from official society – and if so, for how long. The Non-Discrimination Ombudsman and some NGOs have also considered the high threshold for obtaining a residence permit by those living in the country without a right of stay a problem, as issuing a residence permit to a person who has been refused asylum could be interpreted as circumventing the entry provisions. It has also been considered that some persons would end up in a humanely unreasonable situation if they were returned to their home country, even if the conclusion of the permit procedure is that they do not meet the criteria for being issued with a residence permit.

On the other hand, returns as a priority solution were brought up as the Action Plan was updated, in addition to the fact that returning is always possible if the person wishes to return. It was further pointed out that the possibility of obtaining a residence permit after being refused asylum when the person is question is already in the country would create an exception to the residence permit system. The basic principle of the residence permit system is that as a rule, a permit should be applied for before arriving in Finland. The legislator's intention is that applying for a residence permit when already in Finland is an exceptional situation. Various members of the working group have noted that granting a residence permit to persons who have been refused asylum would not be fair on those who have complied with the authorities' decision and left the country.

The reasons for migration are diverse, and studies have found that a significant proportion of them are push-factors, above all. The most significant factors affecting the number of asylum seekers are the number and scale of international conflicts and human rights violations as well as possible environmental disasters. The choice of the country in which the asylum application is submitted is influenced by several factors whose impact on the likelihood of choosing Finland as the destination is extremely difficult to investigate.⁵⁷ It was noted in the working group that immigration policy decisions may act as a pull factor for arriving in Finland and thus even promote human smuggling – especially if Finnish legislation were clearly different from laws in other EU countries. A separate residence permit could also reduce the willingness of those who have been refused asylum to leave the country on a voluntary basis. Other challenges related to this issue could include delimiting the target group.

At the EU level, only about 29% of those who have been issued with a decision to remove them from the country actually leave or are removed by the authorities from the EU.

57 For example Asylum seekers – What do we know about the costs? Ministry of Finance publication – 41/2017. pp. 20–21. Significant Pull/Push Factors for Determining of Asylum-Related Migration, A Literature Review. European Asylum Support Office, 2016 p. 29.

Consequently, many other countries besides Finland are forced to consider solutions to the situation of those who have lived in the country for a long time with no right of stay.⁵⁸ The last European report on this issue was published in 2013.⁵⁹ Up-to-date information will be available soon, however, as the European Migration Network (EMN) is currently working on a comparative study on the challenges and practices the EU Member States face regarding migrants living in the country without a right of stay.⁶⁰ This study is due for completion in summer 2021.

Action 43 *Supporting research on irregular migrants in Finland. In order to find effective solutions, it is important to have a clearer picture of what their situation and numbers are like, if they have been victimised in human trafficking or exploited, and what kind of circumstances they live in.*

Action 44 *Based on national research evidence completed in early 2021 and a European comparative study, investigating possible national solutions for the situation of persons who have been in the country for a long time without a right of stay. Any decisions on this matter will be made separately.*

8.2 Work-based residence permit

Asylum seekers may work in Finland without a work permit while their applications are being processed. The right to work begins three or six months after the asylum application has been submitted, depending on whether the person has a travel document making it possible to verify their identity.

The Finnish Immigration Service conducted a survey addressed to reception centres on asylum seekers' employment in 2019. The reception centres estimated that 23% of their clients worked. The average earnings were approximately EUR 1,000 per month. Most of these asylum seekers were in full-time work. The employment contracts that were available to examine for the purposes of the survey appeared to be in line with the relevant collective agreements. The work was often seasonal.

⁵⁸ For example, Germany applies 'Duldung' (toleration), under which a foreign national may stay in the country without a residence permit on certain grounds. For example, Duldung may be granted due to a missing travel document or illness.

⁵⁹ Study on the situation of third country nationals pending return/removal in the EU Member States and the Schengen Associated Countries published by the European Commission in March 2013 (HOME/2010/RFX/PR/101).

⁶⁰ Responses to long-term irregularly staying migrants: practices and challenges in EU Member States and Norway.

Asylum seekers' right to work is based directly on the law. Asylum seekers themselves, or their employers, can request a certificate issued by the Finnish Immigration Service of the immigrant's right to work. The certificate is subject to a fee and it expires when the right to work expires. Under the law, the right to work no longer applies when a decision to remove the person from the country associated with a decision to refuse asylum is legally valid. The current practice of issuing certificates and tying the right to work to a legally valid decision to remove the person from the country, rather than an enforceable asylum decision, under an amendment made in 2019 have been found to restrict the asylum seeker's possibility to work and the employer's ability to find out if the right to work is valid.⁶¹ In a round table discussion organised by the Ministry of the Interior on 15 October 2020 on streamlining the issuance of work-based residence permits to employed applicants who have been refused asylum, several employers' associations, NGOs and also authorities considered it important to clarify the time at which the right to work ceases to be valid.

Asylum seekers may apply for a residence permit on the basis of gainful employment at any time while their asylum application is being processed or after it has been turned down. Under guidelines for removing persons from the country issued by the National Police Board⁶², in situations where an earlier enforceable decision to remove a person from the country is being implemented, the police department responsible for enforcing it must contact the Finnish Immigration Service about the processing stage of the person's residence permit application, ensuring that the possibility of the person receiving a residence permit is taken into account as they are being removed from the country. If the Finnish Immigration Service reports that the person is certain to be issued with a residence permit, the enforcement of the decision to remove the person from the country will be suspended.

According to the Programme of Prime Minister Marin's Government, the Government will further develop legislation and practices to provide more flexible opportunities to secure a residence permit based on employment for those whose applications have been refused but who have found work. According to information received from the Finnish Immigration Service and the labour administration, approximately 300 asylum seekers who had been refused asylum⁶³ had received a work-based residence permit in 2019–2020 (August 2020). To obtain this permit, a partial decision made by the TE Office is required.

61 Section 80.6 of the Aliens Act: If the right to work is based on applying for international protection, the right to work will cease when the decision to remove the alien from the country is enforceable or his or her application for international protection has lapsed.

62 Enforcement of a decision on refusal of entry and removal from the country POL-2019-27213 p. 16.

63 The figure includes persons who have applied for a work-based residence permit while waiting for a decision on their asylum application and persons whose asylum application has been turned down.

This decision is based on an overall assessment that covers the availability of labour, the terms of employment and the employer's and employee's prerequisites. Labour market testing has to some extent prevented the issuance of work-based residence permits to asylum seekers whose applications have been turned down. As the Action Plan was updated, however, it was concluded that the Government Programme entry does not make it possible to interfere with labour market testing. The Government Programme requires that, in accordance with the European mainstream, work-based immigration will comply with the requirement to determine home market labour availability applicable to labour from outside the EU and EEA. The matter also involves thorny issues related to delimiting the target group.

Action 45 *Investigating how employers could more reliably check if a foreign national who has applied for international protection has a right to work and implementing the relevant legislative amendments.*

Action 46 *Investigating how the practices of issuing a certificate of an asylum seeker's right to work could be improved to serve their purpose better.*

8.3 Obtaining a travel document

The precondition for issuing a residence permit is that the applicant's identity has been verified by means of a valid travel document that proves their identity. Under the law, this main provision may be derogated from in the case of permits granted on grounds of international protection and certain other permits. No exception to this main provision may be made regarding a work-based residence permit, for example. According to an internal policy, the Finnish Immigration Service may derogate from the travel document requirement laid down in the Aliens Act when processing certain applications for a work-based residence permit. These are cases in which the applicant has presented a travel document which was found to be authentic in connection with an earlier asylum process and which was valid as it was presented but has later expired.

In the current situation, obtaining a travel document in Finland is problematic especially for Iraqi, Afghan and Somali citizens. Eight foreign missions of Iraq can issue passports, and the one closest to Finland is located in Stockholm. A delegation of Afghan authorities visits Finland from time to time to identify their citizens and issue travel documents. Somali citizens have faced the most difficult situation, as Finland does not currently recognise Somalia's national passport. Accepting Somali passports is a complex issue, as it is linked to a wider discussion and cooperation on migration with Somalia. On the other hand, it also involves the more technical aspect of document reliability, or whether

a Somali passport is adequate for checking a person's identity. All this will require further investigation, and the Government is currently working on this matter.

An alien's passport can be issued to a foreign national in Finland if they cannot obtain a passport from their home country's authorities, if they are stateless, or if there is some other special reason for issuing an alien's passport. Under the prevailing case law, a work-based residence permit is not considered a special reason for replacing a national travel document with an alien's passport. To change the practice of issuing alien's passports, a legislative amendment would be required. In line with the Government Programme entry on more flexible opportunities to secure a residence permit based on employment for those whose applications have been refused but who have found work, a legislative amendment regarding a situation where all other grounds for issuing a residence permit besides the travel document requirement are met could be considered.

- Action 47** *Continuing the dialogue with the Embassy of the Republic of Iraq in Helsinki on how the position of Iraqi citizens staying in Finland could be improved if the Embassy would issue travel documents to its citizens.*
- Action 48** *Investigating the possibilities of accepting Somali passports.*
- Action 49** *Developing the legislation and its application practices in line with the Government Programme to provide more flexible opportunities to secure a residence permit based on employment for those whose applications have been refused but who have found work. For this purpose, preparing a report on a legislative amendment concerning the issue of an alien's passport and a temporary residence permit for a limited period of time to allow the person to travel and thus obtain a travel document from the authorities of their country, and making the necessary legislative amendments.*

8.4 Service system

Under the Constitution, every person staying in Finland is entitled to indispensable subsistence and care. More detailed provisions on this right laid down in the Constitution are contained in the Health Care Act and the Social Welfare Act. In the current situation, the fact that people living in the country without a right of stay are not recognised under the social welfare and health care legislation is a problem in terms of service provision. The principle of the benefit system being the primary safety net is consequently also not fulfilled. Local authorities are unsure of which services and on what scale should be provided to each group, and who is responsible for their costs. Defining urgent and

necessary assistance is also a problem. There are no clear national policies regarding these services, and regional variations are great. The COVID-19 pandemic has also raised acute concerns because persons living in the country without a right of stay should have access to tests and treatment to fight a generally hazardous infectious disease without being hampered by the costs of treatment.

In keeping with the Government Programme, the Ministry of Social Affairs and Health launched a preliminary study in autumn 2020 on securing essential treatment for irregular immigrants. In this context, the ministry gathered information on their experiences from the largest cities that have decided to provide not only urgent health services guaranteed to everyone under the Constitution but also essential health services to irregular migrants. Based on these reports, the ministry will make the necessary decisions on further measures and launching a legislative process in spring 2021.

Irregular migrants do not have a Finnish personal identity code or a similar artificial identifier that can be used to identify a person in information systems.

In December 2020, the Ministry of Finance launched a project on reforming personal identity codes and the management of state-guaranteed identities. One of the objectives of this project is to facilitate the identification of asylum seekers and those who arrived as refugees. The project also aims to bring in centralised registration to make it easier for asylum seekers and refugees to use other organisations' services, and in the future, it will no longer be necessary to create organisation-specific artificial IDs as extensively as today. This would improve information flows regarding service provision between organisations offering social and health services and enable more detailed monitoring of and research in the entire phenomenon. Responsibility for monitoring the situation as a whole has currently not been assigned to any authority.

Action 50 *Examining the possibilities of clarifying the legislation on the service system and defining urgent and essential assistance more clearly.*

Action 51 *Examining how cooperation between the authorities should be improved regarding irregular migrants to secure the continuity and appropriate provision of statutory services. Improving exchanges of information between reception centres and municipalities to provide the municipalities with appropriate information on persons staying in the country once they are no longer receiving reception services.*

8.5 Firewall

In situations where people remain in Finland without a right of stay, it is important from the perspective of internal security to prevent crime, exploitation and human trafficking related to this phenomenon. Irregular migrants are often in a vulnerable position in society. As their status in society is low and they have no income, they are at risk of being exploited or becoming victims of criminal activity or even human trafficking, or end up participating in criminal activity. Offences against irregular migrants are often not reported, as these people usually strive to stay hidden from the authorities. It may be difficult for them to trust the actors in Finnish society and use the authorities' services as they are afraid of being apprehended and returned to their home country. This fear serves the exploiter, in particular, who benefits from the fact that the victim does not know their rights and is unable to seek help.

The concept of a firewall is quite new, and not much research on it is available. The firewall usually refers to procedures intended for persons living in the country without a right of stay which enable them to contact the authorities without a fear of immediate return. More information is needed on how a firewall could function in concrete terms in Finnish circumstances or what experiences other countries have of using it. Developing cooperation between the authorities and NGOs as well as other parties providing assistance to migrants could be a possibility, allowing irregular migrants to deal with the authorities through these parties. In this context, it is also necessary to examine how the fulfilment of the law enforcement authorities' statutory duties can be safeguarded.

The EU Strategy on victims' rights (2020–2025)⁶⁴ recommends that the Member States take action to ensure access to justice for all victims of crime independently of their residence status. A mechanism like a firewall in connection with reporting an offence would be useful in terms of the individual's legal protection, prosecuting those who benefit from criminal activities, and promoting the security of society. However, this mechanism should not undermine the effectiveness of return procedures.

64 Communication from the Commission to the European Parliament, the Council, the European Economic and Social committee and the Committee of the Regions. EU Strategy on victims' rights (2020–2025). COM (2020) 258 final. Available at: <https://eur-lex.europa.eu/legal-content/FI/TXT/PDF/?uri=CELEX:52020DC0258&from=EN>

Action 52

Drawing on other countries' experiences, the suitability of a 'firewall' or similar procedures will be assessed for allowing irregular migrants to report an offence of which they have knowledge, or a victim of an offence and exploitation to deal with law enforcement authorities without a fear of immediate return. The aim is to promote individuals' legal protection, the prosecution of those who benefit from criminal activities and the comprehensive security of society.

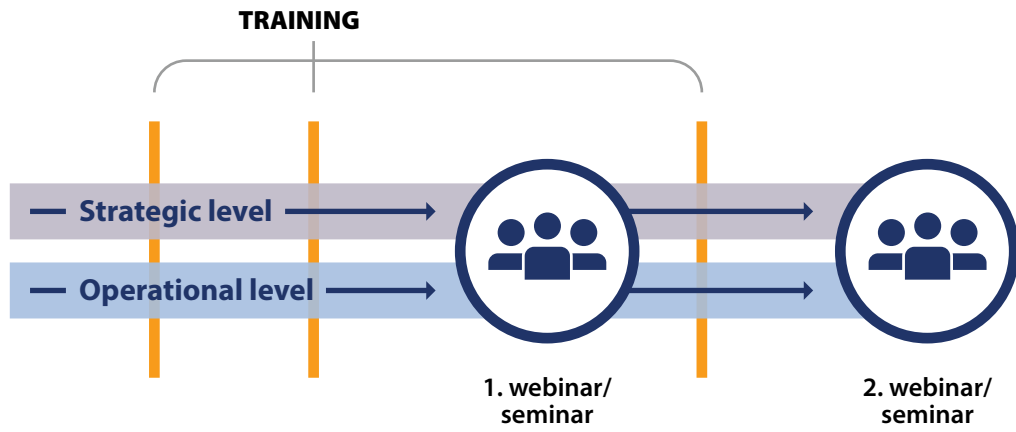
9 ACTION PLAN IMPLEMENTATION, MONITORING AND REPORTING

Action Plan implementation will be monitored at two levels: the Ministry of the Interior will monitor the implementation of the strategic and ministerial-level actions, whereas the LAMA working group led by the National Police Board will monitor the implementation of operational actions as it did under the previous Action Plan. The attached summary table shows the party/parties responsible for implementing each action as well as the party responsible for monitoring the actions (the Ministry of the Interior or the National Police Board's LAMA working group).

A joint kick-off meeting and the first mid-term monitoring seminar will be organised under the leadership of the Ministry of the Interior, and a second monitoring seminar will be held in good time before the ending of the Action Plan period to make the monitoring data available for its next update. At the mid-term and final seminars, the actions taken to implement the Action Plan will be reviewed, and experts in the field will be consulted across a broad front. The seminars will serve as a venue for sharing information about ongoing actions, thus ensuring consistency in implementation.

The Ministry of the Interior and the LAMA working group will ensure that the implementation of the actions is monitored annually. Based on the seminars and other monitoring efforts, the Ministry of the Interior and the National Police Board will report on the implementation of the measures of whose monitoring they are responsible for to the Ministerial Working Group on Internal Security and Strengthening the Rule of Law in the middle and at the end of the Action Plan period. To support the monitoring effort, training will be organised on such themes as the cross-cutting principles of the Action Plan.

Figure 3. Action Plan monitoring



Appendix 1. Actions and responsibilities

Cross-cutting principles relevant to implementing all proposed actions:

3.1. Securing the realisation of fundamental and human rights

Action 1: Addressing the realisation of fundamental and human rights in all actions related to preventing irregular entry and stay.

Strategic and operational

3.2. Promoting the detection of trafficking in human beings and identification of persons in a vulnerable position

Action 2: Improving the authorities' ability to recognise victims of human trafficking and other exploitation. Improving the process of directing victims to the assistance system for victims of human trafficking and enforcing criminal liability more effectively. The aim is to prevent and reduce trafficking in human beings and the exploitation of vulnerable people.

Strategic and operational

Action 3: Improving the authorities' ability to recognise vulnerable applicants. Reviewing the national implementation of the EU directive on common procedures for granting and withdrawing international protection regarding procedural guarantees for vulnerable persons.

Strategic and operational

4. ACTIONS IN COUNTRIES OF ORIGIN AND TRANSIT OF MIGRATION

4.1. Influencing the root causes of forced migration in countries of origin and transit	4.2. Cooperation on migration with countries of origin and transit	4.3. Actions at Finnish missions and liaison officer activities	4.4. Communication about migration	4.5. Developing anticipation
<p>ACTION 4: Promoting cooperation across the boundaries of administrative branches to achieve the EU's common objectives relating to migration.</p> <p>Strategic: Ministry for Foreign Affairs, Ministry of the Interior, Ministry of Economic Affairs and Employment</p> <p>ACTION 5: Participating more actively in joint actions with other EU Member States and Schengen Associated Countries to influence the root causes.</p> <p>Strategic: Ministry for Foreign Affairs, Ministry of the Interior, Ministry of Economic Affairs and Employment</p>	<p>ACTION 6: More active involvement in dialogues on migration and other cooperation between the EU and third countries, especially with regard to key countries of origin and transit from Finland's perspective.</p> <p>Strategic: Ministry for Foreign Affairs, Ministry of the Interior, Ministry of Economic Affairs and Employment</p> <p>ACTION 7: Reviewing the visa system and the accessibility of visa services in order to promote legal means of entry.</p> <p>Strategic and operational: Ministry for Foreign Affairs</p> <p>ACTION 8: To support national discussion, finding out about complementary legal channels developed in other countries.</p> <p>Strategic: Ministry of the Interior, Ministry for Foreign Affairs, Ministry of Economic Affairs and Employment, Ministry of Social Affairs and Health, Ministry of Education and Culture</p>	<p>ACTION 9: Developing the training provided by the liaison officer network at Finnish missions on the phenomena of irregular entry and human trafficking and their prevention.</p> <p>Operational: Border Guard, Finnish Immigration Service, National Police Board, Ministry for Foreign Affairs</p> <p>ACTION 10: Developing further the concept of visiting liaison officers, aiming for more permanent activities.</p> <p>Operational: Border Guard, Finnish Immigration Service, National Police Board, Ministry for Foreign Affairs</p>	<p>ACTION 11: Using the social media more extensively and innovatively to communicate about migration.</p> <p>Strategic: Ministry for Foreign Affairs</p> <p>ACTION 12: Providing more information about the way Finnish society and labour market work at the missions to persons applying for residence permits.</p> <p>Strategic: Ministry for Foreign Affairs</p>	<p>ACTION 13: Developing national cooperation on collating and analysing information further to build and maintain a common and coordinated situational picture of migration.</p> <p>Strategic: Ministry of the Interior, Ministry for Foreign Affairs, Border Guard, Finnish Immigration Service</p>

5. ACTIONS AT THE BORDER

5.1. Effective border control	5.2. Visa fraud	5.3. Information systems and biometric identifiers
<p>ACTION 14: Participating in EU operating models aiming to prevent and detect irregular entry. In this context, Finland will promote the realisation of human rights in Frontex’s work.</p> <p>Strategic and operational: Ministry of the Interior/Border Guard, National Police Board, Finnish Immigration Service</p> <p>ACTION 15: Intensifying cooperation between the authorities and carriers to prevent irregular entry.</p> <p>Operational: Border Guard</p> <p>ACTION 16: Intensifying cooperation with key countries of origin of organised irregular entry in Finland.</p> <p>Operational: Border Guard</p>	<p>ACTION 17: Investigating the phenomenon of irregular entry using fraudulently obtained visas and its scale.</p> <p>Operational: Border Guard, Ministry for Foreign Affairs, Finnish Immigration Service</p> <p>ACTION 18: Stepping up cooperation and information exchanges between authorities to prevent and detect visa fraud and apprehend criminals who benefit from this phenomenon.</p> <p>Operational: Border Guard, Ministry for Foreign Affairs, Finnish Immigration Service</p>	<p>ACTION 19: Deploying the Smart Borders information systems and integrating them with national registers to ensure that the system will operate efficiently.</p> <p>Strategic: Ministry of the Interior/Border Guard</p> <p>ACTION 20: Developing biometric identifiers as a whole, enabling their use as the primary method of finding data on a person in national and EU systems on entry.</p> <p>Operational: Finnish Immigration Service, Ministry of the Interior</p>

6. ACTIONS IN FINLAND

6.1. Improving cooperation and information exchanges between authorities	6.2. Verification of identity	6.3. Permit procedures	6.4. Precautionary measures	6.5. Imposing an entry ban	6.6. Monitoring of foreign nationals
<p>ACTION 21: Examining the possibilities of developing the existing cooperation structures and seeking new solutions for improving the cooperation.</p> <p>Operational: Finnish Immigration Service, National Police Board, Ministry for Foreign Affairs, National Bureau of Investigation, Border Guard, Finnish Security and Intelligence Service</p> <p>ACTION 22: Clarifying practices between the authorities to promote information sharing within the framework of the new personal data legislation on the security authorities and the immigration administration.</p> <p>Operational: Finnish Immigration Service, National Police Board, Border Guard, Ministry for Foreign Affairs, National Bureau of Investigation, Finnish Security and Intelligence Service</p> <p>ACTION 23: Submitting investigation requests concerning suspected cases of false personal data and other suspected offences observed by the Finnish Immigration Service more systematically to the police.</p> <p>Operational: Finnish Immigration Service, National Police Board, Ministry for Foreign Affairs</p>	<p>ACTION 24: Clarifying the procedures for submitting asylum applications while taking the European Commission's proposal for a regulation on screening third-country national into account.</p> <p>Strategic and operational: Ministry of the Interior/Border Guard, National Police Board, Finnish Immigration Service</p> <p>ACTION 25: Intensifying cooperation between the Finnish Immigration Service and Finnish foreign missions on verification of identity.</p> <p>Operational: Finnish Immigration Service, Ministry for Foreign Affairs</p>	<p>ACTION 26: Imposing more severe penalties on employers who use fraudulent means in the entry procedure.</p> <p>Strategic: Ministry of Economic Affairs and Employment, Ministry of the Interior, Finnish Immigration Service</p> <p>ACTION 27: Examining the possibility of changing the general criteria for being issued with a residence permit and the order in which individual preconditions for receiving a residence permit are investigated.</p> <p>Strategic: Ministry of the Interior, Ministry of Economic Affairs and Employment</p> <p>ACTION 28: Examining the possibility of cancelling a permanent residence permit in cases where the person is regarded as a risk to national security or public order and safety as referred to in section 149 of the Aliens Act, and amending the legislation as required. Ensuring that the practice associated with a risk to public order and security is applied equitably and predictably.</p> <p>Strategic: Ministry of the Interior</p>	<p>ACTION 29: Developing information systems to make it possible to obtain statistical data on other precautionary measures besides detention directly from them.</p> <p>Operational: National Police Board, Finnish Immigration Service</p> <p>ACTION 30: As stated in the Government Programme, investigating alternatives to detaining children aged over 15.</p> <p>Strategic: Ministry of the Interior</p>	<p>ACTION 31: Drafting the necessary legislative amendments under which an entry ban could also be imposed on a person who has already left the country, or who has been refused a residence permit when applying for it while living abroad. Ensuring that the principle of proportionality, the child's best interests and the applicant's work and family ties are duly taken into account in the application practice of entry bans.</p> <p>Strategic: Ministry of the Interior</p>	<p>ACTION 32: Developing the monitoring of foreign nationals and integrating it into basic daily policing and analysis-based monitoring of foreign nationals while paying attention to the prohibition of discriminatory ethnic profiling.</p> <p>Operational: National Police Board</p> <p>ACTION 33: Developing the actions of the Finnish Immigration Service in responding to abuses in an appropriate and targeted manner as indicated by the supervisory task imposed on the agency in legislation. Using automation in the monitoring.</p> <p>Operational: Finnish Immigration Service</p>

7. ACTIONS TO PROMOTE RETURN

7.1. Assisted voluntary return and reintegration	7.2. Forced return	7.3. Cooperation with migrants' home countries
<p>ACTION 34: Extending the target group of the assisted voluntary return programme to promote returns. Deciding on the persons who would belong to the new target group and making the necessary legislative amendments.</p> <p style="text-align: right;">Strategic: Ministry of the Interior, Finnish Immigration Service</p> <p>ACTION 35: Providing more information and advice about the possibilities of assisted voluntary return on different channels, including virtual ones, to those considering voluntary return and supporting municipalities and NGOs in the advice provision. Developing information in easy language and visual communication on assisted voluntary return.</p> <p style="text-align: right;">Operational: Finnish Immigration Service</p> <p>ACTION 36: Developing the means of reintegration, including reintegration benefits and training, both nationally and in cooperation with EU Member States and the returning migrants' countries of origin to secure sustainable returns.</p> <p style="text-align: right;">Strategic: Ministry of the Interior, Finnish Immigration Service</p> <p>ACTION 37: Participating in the preparation of an EU strategy on voluntary return and reintegration and, if necessary, preparing a complementary national strategy for Finland's needs.</p> <p style="text-align: right;">Strategic: Ministry of the Interior, Ministry for Foreign Affairs, Finnish Immigration Service</p>	<p>ACTION 38: Making an effort to conclude and maintain bilateral readmission arrangements and participating in EU-level discussions on returns and cooperation with other EU Member States.</p> <p style="text-align: right;">Strategic: Ministry of the Interior, Ministry for Foreign Affairs, National Police Board</p> <p>ACTION 39: Improving the efficient return of migrants convicted of offences by agreeing on precise procedures with the destination country's authorities.</p> <p style="text-align: right;">Strategic: Ministry of the Interior, Ministry for Foreign Affairs, National Police Board</p> <p>ACTION 40: Ensuring that the monitoring mechanism of returns carried out by the authorities works effectively and that the Non-Discrimination Ombudsman is notified systematically and in good time of all return operations implemented by the authorities. Developing information flows between the authorities to ensure that the situation of other permit processes that may be under way is appropriately taken into account when planning returns.</p> <p style="text-align: right;">Operational: National Police Board, Finnish Immigration Service</p> <p>ACTION 41: Participating actively in fulfilling Frontex's mandate in readmission matters and using common readmission actions while stressing fundamental and human rights.</p> <p style="text-align: right;">Operational: Ministry of the Interior, National Police Board, Finnish Immigration Service</p>	<p>ACTION 42: Promoting the posting of a national readmission expert in key destination countries of returning migrants.</p> <p style="text-align: right;">Strategic: Ministry of the Interior, Finnish Immigration Service, Ministry for Foreign Affairs</p>

8. ACTIONS CONCERNING THOSE IN FINLAND WITHOUT A RIGHT OF STAY

8.1. Situation of those in Finland without a right of stay	8.2. Work-based residence permit	8.3. Obtaining a travel document	8.4. Service system	8.5. Firewall
<p>ACTION 43: Supporting research on irregular migrants in Finland. In order to find effective solutions, it is important to have a clearer picture of what their situation and numbers are like, if they have been victimised in human trafficking or exploited, and what kind of circumstances they live in.</p> <p style="text-align: center;">Strategic: Ministry of the Interior, Ministry of Justice, Ministry of Economic Affairs and Employment, Ministry of Social Affairs and Health</p> <p>ACTION 44: Based on national research evidence completed in early 2021 and a European comparative study, investigating possible national solutions for the situation of persons who have been in the country for a long time without a right of stay. Any decisions on this matter will be made separately.</p> <p style="text-align: center;">Strategic: Ministry of the Interior</p>	<p>ACTION 45: Investigating how employers could more reliably check if a foreign national who has applied for international protection has a right to work and implementing the relevant legislative amendments.</p> <p style="text-align: center;">Strategic: Ministry of the Interior, Finnish Immigration Service</p> <p>ACTION 46: Investigating how the practices of issuing a certificate of an asylum seeker's right to work could be improved to serve their purpose better.</p> <p style="text-align: center;">Operational: Finnish Immigration Service</p>	<p>ACTION 47: Continuing the dialogue with the Embassy of the Republic of Iraq in Helsinki on how the position of Iraqi citizens staying in Finland could be improved if the Embassy would issue travel documents to its citizens.</p> <p style="text-align: center;">Strategic and operational: Ministry of the Interior, Ministry for Foreign Affairs</p> <p>ACTION 48: Investigating the possibilities of accepting Somali passports.</p> <p style="text-align: center;">Strategic: Ministry for Foreign Affairs, Ministry of the Interior</p> <p>ACTION 49: Developing the legislation and its application practices in line with the Government Programme to provide more flexible opportunities to secure a residence permit based on employment for those whose applications have been refused but who have found work. For this purpose, preparing a report on a legislative amendment concerning the issue of an alien's passport and a temporary residence permit for a limited period of time to allow the person to travel and thus obtain a travel document from the authorities of their country, and making the necessary legislative amendments.</p> <p style="text-align: center;">Strategic: Ministry of the Interior</p>	<p>ACTION 50: Examining the possibilities of clarifying the legislation on the service system and defining urgent and essential assistance more clearly.</p> <p style="text-align: center;">Strategic: Ministry of Social Affairs and Health, Finnish Immigration Service</p> <p>ACTION 51: Examining how cooperation between the authorities should be improved regarding irregular migrants to secure the continuity and appropriate provision of statutory services. Improving exchanges of information between reception centres and municipalities to provide the municipalities with appropriate information on persons staying in the country once they are no longer receiving reception services.</p> <p style="text-align: center;">Strategic: Ministry of Social Affairs and Health, Finnish Immigration Service</p>	<p>ACTION 52: Drawing on other countries' experiences, the suitability of a 'firewall' or similar procedures will be assessed for allowing irregular migrants to report an offence of which they have knowledge, or a victim of an offence and exploitation to deal with law enforcement authorities without a fear of immediate return. The aim is to promote individuals' legal protection, the prosecution of those who benefit from criminal activities and the comprehensive security of society.</p> <p style="text-align: center;">Strategic: Ministry of the Interior</p>

Appendix 2. Stakeholders consulted for the Action Plan update

Project on phenomena

January–September 2020

21 parties

Municipalities: Espoo, Helsinki, Hämeenlinna, Kotka, Lahti, Pori, Tampere, Vantaa

NGOs: IOM, Helsinki Deaconess Institute, Church Council of the Evangelical Lutheran Church of Finland, Finnish Medical Association, Physicians for Social Responsibility – Finland, Finnish Refugee Advice Centre, Sininauhasäätiö, Valkonauha

Public bodies: Ministry of Social Affairs and Health, HEUNI, Social Insurance Institution of Finland, Office of the Non-Discrimination Ombudsman

Networks: Working Group on the Action Plan against Trafficking in Human Beings

Consultation conducted for the project

October 2020

16 parties

Authorities: Finnish Immigration Service, Helsinki Police Department, Assistance system for victims of human trafficking, Coordinator of work against human trafficking, Social Insurance Institution, Border Guard, Ministry of the Interior National Security Unit, Ministry of Economic Affairs and Employment, National Prosecution Authority, Customs, Ministry for Foreign Affairs, Finnish Security and Intelligence Service, Office of the Non-Discrimination Ombudsman, Ministry of the Environment

Cities: Espoo, Helsinki, Vantaa

NGOs: IOM

Working group work

**ACTION
PLAN**

Ministry of the Interior's round table discussion

15 October 2020

13 parties

How to promote the possibilities of obtaining a work-based residence permit for migrants who have been refused asylum

Labour market organisations: Central Union of Agricultural Producers and Forest Owners, Federation of Agricultural Employers, Finnish Hospitality Association MaRa

Authorities: Ministry of Justice, Ministry of Economic Affairs and Employment, Finnish Immigration Service, Regional State Administrative Agency for Southern Finland, Office of the Non-Discrimination Ombudsman

NGOs: Finnish Red Cross, Startup Refugees, Finnish Refugee Advice Centre

Consultations of the project working group

October–November 2020

12 parties

Ministry of Economic Affairs and Employment: Sub-group on preventing the exploitation of foreign labour (24 September)

Ministry of Justice: Action Plan against Trafficking in Human Beings (24 September)

Ministry of Social Affairs and Health: Preparation of legislation on assisting victims of trafficking in human beings (29 September)

MISEC project: Developing cooperation between immigration and security authorities (8 October)

Assistance system for victims of trafficking in human beings (12 October)

Police: National Bureau of Investigation, Finnish Security and Intelligence Service, Ministry of the Interior National Security Unit (20 October)

Communication: Finnish Immigration Service, Ministry of the Interior, Ministry for Foreign Affairs (4 November)

Irregular migrants: Visit to Helsinki Deaconess Institute (16 November)



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Finland

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