



Action Plan against Illegal Immigration 2012-2015



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Sisäasiainministeriö

Kuvailulehti

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Tiivistelmä: Laiton maahantulo Euroopan unionin alueelle on jatkunut voimakkaana ja siihen liittyy yhä enemmän kansainvälistä järjestäytyntä rikollisuutta, kuten ihmissalakuljetusta ja ihmiskauppaa. Euroopan unionin rajaturvallisuusvirasto Frontex tilastoi lähes 141 000 laitonta rajanylitystä EU:ssa vuonna 2011, mikä tarkoittaa 35 prosentin kasvua edellisvuodesta.

Syrjäytyminen on sisäisen turvallisuuden keskeisin uhka. Laittomasti maassa oleskelevilla on erityisen suuri riski syrjäytyä. Laittoman maahantulon torjunnan tavoitteena on, että viranomaisyhteistyöllä ennalta estetään ja paljastetaan Suomeen suuntautuvaa laitonta maahantuloa ja sen järjestämistä, ihmiskauppaa ja muuta rajat ylittävää rikollisuutta. Laittoman maahantuloon liittyvää rikollisuutta torjumalla ennalta ehkäistään myös Suomeen ja EU-alueelle pyrkivien haavoittuvassa asemassa olevien henkilöiden joutumista rikollisten ja rikollisryhmien hyväksikäytön uhreiksi.

Laittoman maahantulon vastainen toimintaohjelma 2012-2012 on rakennettu siten, että lähtökohtaisesti laitonta maahantuloa torjutaan poikkihallinnollisesti Suomen viranomaisten toimesta neljällä tasolla 1) laittoman maahantulon

lähtö- ja kauttakulkumaissa 2) lähialueilla 3) ulkorajoilla sekä 4) sisämaassa. Toimintaohjelman painopisteenä on pääministeri Kataisen hallitusohjelmaan perustuen laittoman maahantulon torjuntaan vaikuttavan lainsäädännön päivittäminen sekä laittoman maahantulon torjuntaan läheisesti liittyvien viranomaisprosessien nopeuttaminen. Erityishuomiota on kiinnitetty maastapoistamispäätösten täytäntöönpanon nopeuttamiseen. Toimintaohjelma sisältää 21 toimenpidesuositusta, joiden toteuttaminen on vastuutettu eri viranomaisille.

Poliisihallituksen johdolla toimiva laittoman maahantulon torjunnan virkamiestyöryhmä seuraa toimintaohjelman täytäntöönpanon toteutumista eri viranomaisissa. Työryhmä raportoi toimenpiteiden toteutumisesta sisäisen turvallisuuden ministeriryhmälle ja sisäisen turvallisuuden ohjausryhmälle puolivuositain.

Avainsanat (asiasanat): sisäinen turvallisuus, turvallisuuden parantaminen, yhteistyö, poikkihallinnollisuus, laiton maahantulo, muuttoliike

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Abstract: Illegal immigration into the European Union has continued apace and involves, to an increasing degree, international organised crime such as the smuggling of and trafficking in human beings. The European Union's border security agency Frontex recorded nearly 141,000 illegal border crossings in the EU in 2011, equal to an increase of 35 % on the year.

Social exclusion is the greatest threat to internal security. Illegal residents are at particularly high risk of social exclusion. The aim of combating illegal immigration is proactively to prevent and uncover, through cooperation among the authorities, illegal entry into Finland and its facilitation as well as trafficking in human beings and other cross-border crime. Combating crime associated with illegal immigration also serves to prevent vulnerable persons seeking to enter Finland and the EU from falling prey to criminals or organised crime.

The Action Plan is devised in such a manner that measures to combat illegal immigration are taken cross-sectorally by Finnish authorities primarily at four levels: (1) in the countries of origin and transit for illegal immigration, (2) in neighbouring

areas, (3) at the external borders, and (4) in the territory of Finland. The emphasis of the Action Plan, based on the Programme of Prime Minister Katainen's Government, is on updating the legislation which impacts on the fight against illegal immigration and expediting the administrative processes closely linked to the fight against illegal immigration. Particular attention has been paid to expediting the enforcement of removal decisions. The Action Plan contains 21 proposed measures, responsibility for the implementation of these measures being allocated to various authorities.

The working group on combating illegal immigration operating under the management of the National Police Board will monitor the implementation of the Action Plan by the various authorities. The working group will submit a report on the implementation of the Action Plan at six-month intervals to the ministerial working group on internal security and to the steering group of the Internal Security Programme.

Keywords (asiasanat): internal security, enhancement of security, cooperation, cross-sectoral, illegal immigration, migration

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1. Preamble

Illegal immigration into the European Union has continued apace and involves, to an increasing degree, international organised crime such as the smuggling of and trafficking in human beings. The European Union's border security agency Frontex¹ recorded nearly 141,000 illegal border crossings in the EU in 2011, equal to an increase of 35% on the year. The EU external border was most often illegally crossed at the external borders of Greece, Italy and Malta. According to the statistics compiled by the Finnish National Bureau of Investigation in compliance with the Migration Statistics Regulation 862/2007², the number of persons found by the Police and the Finnish Border Guard to be staying illegally in Finland has varied in the past five years between 1,966 and 6,888 annually. In 2011, the number of persons found to be staying in Finland illegally was roughly 3,300.

Social exclusion is the greatest threat to internal security. Illegal residents are at particularly high risk of social exclusion. As far as both individuals and the public order are concerned, it is important to prevent illegal immigration and to support measures which steer foreign nationals towards legal immigration.

The aim of combating illegal immigration is proactively to prevent and uncover, through cooperation among the authorities, illegal entry into Finland and its facilitation as well as trafficking in human beings and other cross-border crime. Combating crime associated with illegal immigration also serves to prevent vulnerable persons seeking to enter Finland and the EU from falling prey to criminals or organised crime.

Finland has not been a particularly attractive destination for illegal immigration. With the situation under control, the aim of combating illegal immigration is indeed to maintain the status quo and to develop preventative measures within the framework of cooperation among Member States, Schengen countries and the countries of origin. Control of foreign nationals within Finland should also be further enhanced to compensate for the drawbacks arising from the abolition of internal border checks within the Schengen area.

The second national **Action Plan against Illegal Immigration** seeks to accomplish the aforementioned aims. The Action Plan, covering the years 2012–2015, has been drafted in the spirit of the EU's integrated border management strategy.

The Action Plan presents estimates as to illegal immigration and phenomena impacting thereon and puts forward proposals for the development of legislation and practices of the authorities. Cross-sectoral cooperation between the various authorities is essential in the fight against illegal immigration in order to ensure the maximally efficient utilisation of the various organisations' resources allocated to combating illegal immigration. Sustained cooperation of high standard among the authorities and the enhancement of cooperation and coordination are themes vital to this Action Plan.

¹ *European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, established by Regulation (EC) No 2007/2004 (26.10.2004, OJ L 349, 25.11.2004)*

² *Regulation (EC) No 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection*

The Action Plan is devised in such a manner that measures to combat illegal immigration are taken cross-sectorally by Finnish authorities primarily at four levels: (1) in the countries of origin and transit for illegal immigration, (2) in neighbouring areas, (3) at the external borders, and (4) in the territory of Finland. The current Action Plan is the second national cross-sectoral action plan to combat illegal immigration, the first such plan having covered the years 2010-2011.

The emphasis of the Action Plan, based on the Programme of Prime Minister Katainen's Government, is on updating the legislation which impacts on the fight against illegal immigration and expediting the administrative processes closely linked to the fight against illegal immigration. Particular attention has been paid to expediting the enforcement of removal decisions. The Action Plan contains 21 proposed measures, responsibility for the implementation of these measures being allocated to various authorities.

In determining the order of priority of legislative projects, measures of expedition are required for updating of the provisions governing powers in the control of foreign nationals within Finland and for the finalisation of the legislative projects concerning the criminalisation of acts related to the facilitation of illegal entry. The control of foreign nationals within the country as well as our asylum procedure and enforcement of removal decisions are known to be effective. This is in all likelihood one of the reasons why Finland has been a fairly unattractive destination for illegal immigration.

In terms of effectiveness and cost to society, illegal immigration is best combated when it can be prevented prior to entry into the Schengen area. International estimates put the savings to society for each instance of illegal immigration at between EUR 30,000 and EUR 50,000. As concerns action after the fact, the use of escorts in connection with the enforcement of removal decisions alone caused the Police expenditure of roughly EUR 2.5 million in 2011, and roughly seven person-years were expended on escort duties related to the enforcement of removal decisions.

The measures proposed in the first Action Plan against Illegal Immigration were laudably implemented by both the Ministry of the Interior and the Ministry for Foreign Affairs and the agencies under these. Some fairly significant legislative projects and financing-intensive projects were nonetheless left unrealised. The final report on the first Action Plan against Illegal Immigration and the 2011 assessment report on the fight against illegal immigration were presented in March 2012 to the ministerial working group on internal security and to the steering group of the Internal Security Programme, both of which recommended the continuation of the Action Plan.

Based on the 2011 assessment report on the fight against illegal immigration, the most important areas for further development in terms of combating illegal immigration were the following:

- The provisions governing powers in the control of foreign nationals within Finland must be brought up to date and clarified
- The student selection process in respect of foreign students must be improved (entrance examinations, interviews, authority to verify means of support)
- Adequate resources must be allocated to the examination of visa applications
- Efforts should be made to sign Memorandums of Understanding with countries which present a challenge to the enforcement of removal decisions (Afghanistan, Somalia, Iraq)

Compliance with fundamental and human rights and attention to the legal protection of the individual are vital in combating illegal immigration. Moreover, the right to seek international protection must always be taken into account. The aforementioned rights must be catered for in action taken by the authorities, in particular in the provision of training on the subject. In communications and the compilation of statistics, attention should be paid to clear and understandable communications and to the status of foreign nationals in the asylum, removal and permit processes.

1.1 Working group on combating illegal immigration

Action to combat illegal immigration is monitored and coordinated by a cross-sectoral working group on combating illegal immigration, the 'LAMA' working group, operating under the management of the National Police Board. The aim of the activities of the working group is to monitor and enhance the fight against illegal immigration in all its forms.

The tasks of the working group are

- a) to monitor phenomena associated with illegal immigration and residence and to share information thereon,
- b) to develop cooperation and information-sharing between the authorities in combating illegal immigration,
- c) to promote for its part development in combating illegal immigration and to submit proposals for the enhancement of activities,
- d) to monitor, assess and report on the realisation of the Action Plan against Illegal Immigration and to launch the preparation of a new action plan well in advance of the expiration of the current Action Plan; according to the decision on the appointment of the working group, a report on the realisation of the Action Plan against Illegal Immigration is to be submitted biannually to the management group for internal security and the management group of the Ministry of the Interior, and
- e) to ensure the availability of up-to-date information about the fight against illegal immigration for decision-making purposes. In order to accomplish this task, the working group steers the drafting of the situational awareness report prepared by the National Bureau of Investigation.

Besides the Police, the working group also comprises representatives of the Finnish Border Guard, Customs, the Finnish Immigration Service, the Ministry for Foreign Affairs, the Ministry of Social Affairs and Health, the Ministry of the Interior and the prosecution service.

The working group prepares an annual cross-sectoral assessment report on the fight against illegal immigration. The purpose of the report is to provide up-to-date information about how various authorities see the current state of illegal immigration and how they are succeeding in their efforts against illegal immigration.

Owing to the extensive cross-sectoral nature of action to combat illegal immigration, the working group estimates it to be necessary that the aims and proposed measures of the Action Plan against Illegal Immigration also be adopted for implementation by actors external to the Ministry of the Interior and its agencies.

1.2 Illegal entry and residence

Illegal entry and residence are defined as unauthorised entry and residence, i.e. foreign nationals lacking the travel document, visa or residence permit required under the Aliens Act and/or the Schengen Borders Code or otherwise lacking the right to enter and/or stay in Finland. Illegal entry refers to activities in either temporary or permanent breach of the international or national agreements, legislation and rules concerning entry into, residence in or exit from a country. Legal entry becomes illegal residence when a person remains in the country longer than permitted or the purpose of the stay changes without the relevant permit required by the authorities.

2. Combating illegal immigration in Finland

2.1 Action in countries of origin and transit

2.1.1 Finnish missions abroad

Finland's missions take part in combating illegal immigration with the aim of preventing Schengen visas granted for visits from being used for unauthorised location in the Schengen area. Finland may also be used as a portal for attempted illegal entry into other Schengen countries. Missions play a significant role in combating illegal immigration, as the savings to society from each instance of illegal immigration prevented are estimated to be between EUR 30,000 and EUR 50,000.

Due to the current state of public finances Finland, together with many other Schengen countries, is experiencing pressure to cut the number and staffing of its missions in the near future. The reduction in offices and resources is unlikely to exceed roughly ten per cent, and measures to compensate for the cuts include the streamlining of operations, information-technology solutions and the partial outsourcing of technical permit processing.

The procurement of entry permits may involve actual or attempted abuses at the missions. Attempts may be made to obtain a visa or residence permit by submitting to the permit authority false or misleading information regarding the applicant's intention of leaving the Schengen area upon expiration of the permit. Pertinent information may also be concealed or withheld. Applicants who attempt to abuse the system most often seek to gain legal or illegal employment in the Schengen area.

Illegal immigration is often associated with national or international organised crime groups who charge exorbitant fees from persons seeking to enter the Schengen area illegally.

The missions' knowledge of local circumstances, the information they obtain from other Member States through local Schengen cooperation regarding individual incidents and phenomena, and the interviews they conduct with applicants are essential when seeking to prevent Finnish missions from becoming a route for unauthorised entry into the Schengen area.

The key position of the Finnish and other Schengen countries' missions is emphasised especially in the countries of origin and transit where the environment poses a high risk of illegal migration and which are subject to visa requirements. The expert role of the missions in combating illegal immigration is underscored in their knowledge of the country of posting, observation of local phenomena, profiling of applicants and conducting of personal interviews. Separate resources must often be allocated for the latter. The Finnish missions gain additional support from the missions of other Schengen countries in their country of posting and from the local national authorities.

Immigration experts whose primary task is to combat illegal entry into the Schengen area are attached to certain missions. The visa processing teams of the Ministry for Foreign Affairs lend support to the mission's overall consideration of visa applications by submitting opinions and conducting further studies and investigations.

As provided in the Schengen Visa Code, the missions of Finland and the other Schengen countries accept and process applications for visas which entitle their holder to enter the Schengen Member States. Visa applications as a rule are processed by the mission of the country which is the main destination of the travel, yet a visa entitles the holder to free movement in the territory of all Member States.

As provided in the Aliens Act, Finland's missions act as the authority which accepts residence permit applications and effects the service of decisions. The missions also conduct additional investigations and interviews when necessary. The decisions on residence permit applications submitted to missions are taken by the Finnish Immigration Service and the applicant must wait for the decision abroad.

Especially among those applying for a residence permit on the basis of family ties there are nationals of countries from which reliable documents in support of the application are impossible to obtain. In respect of undocumented applicants, the fulfilment of the requirements for the residence permit is primarily determined by means of interviews conducted at the mission. Oral hearings are also used as a supplementary means of investigation in other unclear cases. Therefore the missions play an important role in the prevention of family reunification abuses.

Biometric residence permit cards were introduced in Finland at the beginning of 2012, since which time only the applicant in person has been allowed to file a residence permit application. The applicant must legally reside in the country where the application is filed with a Finnish mission. When an application could earlier be filed also by a family member in Finland on behalf of an applicant who was abroad, the revised procedure has initially reduced the number of applications filed on the basis of family ties. The cuts in Finland's network of missions may also have contributed to the decline in the number of family reunification applications, as in certain areas these may have hampered the filing of such applications.

The issue of Schengen visas is based on the Schengen Visa Code, which is a part of Community law. Application of the new Visa Code (Regulation 810/2009/EC of the European Parliament and of the Council) started on 5 April 2010. The Visa Code includes a manual to promote its uniform application. The visa provisions in the Schengen Convention and the Common Consular Instructions for Schengen Member States were repealed by the Visa Code. The Visa Code regulates local consular cooperation between the Schengen countries and the Commission. Within the framework of the Code, the Schengen visa procedure may be adapted to local circumstances within the limits permitted under the Code.

The introduction of the new Visa Code has significantly reduced the need for Member States to regulate visa affairs in their national legislation.

By agreement between two Member States, the mission of one Schengen Member State may process the visa applications of applicants wishing to enter the other Member State. The applications are processed in the same manner as the representing State's own applications. Finland has concluded several representation agreements under which the applications of persons wishing to enter Finland are processed by the mission of another Member State, or the visa applications of persons wishing to enter another Member State are processed by a Finnish mission.

The number of visa applications accepted and processed by Finnish missions has been climbing steadily. In 2009, visa applicants numbered 795,936; in 2010, 1,020,400; and in 2011, 1,258,999. Visas were refused to roughly 12,000 applicants in 2011. The average percentage of decisions of refusal was approximately 1.5%, ranging from 0.4% to 50.4%. The highest number of decisions of visa refusal are issued by missions in countries with a high risk of illegal migration.

Illegal entry and illegal immigration may be combated proactively through action taken by the missions. Proactive measures are effective, cost-effective and important to public order and security. Particular attention should be paid to the allocation of adequate resources to the missions and to the maintenance of staff expertise in combating illegal immigration. The resources available to the missions are of vital importance to combating illegal immigration. Thorough and timely interviews conducted by the missions, their investigation of original documents and their local knowledge are prerequisites to effectively combating illegal immigration.

The joint seminar retreat of the Ministry for Foreign Affairs and the Ministry of the Interior on the topic of immigration, headed in turn by both Ministry's Permanent Secretary/Secretary of State, oversaw the establishment of a 'technical working group' to study alternative manners of accepting residence permit applications abroad. Cooperation with other Schengen countries, in particular the Nordic countries, and outsourcing were chosen as the focus of the study. The working group submitted its report in February 2012. It was agreed at the retreat of 3 May 2012 that the preparations related to legislative amendments be continued under the supervision of the Ministry of the Interior. Safeguarding the prerequisites to combating illegal immigration, at both the legislative and the executive levels, is a vital consideration in connection with the possible outsourcing of the resident permit application process and the intensification of Schengen cooperation.

The rollout of the Visa Information System (VIS) started in the Member States on 11 October 2011. One of the purposes of the VIS is to improve action taken to combat illegal immigration and to enhance internal security in the Member States. Under Council Decision 2008/633/JHA, access to the Visa Information System (VIS) for consultation is permitted to the authorities designated by the Member States and to Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences.

The visa authorities of the Member States will begin to transfer Schengen visa application data and the biometric identifiers of visa applicants (facial image and fingerprints) into the VIS according to a separate rollout schedule. The new system will provide the competent authorities of Member States with access to visa application data from all Member States.

The Visa Information System and its use are based on Regulation (EC) No 767/2008 of the European Parliament and of the Council concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation). Under the VIS Regulation, the authorities of the Member States are given precise, article-specific rights of access to the VIS. Under Articles 18 and 19 of the VIS Regulation, the competent authorities have access to data at external border crossing points and in the territory of Member States in order to verify the identity of the visa holder and/or the authenticity of the visa and/or whether the conditions for entry to, stay or residence on the territory of the Member States are fulfilled. In addition, under Article 20 of the VIS Regulation, the authorities have access to the data either at external border crossing points or in the territory of Member States for the purpose of identification when a person does not hold a visa or there is doubt as to the identity of the visa holder and the authenticity of the visa and/or travel document. The VIS was introduced in Finland on 15 May 2012 in respect of border checks and the issue of visas.

The improved identification of applicants, the registration of fingerprints, and access to the facial images in the system will effectively prevent abuses. During the first ten weeks alone, the VIS was integral in uncovering 468 instances of 'visa shopping'³, all of which resulted in the issue of a decision of refusal. Visa shopping refers to the practice of seeking out among Schengen missions the one where controls are perceived to be the laxest and filing the visa application there in the hopes of qualifying for the visa without the proper grounds. Visa shopping may also refer to the practice of applying for a Schengen visa at multiple missions when refused a visa by the first mission.

The worldwide rollout of the VIS is likely to take 36 months in all. According to the plan defined for the start of operations, the VIS rollout will take place in four regions. The first region (11 October 2011) is Northern Africa: Algeria, Egypt, Libya, Mauritania, Morocco, Tunisia. The second region (aimed for 10 May 2012) is the Middle East: Israel, Jordan, the Lebanon, Syria. The third region (aimed for 2 October 2012) is the Persian Gulf: Afghanistan, Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates, Yemen. The following regions have been geographically defined but the decision as to schedule is yet to be taken: Africa, Southern America, the former Soviet republics in Central Asia, Southeast Asia and the Palestinian territories. Start of operations in the remaining areas is yet to be determined but the final regions are estimated to include Russia, the Western Balkans, Southern Caucasus and Far Eastern countries. Europe is also likely to be among the final regions where operations are started.

The local cooperation between the missions of Schengen countries should be further developed especially in the most intensive illegal migration countries of origin and transit. All national competent authorities and EU working groups are required to work together if this aim is to be achieved. Finland has for its part intensified its training provision to Finnish missions based in these areas by providing regional training and organising fact-finding journeys for the 'LAMA' working group. The national competent authorities have taken part in both, and during both meetings with the experts of other Member States have also been arranged.

³ *Seeking out the most advantageous visa procedure*

2.1.2 Liaison officer activities conducted abroad

The Police, Customs, the Border Guard, the Finnish Immigration Service and the Ministry for Foreign Affairs currently have 25 liaison officers posted abroad. Part of their job description is to combat illegal immigration and trafficking in human beings. Many of the liaison officers are based at Finnish foreign missions.

Liaison officer activities targeting migration, i.e. immigration liaison officer (ILO) activities, were intensified during the term of the previous Action Plan against Illegal Immigration through joint projects among the authorities, in the manner required under the Action Plan, and by making use of the European Union's External Borders Fund. The activities should further be intensified by posting immigration liaison officers in the key regions of origin for illegal immigration to Finland. The development and coordination of ILO activities is the duty of the cross-sectoral working group headed by the Ministry of the Interior, where the Ministry for Foreign Affairs and Customs are also represented.

The first joint ILO started working at Addis Ababa in Ethiopia in June 2009 within the framework of a joint undertaking of the External Borders Fund, the Border Guard, the Police, the Finnish Immigration Service and the Ministry for Foreign Affairs. In early 2012, the Ethiopian liaison officer came under wholly national funding. The ILO at Addis Ababa mainly concentrates on conducting family reunification interviews with Somalis wishing to enter Finland.

ILO activities were launched in New Delhi, India, in summer 2011. This project is also supported by the External Borders Fund and involves the Ministry for Foreign Affairs, the Finnish Immigration Service and the Border Guard as the national actors. Over the course of only a few months, the New Delhi liaison officer in collaboration with mission staff, by e.g. uncovering document falsification, has already prevented dozens of persons seeking to enter Finland illegally from succeeding in their attempts.

The third joint ILO project was launched in Abuja, Nigeria on 1 June 2012. Temporary liaison officers have been posted to Nigeria in several years, mainly in the summer months, during which the examination of student permit applications is at its busiest. In 2008, when temporary liaison officer activities were being launched in Nigeria, nearly 80% of visa applications at the Abuja mission were refused. The ILO in Nigeria concentrates on verifying the authenticity of student applications and on uncovering crime directed at Finland from Nigeria. An application for aid to the ILO project in Abuja has been made to the External Borders Fund and the project involves the Ministry for Foreign Affairs, the Police, the Border Guard and the Finnish Immigration Service.

Expanding ILO activities further into regions of significance in terms of illegal immigration is considered important. The next joint liaison project of the authorities is being planned for Turkey and the project is provisionally envisioned to benefit from the EU External Borders Fund. Another important consideration is to put the immigration administration liaison officer activities in St Petersburg on a permanent footing.

Police

The Police currently have eight permanent liaison officers posted abroad to provide support to national anti-crime action and criminal investigations: three in Russia, two at Europol and one each in Spain, China and Estonia. The Police also have two part-time liaison officers posted in Petrozavodsk and Murmansk and an officer seconded to the Interpol, the latter not under the official designation of liaison officer. The Police also take part in the ILO activities in Abuja.

The Finnish Security Intelligence Service has short term officers posted at certain Finnish foreign missions to provide support to the missions as they investigate fulfilment of the requirements to entry. In the years 2010-2012, these activities were based on project funding made available by the National Police Board. As of 2013, the funding will come out of the spending limits of the Security Intelligence Service in order to put the activities on a permanent footing, the justification for this arising from the guidelines laid down in the National Counter-Terrorism Strategy adopted by the Government on 11 March 2010.

The Nordic Police and Customs cooperation (PTN) involves, among other things, the common use of liaison officers to allow the liaison officers of another Nordic country to be used for information-sharing purposes. All told, the Nordic countries have over thirty liaison officers based in sixteen countries.

Under Council decision 2003/170/JHA, EU Member States may make use for information-sharing purposes of the liaison officers of other Member States posted in third countries. In certain countries of posting, the cooperation has grown closer through the leading role assumed and regular meetings organised by an individual Member State.

The members of the Baltic Sea Task Force (BTSF) have agreed on the common use of their respective liaison officers in the manner laid out in the above Council decision. Common use in this context also implements Priority Area 15, Flagship Project 15.4 (Common use of LOs) of the EU Strategy for the Baltic Sea Region.

Finnish Border Guard

The liaison officer network of the Finnish Border Guard consists of liaison officers based at offices of the Ministry for Foreign Affairs in Petrozavodsk, Murmansk, St Petersburg, Moscow, Tallinn, Riga and Beijing. Like the Police and Customs, the Border Guard also aims to support national crime prevention action with its liaison officer activities. As laid out in Council Regulation (EC) No 377/2004 on the creation of an immigration liaison officers network, the Border Guard's ILOs are tasked with contributing to the prevention and combating of illegal immigration, the return of illegal immigrants and the management of legal migration. The ILOs provide support in the examination of visa and residence permit applications, examine suspect travel documents and other documents having to do with travel, and provide training and support to office staff in verifying the authenticity of travel documents. The Border Guard's ILOs also work in close cooperation with the Police and Customs liaison officers posted at Finland's missions.

Customs

Customs currently has liaison officers posted in Tallinn and St Petersburg and with Europol. The liaison officers in Tallinn and St Petersburg operate under PTN status. The duties of the Customs liaison officers include investigative support and information-sharing related to action to combat crime. The liaison officers also monitor their regions for crime with links to Finland and provide reports. National and international cooperation among the authorities in criminal matters is also within the purview of the Customs liaison officers.

2.1.3 Other action in third countries

The authorities and the national carrier Finnair have an excellent relationship as concerns the fight against illegal immigration and trafficking in human beings. The Finnish Border Guard has been active in providing training to Finnair's ground services staff whenever Finnair has launched new routes to high-risk destinations. The carrier also complies with the recommendations of official liaison officers based at foreign airports on whether persons in possession of documents obtained on false pretences and persons travelling for non-authorised purposes should be allowed to board. ILO action of this kind has been undertaken by Member States at least in service to India, China, Thailand and Japan.

On its long-haul flights and its website, Finnair additionally screens the video prepared and published by the Police in support of efforts to prevent human trafficking. The video is designed to facilitate the identification of victims of trafficking and their referral to the national assistance system for victims of trafficking.

The Finnish Border Guard has also provided training to other commercial airlines in connection with the launch of routes to destinations where the risk of illegal migration is high. This established training provision will also be continued in the future whenever service commences to a new high-risk destination.

2.2 Action in neighbouring areas

Effective border management calls for active cooperation with the collegial authorities of neighbouring countries. Cooperation agreements concluded with neighbouring states in the field of border control are an effective means of strengthening border management. As always in relations with third-country authorities, particular attention is paid to the realisation of human rights and to the obligation of secrecy. The cooperation is implemented through the means most appropriate in each context, such as negotiations, information exchange, proper communication channels, working groups, local contact points and agreements on addressing various situations.

In the cooperation with bordering states, it is deemed essential that neighbouring states render each other active assistance by ensuring the absolute security of their own borders and by taking action to refuse entry to persons who do not satisfy the requirements for entry already at border control in the country of departure, before they enter the Schengen area. This also means compliance with a consistent return policy in situations where a person lacks the right of entry and there are no barriers to return based on serious humanitarian reasons or international law.

The Finnish Border Guard engages in both bilateral and multilateral border management cooperation. Finland and Russia have concluded an agreement concerning the régime of the Finnish-Russian state border, which specifies the operational levels of border management cooperation. At the highest level are meetings between the heads of the Finnish Border Guard and the Russian Federal Border Service. The preparatory and executive body at the highest level is the permanent joint Finnish-Russian border working group which sets up separate sub-working groups as necessary. An example of such groups is the operational sub-working group, the main task of which is to address cross-border crime at the operational level.

Under the régime agreement, Finland and Russia have in place border delegates at the regional level.

The border delegates for Finland are the commanders of the four land border guard districts and for Russia, the equivalent persons. Cooperation between the border delegates is equivalent with the second sphere of the four-tier access control model which makes up part of the EU's integrated border management strategy. Under the régime agreement, the border delegates are obligated to take necessary action to prevent any incidents which may occur at the border. They also investigate and, when necessary, resolve any eventual border incidents.

The cooperation includes information-sharing on border security matters, the situation on the border (risk analysis), the necessary proactive measures, and agreeing on the operations of border crossing points. The cooperation with the Russian Federal Border Service has been successful.

The Baltic Sea Region Border Control Cooperation (BSRBCC) is a border security cooperation forum established in 1996 on Finland's initiative. Its members include all Baltic Sea countries and Norway, with Iceland furthermore involved in the capacity of observer. The forum's activities cover cooperation between the border management authorities of the Member States in combating cross-border crime and in maritime environmental protection. While the focus is on activities at sea and in ports, other borders have not expressly been excluded from the mandate. The cooperation has a rotating presidency and a national coordination centres operating 24/7 in each State. The Finnish centre is located in the town of Turku, at the command centre of the West Finland Coast Guard District. Information-sharing takes place via Coastnet, BSRBCC's dedicated encrypted data transmission system used to transmit, for example, periodical and ad hoc reports on the cross-border crime situation at sea and in ports.

Border checks have been abolished at all internal Schengen borders. With increasing mobility, the need for cooperation with neighbouring area authorities within the Schengen area is becoming increasingly important.

In the field of combating illegal immigration, neighbouring area cooperation related to policing is pursued within the framework of the annually convened Nordic police chiefs' forum, for example. While the forum primarily addresses matters of asylum and removal, action to combat illegal immigration also has a powerful presence on the agenda. Effective modes of operation that would allow jointly to expedite the removal of illegal residents and to combat illegal immigration are sought through Nordic cooperation. The agenda most recently featured arranging joint Nordic return flights to 'countries of difficult return' and deliberation on the posting of a joint Nordic ILO to a given destination with funding primarily from the EU External Borders Fund (90%). Norway is responsible for the examination and planning of this project.

The Finnish Police, Customs and the Border Guard also take part in action to combat illegal immigration and trafficking in human beings through the Baltic Sea Region Task Force (BSTF). The body of the Task Force responsible for operational cooperation is the Operative Committee (OPC). The Task Force consists of police, customs and border control authorities and also, to a certain extent, prosecution services. The OPC is tasked with making recommendations for suitable joint action for the Task Force, assuming responsibility for the implementation of ongoing and planned operational action, and serving as a multi-sectoral expert body for operational affairs. The main forms of crime addressed in the cooperation are the various forms of organised crime. Forms of cooperation include joint analysis teams and investigation teams as well as topic-specific operations. The BSTF is also an implementer of Priority Area 15 of the EU Strategy for the Baltic Sea Region, "to decrease the volume of and harm done by cross-border crime".

Practical cooperation in combating illegal immigration is also carried out in the various working groups of the EU and EU agencies (Europol and Frontex). The EU has several illegal immigration policy and legislation development projects underway, as well as Council working groups on information-sharing and the monitoring of activities. The Finnish authorities also share information about illegal migration.

Another important cooperation forum in combating illegal immigration is the Immigration Fraud Conference (IFC), in which the police authorities of its 21 member states are involved. The Forum addresses travel document fraud and its links to the prevention of illegal immigration. Finland has been an official member of the IFC since 1990.

The International Air Transport Association Control Authority Working Group (IATA/CAWG) is a 20-member strong international cooperation forum for authorities and airlines. The Finnish delegation to the IATA/CAWG consists of representatives of the national carrier, the Police and the Border Guard. Finland joined the forum in 2000 after observer membership and an election.

The Intergovernmental Consultations on Migration, Asylum and Refugees (IGC) provide a framework for immigration and law enforcement authorities to share information and discuss migration flows among 17 states, the UNHCR, the IOM and the European Commission. Key sectors for the IGC include the monitoring of removal functions, asylum matters and illegal migration flows. Finland is also a member of long standing in this forum.

The 2000 Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union has enhanced the effectiveness of traditional international criminal judicial assistance procedures and enabled the use of new technologies in the field. In practice, one of the most important tools in the investigation of international criminal offences introduced pursuant to the Convention is the Joint Investigation Teams (JIT). The Act concerning these came into force in Finland at the beginning of 2003.

Joint Investigation Teams have been utilised in the investigation of international criminal offences related to illegal immigration when the investigation has required operational collaboration between the authorities of two or more Member States. A JIT may be established by agreement between the authorities of two or more Member States for the purpose of investigating a given offence or set of offences. The establishment of the team is processed in each Member State as a request for judicial assistance comprising all investigative measures to be used in investigation under the Convention, thus eliminating the need for separate requests concerning searches of premises or interrogations, for example. Team members are also given broader authority to take part in the aforementioned investigative measures in team States together with the national authorities. Pre-trial investigation teams comprising authorities from several States have been instrumental in solving extensive human trafficking cases extending to several countries.

2.2.1 Possible visa-free travel régime between the EU and Russia

Preparations for increasingly popular travel between Russia and Finland and the possible introduction of a visa-free travel régime between the EU and Russia in the near future are being made both by the Ministry of the Interior and on a cross-sectoral basis between the Ministry of the Interior and the Ministry for Foreign Affairs. The former appointed on 13 May 2011 a working group to monitor preparations in the Ministry and its agencies for visa-free travel. Under the management of both Ministries, regular meetings will be held on the topic of increased mobility and preparations for visa-free travel, such meetings to be widely attended also by representatives of several other ministries and their agencies.

Were visa-free travel between the EU and Russia to become a reality, the Ministry of Interior estimates wide-ranging consequences to immigration into the Schengen Area. Visa-free travel would send a major signal to communities seeking to enter the Schengen area via Russia, especially possible asylum-seekers and groups of persons of Russian nationality. It is estimated that the risk of illegal immigration and the associated document falsification in the Schengen area would increase as a result of visa-free travel. Visa-free travel would moreover result in the risk of a surge in illegal employment, which in turn would increase the need for tax control and measures to control the shadow economy. A large portion of the heightened risk would in all likelihood concern Finland.

2.3 Action at external borders

The Finnish Border Guard is responsible for border control, takes part in the control of foreign citizens, and combats cross-border multi-sector crime. The Border Guard identifies border management risks and generates situational data and development assessments for combating illegal immigration. At the external borders, the Border Guard works in close cooperation with both foreign and domestic authorities, such cooperation involving measures related to investigation, control and intelligence. Cooperation between the Police, Customs and the Border Guard (PCB activities) at the external borders is a prerequisite for effective action to combat illegal immigration.

Border control comprises not only checks on persons at border crossing points and control of the stretches of border between crossing points but also the analysis of risks to internal security and the analysis of possible threats to security at the external borders. Border crossing points function effectively and satisfy all international security criteria. A credible control presence is maintained in the areas between border crossing points.

The volume of traffic at the EU external border crossing points under the control of the Border Guard was 14.4 million persons in 2011, an increase of roughly 21% on the year. The increase is attributable to a sharp rise in traffic at the Eastern border and moderate growth in air traffic. The Russian border was crossed by 10.6 million persons, an increase in traffic volume of 27% from 2010. External border traffic at airports increased to 3.7 million persons, up by approximately 10%. Ship traffic accounted for some 300,000 border crossings in 2011.

Besides the Border Guard, border checks are also carried out by the Police and Customs. By the powers conferred by Government decree (Government decree on border crossing points and the division of border check duties at them, 901/2006), the Police are responsible for external border checks in passenger traffic at the airports of Jyväskylä, Kuopio, Mikkeli, Savonlinna, Seinäjoki, Tampere-Pirkkala and Varkaus. The busiest of these and the most important in terms of combating illegal immigration is Tampere-Pirkkala Airport, where roughly 108,000 passengers crossed the external border in 2011. Customs is responsible for border checks on fishing and cargo vessels at ports and for border checks on light aircraft at the airports of Jyväskylä, Kuopio, Mikkeli, Savonlinna, Tampere-Pirkkala and Varkaus.

The border management situation at the country's land and sea borders has remained stable. Each year, a few dozen illegal border crossings are uncovered at the land and sea border line between border crossing points. Most of these are of little consequence and due to carelessness. In 2011, three cases of illegal entry were detected at the land border between Finland and Russia. It should moreover be noted that the active operations of the Russian Federal Border Service result each year in the stopping of roughly 100–300 persons seeking to enter Finland illegally across the border.

In the field of national authorities, the Border Guard's crime prevention focuses particularly on the prevention and investigation of crimes having to do with illegal immigration and trafficking in human beings. The Border Guard's crime prevention helps prevent the effects of serious cross-border crime on Finland and Europe in close cooperation with other law enforcement authorities.

The Finnish Border Guard is an active contributor to the development of the European border management system. The Border Guard provides human resources and equipment for the border management operations of Frontex.

2.4 Action in the territory of Finland

The Police are the general authority for maintaining public order and security and for preventing and investigating crime, and in this capacity the Police combat both crime within Finland and cross-border crime. The Police have primary responsibility for the control of foreign nationals within Finland and the enforcement of removal decisions. The Police also have other duties related to the fight against illegal immigration governed by the Aliens Act, such as the taking of decisions to refuse entry and the submission of proposals for refusal of entry and deportation, duties related to the asylum process, and other investigation of foreign nationals. The Police also serve as a foreigner permits authority and each year grant roughly 60,000 permits to foreign nationals. In 2011, roughly 3% of permit applications were refused.

Control of foreign nationals is a part of the action taken to combat illegal immigration. As free mobility increases, the relevance of this surveillance has increased. Upon accession to the Schengen agreements, Finland undertook to intensify surveillance within its territory in order to compensate for the drawbacks arising from the abolition of internal border checks. Under Article 21 of the Schengen Borders Code (EC No 562/2006), the abolition of border control at internal borders must not affect the exercise of police powers by the competent authorities of the Member States under national law, insofar as the exercise of those powers does not have an effect equivalent to border checks. The Code provides for application of this Article also in border areas.

Control of foreign nationals within Finland is performed as part of basic policing and in the form of themed surveillance based on analysis. The Police organise both nationwide and regional surveillance events each year. Day-to-day policing to an increasing degree also entails control of foreign nationals, consisting of checks of persons' requirements for residence.

The local police and the Traffic Police have a central role in the control of foreign nationals within Finland when the aim is to locate illegal residents. The task of the National Bureau of Investigation in combating illegal immigration is to assemble and share information and to serve as an expert body. The National Bureau of Investigation also coordinates the national themed surveillance events each year and maintains situational awareness regarding illegal immigration. The Finnish Security Intelligence Service also takes part in combating illegal immigration within the framework of its field of operations.

An important role in combating illegal immigration within Finland is also played by the networks of illegal immigration prevention instructors. The aim of these networks, operating under the management of the National Police Board, is to harmonise operational models in the control of foreign nationals. The members of the networks are responsible in their respective units for control of foreign nationals as part of basic policing. They are also responsible for the organisation of themed surveillance as necessary, and for participation in the nationwide themed surveillance events. The network members are also responsible for keeping staff training related to combating illegal immigration up to date. The Ministry for Foreign Affairs also supports cooperation among the authorities by providing training in migration matters.

The Finnish Border Guard carries out control of foreign nationals alongside border control. The Border Guard takes part in control at the request of the Police or when necessary to maintain border security or to follow through on a statutory duty of the Border Guard.

Supervision and inspections by the occupational health and safety authority (field of responsibility of occupational health and safety at regional state administrative agencies) having to do with foreign nationals are directed at employers. Compliance with the minimum terms of employment in employment contracts and with occupational safety and health regulations is supervised in respect of foreign workers in the same manner as in respect of Finnish workers. This work also involves supervision of employers to ensure that they have ascertained their current and prospective employees holding the required employee's residence permit, or their not requiring one. The occupational health and safety authority also supervises employers' compliance with the duty of keeping records, at the place of employment and readily accessible for inspection by the occupational health and safety authority, of all foreign nationals in their employ and the grounds for their right to work.

When a foreign employer employs workers for contractual work or subcontracting, or as leased workers, the duties of the employer apart from the duty to keep records apply to the Finland-based primary contractor or party for which the work is performed.

Any unauthorised workers are reported by the occupational health and safety authority to the Police for investigation of work permit offence and/or employer's violation of the Aliens Act.

Foreign workers may also be employed as posted workers (Posted Workers Act, 1146/1999), in which case the employer may be based in another EU Member State or a third country. Posted workers are ones who ordinarily work in a state other than Finland but have been posted here by their employer for a limited period. In these cases, the employer is an enterprise established in another state and providing cross-border services. The posting enterprise must select a representative upon commencement of the posted worker's employment in Finland. The Finnish party for which the work is performed must ensure that the posting enterprise selects the representative in Finland, a consideration to be taken into account in subcontracting agreements. Compliance with the law is supervised by the occupational health and safety authorities.

On occasion it has been observed that the authorities may not necessarily learn of changes in the circumstances and requirements for residence of persons staying in Finland. Social security benefits, among others, have been paid to persons who would not have been entitled to such benefits because of, for example, expiration of their residence or other permit, or relocation from Finland. The reason for such situations has often been that the authorities granting these benefits have not been aware of the changed circumstances.

The legislation which governs information-sharing between, for example, the Police and social services as a rule permits cooperation between the authorities, some provisions even obligating the authorities to cooperate. Cooperation or information-sharing is expressly prohibited under only a few provisions. Social services and other immigration authorities should also be permitted to share information without barriers.

The Tax Administration, while not an authority responsible for controlling illegal entry into Finland, may in the context of implementing taxation come across matters related to the combating of illegal immigration. Tax information may furthermore be of relevance to the control of illegal entry. The lack of the right of the labour authorities which address migration matters to obtain tax information is a topic raised with some frequency in discussions on immigration.

The exchange of information concerning foreign nationals should be unobstructed in all respects. Under the Government Programme, obstacles to information exchange between the authorities are to be removed and the necessary registers made flexibly available to the authorities responsible for combating the shadow economy. In order to address the deficiencies in information-sharing, this Action Plan contains a recommendation of both amendment of the Act on the Register of Aliens and enhancement of the cooperation between the social services authorities, the Social Insurance Institution of Finland KELA, the Police and other authorities dealing with migration matters through improved information-sharing. The social services authorities should be subject to a duty to notify the authorities dealing with migration matters of any social security benefits granted to foreign nationals in cases where the social services authorities suspect abuse of the system. The duty to notify should be provided for by law. The authorities which grant social security benefits should also have access to information about changes in the circumstances affecting such benefits.

In its report on clarifying procedures concerning the processing of social assistance payable to foreign nationals (Reports and Memorandums of the Ministry of Social Affairs and Health 2011:12), the ULMA working group serving under the management of the Ministry of Social Affairs and Health also proposes legislative changes that would boost the exchange of information between the social services authorities and the authorities issuing permits to foreigners.

In connection with measures to improve the exchange of information between authorities, it would also be important to study consistent means for disclosure of information by electronic means, as consistent electronic procedures and interpretations of law concerning information-sharing would be a more efficient use of government information service resources.

The introduction of new technical interfaces in the Finnish Immigration Service's electronic case management system (UMA) will serve to promote the aim recorded in the Government Programme of removing obstacles to information exchange between the authorities.

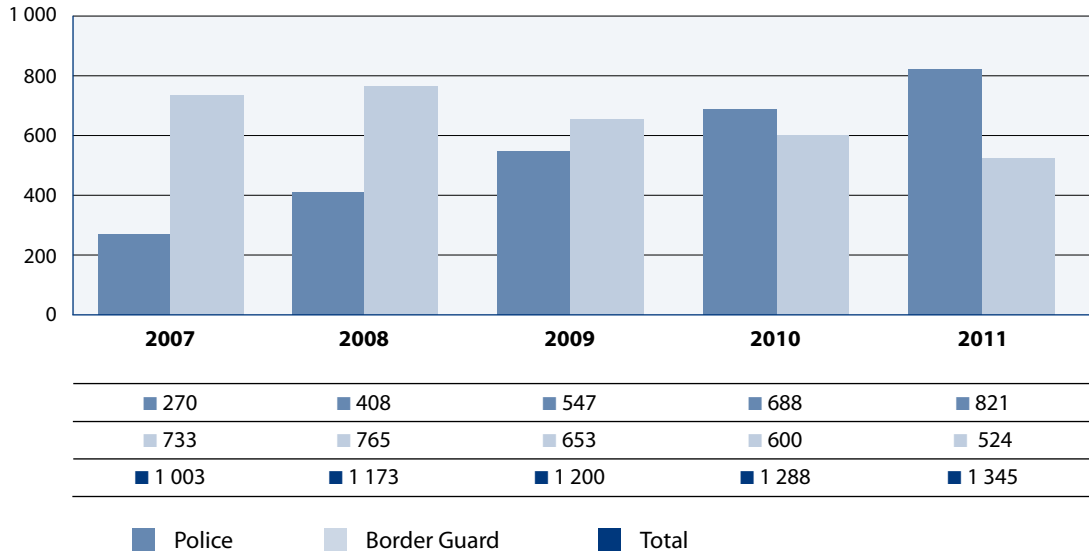
Approximately 90% of those entering Finland illegally arrive via the internal borders of the EU. The highest numbers to date of persons found by the authorities to be staying illegally in Finland were seen in 2008 (6,400) and 2009 (nearly 7,000). The figure has turned into decline since 2009, and in 2011 approximately 3,300 persons were found to be staying in Finland illegally. Based on pan-European regulation, persons staying illegally are defined as persons who have committed a violation of the Aliens Act and persons who seek asylum in the territory of Finland and lack identification or documents entitling them to enter the country. Although foreign nationals who seek asylum within the country are classified for statistics compilation purposes as staying illegally, their stay in Finland becomes legal once they file their asylum application.

In recent years, an increasing share of persons found to be staying illegally has been uncovered through active measures on the part of the authorities. Earlier, the aforementioned seekers of asylum in the territory of Finland, a group on the detection of which the authorities have little control, accounted for clearly the largest share of persons found to be staying illegally. In 2011, over 40% of those found to be staying illegally were uncovered as a result of active measures on the part of the authorities (violations of the Aliens Act) whereas the comparable figure in 2008 was roughly 20%.

A clearly higher share of the persons found to be staying illegally are now being found within Finland. The number of violations of the Aliens Act uncovered by the Police within Finland first exceeded the number of equivalent cases uncovered by the Border Guard in 2010. In 2011, the Police recorded and investigated over 800 violations of the Aliens Act, compared to 270 in 2007. The increase from 2010 to 2011 in cases recorded by the Police was roughly 21%. All told, the Police and the Border Guard investigated a total of 1,359 violations of the Aliens Act in 2011.

The table below depicts the nationwide increase in the number of violations of the Aliens Act. The diagram provides a breakdown of cases into those uncovered by the Police and the Border Guard in the years 2007-2011.

Violations of the aliens act, police/border guard 2007-2011



The increase in the number of suspected violators of the Aliens Act found by the Police within Finland and the decline in the number of cases found by the Border Guard is indicative of the illegal immigration trend prevailing for some years now, of persons illegally staying in Finland either arriving here via internal borders or being persons who have overstayed their visas. On the other hand, the increase in the number of violations uncovered by the Police is considerably influenced by the increase in the number of hours allocated to control of foreign nationals and the systematic harmonisation of operational models in surveillance taking place in recent years. The more time is allocated to surveillance, the higher the number of criminal offences and violations uncovered.

Effective and efficient action to combat illegal immigration which supports the equality of all citizens requires the authorities to have adequate and precisely defined powers. The relevant provisions should be sufficiently clear so that action taken by the authorities does not result in the unequal treatment of persons due to there being room for interpretation in the law. The clear-cut regulation of powers is also essential to the legal protection of the authorities.

On the regulation of powers under the Aliens Act

Under section 212(1) of the Aliens Act (301/2004), compliance with the provisions of the Act and any provisions issued under it is supervised by the Finnish Immigration Service, Police and the Border Guard. Pursuant to the said provision, the Police and the Border Guard have carried out control of foreign nationals, for example by organising nationwide themed surveillance operations. Themed surveillance consists of analysis-based surveillance in which the Police are tasked with verifying the existence of foreign nationals' right of residence. Based on analysis, the surveillance measures are directed at areas where public disturbances are a particular problem or where illegally resident

foreign nationals might with reason be presumed to be present. Themed surveillance events are often coordinated to last one week and concern specific targets determined through analysis. One key target of themed surveillance has been businesses known to have foreign employees.

According to a decision issued by the Deputy Parliamentary Ombudsman on a complaint (8 August 2011, 3695/4/09), the Police and the Border Guard nonetheless are not authorised to carry out control of foreign nationals on premises subject to 'public peace' such as business premises or construction sites. According to the decision, unlike, for example, the occupational health and safety authorities, the Police or the Border Guard have no powers based in law to conduct, for surveillance purposes, inspections of premises subject to public peace. In the decision, it is held that section 212 of the Aliens Act is by legal nature an administrative duty rule which only in the broad strokes defines the duties of authorities carrying out control of foreign nationals.

In consequence of the aforementioned decision, the legal provisions concerning control of foreign nationals should be clarified in respect of the powers of the authorities on as expedited a timetable as possible. According to the present interpretation, the current section 212 of the Aliens Act no longer meets the requirements for the performance of control of foreign nationals on premises subject to public peace. The Programme of Prime Minister Jyrki Katainen's Government requires the investigation and prevention of the use of irregular foreign workers and the supervision of the labour market to be enhanced. It is vital to provide for the express power of carrying out control of foreign nationals on business premises in order to achieve these aims. The powers to carry out control of foreign nationals could be specified in other respects as well at the same juncture.

Control of foreign nationals as well as our asylum procedure and enforcement of removal decisions are known to be effective. This is in all likelihood one of the reasons why Finland has been a fairly unattractive destination for illegal immigration. Attention has been paid in the Ministry of the Interior and its agencies to the possibility of asylum procedure abuse with the purpose of illegal immigration and to determining the associated needs for legislative amendment, having regard to the requirements under the 1951 Refugee Convention and Community legislation. However, no proposed measures related to the determination of the needs for legislative amendment will be presented in the context of this Action Plan.

The effective enforcement of removal decisions is an important component in effective action to combat illegal immigration. Finland has for long been one of the most effective countries in Europe in the enforcement of removal decisions. Each year, the Police are successful in removing from the country roughly 60-70% of those to whom a removal decision has been issued. The number of those removed from the country has risen annually; in 2008, the Police enforced roughly 1,100 removal decisions while the equivalent figure in 2011 was over 2,200. The record year in terms of removal decisions was 2010, when nearly 2,900 decisions were enforced. This is equal to the daily removal of more than ten persons to whom removal decisions had been issued. In the enforcement of removal decisions, the removal must be ensured to take place in a humane manner and with respect for human dignity and human rights.

A current barrier to effective removal activities is the backlog of enforceable removal decisions to 'challenging' destinations (Iraq, Somalia, Afghanistan) to which the return of persons is exceedingly difficult if not wholly impossible. A conceivable solution in respect of such countries might be the drafting of bilateral Memorandums of Understanding and intensified measures of voluntary return to the said countries. The readmission agreements with third countries negotiated by the EU and the bilateral protocols on the enforcement of such agreements will also serve to facilitate practical cooperation in the enforcement of removal decisions.

Persons to be removed from the country should also be identified more effectively by means of multi-authority cooperation. The Immigration Police of the Helsinki Police Department is the implementing party in a project aiming to increase the efficiency of removals especially through the improved identification of persons to be removed. Within the project, contacts will be made with third-country missions and local authorities in order to procure travel documents and thereby to streamline the enforcement of removal decisions. The enforcement of removal decisions is also hampered by the lack of consistent models or regulation within the EU regarding the travel document required in connection with the enforcement. The type of document required to readmit to their state of residence foreign nationals who are legally resident in another EU Member State but to whom a removal decision has been issued in Finland has not been determined.

A national system of voluntary return might be introduced to support the enforcement of removal decisions, thus steering an increasing number of those to be removed from the country to choose to leave voluntarily instead of having to be forcibly returned. In the context of its EU-funded removal projects, the Helsinki Police Department has worked together with parties including the IOM to foster voluntary returns. The Ministry of the Interior has also pursued isolated voluntary return projects while the Finnish Immigration Service in early 2012 drafted a Memorandum of Understanding with Somaliland to foster voluntary returns. A national system of voluntary return is yet to be established, however.

Detention under the Aliens Act is an important precautionary measure when investigating the requirements for entry and enforcing removal decisions. Finland continues to maintain only a single detention unit as referred to in the Act on the Treatment of Aliens Placed in Detention and on Detention Units (116/2002). In their recommendations, international human rights monitoring bodies, such as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), have drawn attention to the low capacity of the detention unit. The attention of human rights actors has focused on Finland regularly being forced to place persons detained under the Aliens Act in police facilities due to the 40-bed Metsälä detention unit being at capacity.

The lack of detention capacity also impacts on the speed at which removal decisions can be enforced. Every effort is made to utilise the available detention capacity in a cost-effective manner by means of timely detentions of short duration in order to safeguard the enforcement of removal. However, persons cannot always be moved to the Metsälä unit (in Helsinki) from other parts of Finland, as the Metsälä unit is always at capacity. The current Government Programme nonetheless requires that the enforcement of removal decisions be expedited.

This problem was already brought up in the first Action Plan against Illegal Immigration. The authorities have moreover submitted several initiatives on the establishment of a second detention unit. The situation remains a violation of the criteria put forward by the human rights bodies and is also unsupportive of the aim in the Government Programme of expediting the enforcement of removal decisions to the fullest.

The Government Programme additionally requires alternatives to be developed for detention. The Ministry of the Interior's project on revising the legal provisions concerning the detention of foreign nationals is set to run from 1 December 2011 to 1 December 2013. The project includes an examination of the potential for using the alternatives for detention under Chapter 7 of the Aliens Act, such as obligation to report, and seeks to develop these into increasingly effective alternatives for detention.

The Government Programme states that markedly intensified action is to be taken to combat economic crime and the shadow economy. The management group to combat economic crime appointed by the Ministry of the Interior has been preparing an effectiveness agenda in this field for the years 2012-2015. The Immigration Police of the Helsinki Police Department has prepared its own agenda of measures to combat the shadow economy and economic crime. The agenda for the most part comprises measures related to the processing and decision-making of rights of residence as well as the planning and execution of individual raids for surveillance purposes.

The prosecution service is tasked with the realisation of criminal liability. The cooperation between the pre-trial investigation authorities and the prosecution service should have the aim of swiftly and effectively assigning criminal responsibility in a nationally and internationally consistent manner. Knowledge of an effective system of sanctions and an internationally commensurate sentencing practice are alone capable of having a preventative effect on illegal immigration, for example. By monitoring the material accumulated in pre-trial investigations, information may be gathered not only on the criminal phenomenon per se but also in particular its new manners of commission and operational models. Monitoring case law meanwhile increases awareness of the interpretation of current law. This knowledge and information may be put to good use both when preparing general situational awareness reports and in connection with measures taken in countries of origin.

Model for cooperation between the Finnish Immigration Service, the Police and the Border Guard

The Government Programme states that a cooperation model involving various authorities, i.e. the Finnish Immigration Service, the Police and the Border Guard (multi-agency cooperation model) will be introduced in order to accelerate the processing of asylum applications. The Ministry of the Interior has launched a project on this topic to run from 1 January 2012 to 31 May 2013.

The introduction of this model would provide a framework for the development of new ways of working in order to accelerate the processing of asylum applications. The overall need to intensify cooperation among the actors in the Ministry of the Interior and its agencies is stated in the more detailed description of the proposed measures in the Ministry's future review.

The goal of the project is to conduct the discussions necessary for enhancing cooperation and to prepare a study on the basis of the findings of those discussions. The study will then serve as a basis for the necessary decision of the Ministry on the introduction of the model, after which the operational coordination of cooperation would take place in a separate multi-agency cooperation management group to be established.

2.4.1 Permit consideration

The consideration of permit requirements, performed by the Finnish Immigration Service and the Police, and the associated investigation are of vital importance to combating illegal immigration. They are also practical means of combating illegal immigration within Finland. A permit to stay in Finland may be refused if there are reasonable grounds to suspect that the applicant intends to evade the provisions on entry into or residence in the country. As a rule, control before the fact is always more effective than control after the fact, and also more cost-effective. The duration of the processes related to the various permits also has an impact on effectiveness. The current permit revocation and deportation process, inclusive of hearings in court, is time-consuming and may hamper effective action to combat illegal immigration.

The biometric residence card and residence permit card were introduced on 1 January 2012 by means of national legislation. The new cards replace the residence permit stickers with photo, affixed to travel documents, while also separating the card, issued to indicate the permit, from the travel document proper.

In practice, the reform means that the applicant's biometric identifiers, a facial image and two fingerprints of applicants aged six and older, are recorded on the chip in the residence card or residence permit card. All fingerprints of the applicant are furthermore recorded in a national database. Fingerprint registration in the database is a means of identity protection, while a comparison of the applicant's fingerprints to the fingerprints in the database ensures that a person does not apply for a permit under more than one name. With the introduction of biometrics, applicants can file applications only in person.

The fingerprints recorded on the chip may be used to verify identity and the authenticity of the document through a 'one-to-one' comparison in situations where the residence permit must be presented pursuant to national legislation. The fingerprints recorded in the national database may be used more broadly for purposes of the processing, decision-making and control of matters having to do with the entry, exit, residence and employment of foreign nationals, as well as for the protection of national security. The procedure here is either a one-to-one comparison or a one-to-many comparison, the latter involving a comparison of the applicant's fingerprints against the entire database. The Police may moreover use the fingerprint data recorded in the database for victim identification purposes.

Some of the comparison procedures described above are as yet beyond the technical capabilities of the authorities. From the perspective of combating illegal immigration, it would be vital for the authorities to obtain as soon as possible the technical capabilities required to conduct biometric control and comparison. This would permit the effective utilisation of the possibilities allowed under the EU Regulation on the uniform format for residence permits and the related amendment Regulation as well as under national legislation. Action to combat illegal immigration is also considerably facilitated by the utilisation of biometric identifiers. In the utilisation of biometrics, regard as always must be had to fundamental rights such as the right to privacy and information security.

In the interests of document security, the term of residence cards and residence permit cards has been limited to five years. In practice, holders of permanent residence permits must apply for a new residence permit card at intervals of five years.

2.5 Trafficking in human beings

The first National Plan of Action against Trafficking in Human Beings was adopted by the Government in 2005. The measures were assessed and reviewed in the Revised National Plan of Action against Trafficking in Human Beings adopted in 2008. The Ministry of the Interior and the Ministry of Justice have both set up legislative projects to determine the needs to amend the legislation against human trafficking. Consequently, this Action Plan against Illegal Immigration will not separately address the issue of human trafficking despite illegal immigration and human trafficking being closely interrelated phenomena.

3. Proposed measures

Illegal immigration is a phenomenon which transcends national boundaries and if it is to be effectively combated, close cooperation and effective information-sharing are required at all tiers of the access control model. The focus in the first Action Plan was on intensified action to combat illegal immigration in the territory of Finland and on the development of preventative action in third countries. In keeping with the aims of the Programme of Prime Minister Katainen's Government, a review of the legislation associated with combating illegal immigration and the acceleration of the processes of the authorities integrally linked with combating illegal immigration have been selected as the key objectives for this second Action Plan. The section of the Plan outlining the measures also takes into account those projects which were left unimplemented during the term of the first Plan but which are nonetheless deemed to be of significance to combating illegal immigration.

The realisation of fundamental and human rights and the right to seek international protection must always be catered for in any action aimed at preventing illegal entry or residence. In addition, compliance with absolute non-refoulement obligations is essential in the context of removal decision enforcement. Action to combat illegal immigration is not intended to prevent or hamper the entry into or residence in the country of refugees and asylum seekers.

The list of measures contains first those proposed measures requiring changes in legislation. The remaining proposed measures have been grouped, as applicable, in accordance with the four-tier access control model. The measures are numbered consecutively from 1 to 21.

3.1 Measures requiring changes in legislation

1. Updating of powers in control of foreign nationals

Objective

The prevention of the use of irregular foreign workers required under the Government Programme will be enhanced by means of control of foreign nationals. According to the decision 3695/4/09 of the Deputy Parliamentary Ombudsman, the Police and Border Guard are not empowered to carry out control of foreign nationals on premises subject to public peace, such as business premises or construction sites. The matter calls for swift amendment of the Police Act, Border Guard Act and/or Aliens Act.

Proposed measure

An urgent legislative project will be launched in order to lay down provisions under which express powers to carry out control of foreign nationals in locations subject to public peace are conferred on the authorities responsible for supervising compliance with the Aliens Act and the provisions issued under it, and under which the provisions of the Aliens Act concerning powers are supplemented to correspond to the modern, precise regulation of powers. The proposal is to be prepared by the Ministry of the Interior Police Department and its presentation is to be agreed among the Ministry's departments once the proposal is nearer completion.

Primary responsibility

Ministry of the Interior/Police Department

2. Reform of the Act on the Register of Aliens

Objective

As required under the Government Programme, obstacles to information exchange between the authorities will be removed and the necessary registers made flexibly available to the authorities responsible for combating the shadow economy. In this context, improvements in the timeliness and availability of register data will be required and the right of the keepers of the Register of Aliens to obtain information will be expanded.

Proposed measure

The Act on the Register of Aliens (1270/1997) should be reformed to better correspond to the requirements of modern legislation governing registers. According to the legislative agenda of the Ministry of the Interior, the project on this topic will be launched in 2013 at the earliest.

Primary responsibility

Ministry of the Interior/Migration Department

3. Ordering prohibitions of entry on persons residing abroad

Objective

More effective action will be taken in the case of submission of false information when filing an application for a residence permit abroad. Steps will be taken to make it possible to order a prohibition of entry also on foreign nationals who have already left the country.

Under the current Aliens Act, a prohibition of entry may only be ordered on a foreign national in connection with removal from the country when the foreign national is residing in Finland. Foreign nationals who apply for a residence permit abroad at Finnish missions cannot be prohibited from entering Finland in connection with a refusal of the residence permit even when the applicant has sought to deceive the permit authority by, for example, presenting falsified documents. In the interests of preventing and combating illegal entries, legislation should provide for more effective action against residence permit applicants who resort to fraudulent means. The possibility of a prohibition of entry would in all likelihood reduce attempts to obtain a residence permit by fraudulent means.

Under current legislation, attempted deception for all intents and purposes has no consequences besides a refusal of the application in question. Upon being issued the refusal, the applicant who has resorted to fraudulent means is free to file a new application without the earlier attempt at deception possibly carrying any weight in the consideration of the new application. A prohibition of entry ordered after attempted deceit would prevent the issue of a residence permit for a fixed term while also making the applicant's fraudulence known to other Schengen missions, to the extent that the prohibition could be entered in the Schengen Information System.

At present, refusals of residence permits and the grounds thereto issued in Finland are not automatically communicated to other Schengen countries. A foreign national to whom Finland has refused a residence permit may thus attempt to obtain a residence permit in another European state by the same fraudulent means.

In respect of visas, refusals will in future be entered in the Visa Information System. Once the system is fully rolled out, details on refusals will be available to all Schengen countries.

It should be possible to order a prohibition of entry also in cases where a foreign national residing in Finland has succeeded in evading the authorities and leaving Finland before the issue of a removal decision and order of entry prohibition. There have been cases where foreign nationals, most commonly ones who have committed criminal offenses in Finland, have managed to leave the country while the proposal for removing them and prohibiting their entry has been pending. Once the foreign national has left Finland, removal is no longer necessary, yet a prohibition to enter the Schengen area would still need to be ordered. Entry prohibitions cannot be ordered, however, except in connection with a decision of removal. Preventing foreign nationals who jeopardise public order or public security from entering the Schengen area should not be dependent on whether it has been possible to prohibit them from entering the country in connection with the issue of a removal decision.

This proposal is not intended to interfere with the right to enter the country of persons seeking international protection.

Proposed measure

A report should be made on the ordering of entry prohibitions in the manner proposed above. Should the report show that ordering entry prohibitions in the situations presented above were possible and appropriate, the Aliens Act should be amended to permit a prohibition of entry in these situations to be ordered on foreign nationals residing abroad.

The report should also determine means for even more effectively preventing abuses in the visa application process.

Primary responsibility

Ministry of the Interior/Migration Department

4. Facilitation of illegal entry and documents procured under false pretences (Chapter 17, section 8 of the Criminal Code)

Objective

The provision in Chapter 17, section 8 of the Criminal Code concerning the facilitation of illegal entry will be amended to allow the facilitator to be sentenced also when visas or residence permits authentic per se but procured under false pretences are used upon entry into the country. "Under false pretences" in this context means the submission of false information and untruthful, e.g. self-manufactured documents in the application process.

Proposed measure

A report on the extent of system abuse has been prepared for the Ministry of Justice, which has launched a project to evaluate the needs for change. The proposal of the project group will be formulated as a government proposal and submitted to Parliament for adoption. The Border Guard, the Police and the prosecution service will be actively involved in the work of the project group. Progress made in the project will be monitored.

Primary responsibility

Ministry of Justice, Finnish Border Guard

5. Amendment of the legislation concerning detention proceedings

Objective

With the consent of the person concerned, matters concerning the continued detention of a person detained under the Aliens Act could be heard via video link.

Proposed measure

Under the current provisions of the Aliens Act, the District Court of the place of detention must, on its own initiative, always rehear the matter concerning the detention of a foreign national no later than two weeks after the decision under which the District Court ordered continuation of the detention of the foreign national at the facility concerned. The provisions require the person detained to be present in Court. The provisions of the Aliens Act concerning detention proceedings should be amended in such a manner that detained foreign nationals, at least with their consent, could be heard without their being present in Court, by using videoconferencing in the manner of Chapter 1, section 15 of the Coercive Measures Act or another suitable means of data transmission. The matter will be taken into account in connection with the legislative project launched by the Ministry of the Interior to examine detention.

Primary responsibility

Ministry of the Interior/Migration Department

6. Intensified action towards voluntary return through the creation of a nationally consistent system of voluntary return

Objective

The number of those returning voluntarily after being issued with a removal decision will rise.

A national system of voluntary return could serve to support the enforcement of removal decisions and steer persons to be removed from the country to an increasing degree towards voluntary instead of forcible removal. Effective enforcement of removal decisions and the fact that enforcement of these decisions does not depend entirely on voluntary return are in all likelihood among the reasons why Finland has been a fairly unattractive destination for illegal immigration. Forcible removals indeed serve as the "measure of last resort" in a successful system of voluntary return.

Proposed measure

The Ministry of the Interior Migration Department will prepare a government proposal for putting the system of voluntary return on an established footing. The proposal will be prepared by the Migration Department as part of its official duties. A working group to which representation from the Ministry's Police Department and Border Guard Department, the Finnish Immigration Service, the National Police Board and the Joutseno Reception Centre is invited will be appointed to support the project. The project will consult the Ministry of Justice and other authorities, NGOs and also other experts as necessary. Submission of the government proposal to Parliament is tentatively slated for the autumn term and the Act's entry into force for the beginning of 2014.

Primary responsibility

Ministry of the Interior/Migration Department

3.2 Measures in countries of origin and transit

7. Continued provision of training to mission staff on combating illegal immigration

Objective

The Ministry for Foreign Affairs in cooperation with the stakeholder authorities will plan and implement regular training for mission staff both in Finland and countries of origin on the fight against illegal immigration and human trafficking, and on other matters related to migration. Both long and short term liaison officers, in practice experts from the Police, the Border Guard and the Finnish Immigration Service, will be posted to missions to support the activities of permit processing staff in the identification of forged documents and the processing of residence permit and visa applications.

The working group on combating illegal immigration will continue to take targeted official journeys to the areas of origin of illegal migration.

The allocation of adequate resources to Finnish missions abroad will be ensured, as will the missions' sufficient expertise to combat illegal immigration, human trafficking and discrimination at work tantamount to extortion.

Proposed measure

The authorities will set aside in their budgets sufficient financial resources for training provision and official journeys.

Joint training provision with other Schengen countries will be intensified in keeping with Finland's cross-sectoral cooperation model.

Primary responsibility

Ministry for Foreign Affairs

8. Closer cooperation between the authorities and carriers

Objective

Air and sea carriers on routes to Finland will be aware of the risk of illegal immigration and contribute to action to combat illegal immigration.

Proposed measure

The Finnish Border Guard will continue to provide carriers with training in connection with the launch of new routes to airports in areas with a high risk of illegal migration.

Efforts will be made to increase the awareness of shipping lines about illegal immigration within the Schengen area by means of training and close cooperation.

Primary responsibility

Finnish Border Guard Headquarters and Ministry of the Interior/Police Department

9. Further development of the liaison officer network to combat illegal immigration

Objective

The network of liaison officers will cover the most significant areas in terms of illegal immigration to Finland.

Proposed measure

The network of immigration liaison officers will be maintained and flexibly augmented in response to developments, and EU funds will be utilised in the financing of activities inasmuch as possible.

The liaison officers of other law enforcement authorities will also be made use of in the investigation, uncovering and prevention of crime associated with illegal immigration.

When necessary, short term officers will be posted to assist mission staff in combating acute illegal immigration phenomena.

Primary responsibility

Finnish Border Guard Headquarters, National Police Board, Finnish Immigration Service and Ministry for Foreign Affairs

3.3 Measures in neighbouring areas

10. Action to combat illegal immigration and human trafficking will be enhanced with the competent authorities of Russia

Objective

Cooperation with the Russian authorities and in particular the Federal Security Service in the fields of crime prevention and pre-trial investigation will be enhanced.

Proposed measure

Effective and efficient cooperation in the fields of crime prevention and pre-trial investigation will be established especially with the Federal Security Service and with other competent authorities in Russia. Meetings of individuals engaged in crime prevention and pre-trial investigation will be held once or twice annually in connection with other events (such as operational sub-working group). When necessary, cooperation meetings related to crime prevention and pre-trial investigation will be arranged also with other competent authorities in Russia. Furthermore, the established cooperation with the Russian Federal Border Service, for example under the border régime agreement, will be deepened.

Primary responsibility

Police, Finnish Border Guard Headquarters

11. The Finnish Border Guard will become more involved in the integrated border management cooperation coordinated by Frontex and promotes cooperation between Frontex and Russia.

Objective

Border security in the EU will be strengthened.

Proposed measure

The Finnish Border Guard will make an active contribution to the development of consistent and effective external border control in the EU. The development and swift introduction of legislation, joint operational models and technology will be promoted. Cooperation coordinated by Frontex will be actively pursued through the provision of human resources and equipment.

The Finnish Border Guard will assume responsibility for the national implementation of the EU's "Smart Borders" package.

Primary responsibility

Finnish Border Guard Headquarters

12. The Finnish Border Guard will take part in developing a common information sharing environment for the EU Coastal Patrol Network and the maritime authorities in the EU.

Objective

Maritime security in the EU will be strengthened.

Proposed measure

The EU Coastal Patrol Network will be developed and contributions made to the development of the EU Common Information Sharing Environment for the surveillance of the EU maritime domain (METO + CISE)

Primary responsibility

Finnish Border Guard Headquarters

3.4 Measures in external border control

13. External border control will be developed in line with the Finnish Border Guard's Strategy 2022

Objective

Adequate resources will be ensured for managing rising border traffic volumes.

Proposed measure

- The Finnish Border Guard will attend to the replacements and modernisation of border crossing infrastructure and related traffic routes. The replacement/modernisation programme will be coordinated with Russia.
- Staffing resources will be secured for the border crossing points.
- The operational model for border checks will be developed and the inspection equipment required for external border control procured.
- The degree of automation in border checks will be increased.

Primary responsibility

Finnish Border Guard Headquarters

3.5 Measures in the territory of Finland

14. Enhancing cooperation between the social services authorities, KELA, the Police and other authorities dealing with migration matters by means of improved information-sharing

Objective

The social services authorities and other authorities dealing with migration matters will cooperate more closely and engage in broader information sharing.

Proposed measure

Clear-cut policies consistent to all ministries and their agencies will be established to govern the practical application of the legal provisions on information-sharing. Those applying such provisions, and on occasion even experts, seem to hold disparate views as to the reach of sectoral legislation.

The Ministry of Social Affairs and Health and the Ministry of the Interior in cooperation headed by the latter should establish a working group, the task of which is to determine the problems associated with information-sharing and cooperation between authorities and to draft a policy on the basis of current legislation or, when necessary, to propose amendments to legislation. In addition to the two parties with principal responsibility, the working group will comprise representatives from at least KELA, the Finnish Immigration Service, the Police, the Finnish Border Guard, municipal social services and health care, the Association of Finnish Local and Regional Authorities, and the Ministry for Foreign Affairs.

Primary responsibility

Ministry of the Interior, Ministry of Social Affairs and Health

15. Additional accommodation capacity will be provided for persons detained under the Aliens Act

Objective

Detention under the Aliens Act will be an important precautionary measure when investigating the requirements for entry and enforcing removal decisions. Detention must be achievable in the manner referred to in the Aliens Act, in a dedicated detention unit.

As the situation now stands, when capacity is reached at the Metsälä detention unit intended as the facility for persons detained under the Aliens Act, detainees have to be placed in police facilities. International human rights actors have expressed to Finland their objections to persons detained under the Aliens Act being placed in police facilities.

The lack of detention capacity also impacts on the speed at which removal decisions can be enforced. Every effort is made to utilise the available detention capacity in a cost-effective manner by means of timely detentions of short duration in order to safeguard the enforcement of removal. However, persons cannot always be moved to the Metsälä unit (in Helsinki) from other parts of Finland, as the Metsälä unit is always at capacity. The current Government Programme nonetheless requires that the enforcement of removal decisions be expedited.

Proposed measure

Detention capacity will be increased either by adding new beds to the Metsälä detention unit or establishing a wholly new detention unit. The matter will be taken into consideration in connection with the legislative project launched by the Ministry of the Interior to examine detention; the establishment of a new unit, however, requires the matter to be taken into consideration in the State budget.

Primary responsibility

Ministry of the Interior/Migration Department

16. Memorandums of Understanding will be drafted with countries which are of significance in terms of removal decisions but the enforcement of removal decisions to which presents a challenge

Objective

The enforcement of removal decisions will be accelerated by clearing the backlog of removals to challenging return destinations. The authorities will have direct lines of communication also with the authorities in these countries.

The swift enforcement of removal decisions is important with regard to both the client's legal protection and the combating of illegal immigration. The effective enforcement of decisions sends a signal that persons to whom a refusal decision has been issued cannot stay in Finland without the right of residence.

Proposed measure

Efforts will be made to draft Memorandums of Understanding with challenging return destinations, primarily Iraq, Afghanistan and Somalia. The UN Refugee Agency (UNHCR) will be consulted in the preparation of the Memorandums.

Primary responsibility

Ministry of the Interior

17. Assessment of the potential for the introduction of cooperation between the Finnish Immigration Service, the Police and the Border Guard (multi-agency cooperation model)

Objective

Permit applications by foreign nationals will be processed swiftly with no delays arising in the processes from limitations or waiting periods in cooperation between the authorities.

Proposed measure

The prerequisites for the multi-agency cooperation model will be determined and the action necessitated by the determination taken.

The processing of asylum matters will be expedited by means of the LEAN project; efforts will also be made to expedite the processing of decisions of refusal of entry and deportation proposals as well as the enforcement of removal decisions.

Primary responsibility

Ministry of the Interior/Migration Department, Finnish Immigration Service

18. Control of foreign nationals within Finland will be enhanced in line with the operational, financial and performance plans of the Police

Objective

Control of foreign nationals within Finland will be effective and consistent throughout the country.

Proposed measure

Training in migration matters will be directed to basic policing activities in order to foster consistent police expertise and manners of operation in the control of foreign nationals, and to allow such control to be carried out as a part of basic policing. Preparations for the provision of web-based training in migration matters intended for all police staff will be launched in 2012.

The networks of persons responsible for combating illegal immigration will continue to operate and their operations will be further developed under the management of the National Police Board.

Primary responsibility

National Police Board

19. Cooperation with the prosecution service will be enhanced

Objective

Expertise relating to illegal immigration will be consolidated within the prosecution service.

Proposed measure

Cooperation with the prosecution service in respect of crimes associated with illegal immigration will be enhanced, and pre-trial investigation materials and case law on the topic will be monitored and analysed.

Special prosecutors or key prosecutors for the illegal immigration sector will be considered in the context of strategy work within the prosecution service as part of a broader assessment of the structure of the prosecutor specialisation system.

Primary responsibility

Office of the Prosecutor General

20. The application processes for foreign students will be improved especially in countries with a high risk of illegal migration

Objective

The student's residence permits issued to foreign nationals will not be used for the purpose of illegal immigration.

Proposed measure

Best practices concerning student selection procedures and visa and residence permit policies will be established between the educational institutions which recruit foreign students and the authorities. Particular attention will be paid to operational models upon the recruitment of students from high-risk countries.

In terms of preventing abuses, it would be important that student selection especially in high-risk countries would take place by means of either well-supervised entrance examinations or interviews with students prior to selection. Equally important, however, are adequate means to verify the identity and language skills of those selected.

Primary responsibility

Ministry of Education and Culture, Ministry for Foreign Affairs, Finnish Immigration Service, National Board of Education

21. The potential for utilising biometrics in combating illegal immigration will be intensified

Objective

The possibilities made available by the EU Regulation on the uniform format for residence permits and the related amendment Regulation will be put to effective use.

Proposed measure

From the viewpoint of combating illegal immigration, it is vital to provide the authorities with the technical capabilities for carrying out all means of biometrics utilisation permitted under law. The Finnish Immigration Service in cooperation with stakeholder authorities and within the framework of current legislation will build up its information systems to intensify the utilisation of biometrics.

Police vehicles will be equipped with chip card readers as quickly as possible to allow the utilisation of biometrics in the field.

Primary responsibility

Finnish Immigration Service, National Police Board

4. Implementation and monitoring of the Action Plan

The working group on combating illegal immigration operating under the management of the National Police Board will monitor the implementation of the Action Plan by the various authorities.

The working group will submit a report on the implementation of the Action Plan at six-month intervals to the ministerial working group on internal security and to the steering group of the Internal Security Programme.

Once a year, an assessment report on the previous year will be submitted. This report will contain an assessment of the measures taken by the various authorities in the said year to combat illegal immigration and a situation review on illegal immigration into Finland.

This Action Plan comprises the second national Action Plan against Illegal Immigration. The Action Plan is to be updated and expanded as necessary as additional information about illegal immigration becomes available and assessment methods improve. The first Action Plan was drafted for the years 2010–2011. The need for a new action plan will be assessed in early 2014, at which time the responsibility for the drafting of such a plan will also be allocated.

5. List of proposed measures

Measures requiring changes in legislation

1. Updating of powers in control of foreign nationals
2. Reform of the Act on the Register of Aliens
3. Ordering prohibitions of entry on persons residing abroad
4. Facilitation of illegal entry and documents procured under false pretences (Chapter 17, section 8 of the Criminal Code)
5. Amendment of the legislation concerning detention proceedings
6. Intensified action towards voluntary return through the creation of a nationally consistent system of voluntary return

Measures in countries of origin and transit

7. Continued provision of training to mission staff on combating illegal immigration
8. Closer cooperation between the authorities and carriers
9. Further development of the liaison officer network to combat illegal immigration

Measures in neighbouring areas

10. Action to combat illegal immigration and human trafficking will be enhanced with the competent authorities of Russia
11. The Finnish Border Guard will become more involved in the integrated border management cooperation coordinated by Frontex and promotes cooperation between Frontex and Russia
12. The Finnish Border Guard will take part in developing a common information sharing environment for the EU Coastal Patrol Network and the maritime authorities in the EU

Measures in external border control

13. External border control will be developed in line with the Finnish Border Guard's Strategy 2022

Measures in the territory of Finland

14. Cooperation between the social services authorities, KELA, the Police and other authorities dealing with migration matters will be enhanced by means of improved information-sharing
15. Additional accommodation capacity will be provided for persons detained under the Aliens Act
16. Memorandums of Understanding will be drafted with countries which are of significance in terms of removal decisions but the enforcement of removal decisions to which presents a challenge
17. Assessment of the potential for the introduction of cooperation between the Finnish Immigration Service, the Police and the Border Guard (multi-agency cooperation model)
18. Control of foreign nationals within Finland will be enhanced in line with the operational, financial and performance plans of the Police
19. Cooperation with the prosecution service will be enhanced
20. The application processes for foreign students will be improved especially in high-risk countries of origin
21. The potential for utilising biometrics in combating illegal immigration will be intensified



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