

Lausunto

09.02.2026

Asia: VN/27731/2024

## **Lausuntopyyntö hallituksen esityksestä EU:n muuttoliike- ja turvapaikkasopimuksen muodostavien säädösten täytäntöönpanemiseksi**

Ei lausuttavaa

**Ei lausuttavaa -toteaminen**

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**Seulonta**

### **Yleiset huomiot seulontamenettelystä**

#### a. Screening and identification of persons with vulnerabilities

1. According to the Proposal, several new provisions will be added under chapter 2 a of the Aliens Act on the screening process, screening authorities, their division of tasks and their jurisdiction. The screening authorities will be the Border Guard, the Police, the Customs and the Finnish Security and Intelligence Service.[1] The screening process shall also include preliminary health and vulnerability checks.
2. UNHCR recalls that screening authorities should receive training and capacity building to ensure they are able to appropriately identify vulnerabilities. UNHCR underscores the importance of investments in adequate resources and specialised expertise regarding, for example, medical, mental health and psychosocial services, gender-based violence prevention and response, and child protection – to enable the effective identification of vulnerabilities.[2]
3. UNHCR notes that initial vulnerability screening must be complemented with an in-depth vulnerability assessment as foreseen in the Asylum Procedure Regulation[3] and Reception Conditions Directive[4]. Notwithstanding references to ‘visible signs’ and to statements made by the applicant, UNHCR cautions that vulnerability assessments should not be limited to a superficial examination, which risks under-identification of non-visible specific needs.[5] UNHCR further recalls

that the absence of self-declaration should not prevent nor discourage any further attempts to identify vulnerabilities. Therefore, UNHCR recommends that persons subject to the screening procedure are given the possibility to disclose their specific needs at any stage of the procedure.

b. Identification and referral of stateless persons

4. UNHCR notes that preliminary vulnerability checks under the EU Screening Regulation mandates preliminary vulnerability checks by trained personnel to identify individuals who may be stateless.<sup>[6]</sup> Identification of stateless persons is not explicitly mentioned as part of the screening procedure in the Proposal. UNHCR therefore recommends that the Proposal explicitly provide for the identification of stateless persons by trained personnel and further consider the development of guidance on the identification of statelessness and the referral of concerned individuals to the relevant procedures during the screening process.

5. UNHCR notes that statelessness can significantly affect asylum claims, especially when linked to persecution or serious rights violations, such as denial of nationality based on ethnicity, religion, or social status. Identifying statelessness is essential not only for accurate asylum assessments but also to ensure access to rights under the 1954 Convention, particularly for those who do not qualify for refugee or subsidiary protection. UNHCR thus recommends that Finland introduce a dedicated referral mechanism to ensure that individuals who are identified as potentially stateless are systematically referred to an appropriate procedure to have their status determined and are able to effectively access the rights afforded to them under the 1954 Convention.

e. UNHCR and partner access to asylum-seekers

6. The Proposal introduces new section 16 i to the Aliens Act regarding presence of organizations and persons providing advice and counselling. The Proposal notes that these entities must have effective access to third-country nationals during screening, though such access may be restricted where objectively necessary.<sup>[7]</sup> The Proposal, however, provides that as a main rule the presence of organizations and persons providing advice and counselling will be restricted at the screening point.<sup>[8]</sup> The restriction on presence will only apply to physical presence, and advice can be provided via other various means of communication.

7. UNHCR recalls that, pursuant to its international protection mandate, UNHCR and/or its partners must not only be reachable by applicants for international protection but must also enjoy unrestricted access to them, including to those held in detention, at the border or in transit zones. Article 6 of the Asylum Procedures Regulation also explicitly provides that UNHCR shall be allowed to have access to applicants. UNHCR thus recommends that provisions ensuring this right of contact and access to asylum-seekers be explicitly incorporated into the legislative text, thereby aligning national law with international and EU obligations.

ENDNOTES:

[1] Proposal, p. 102.

[2] UNHCR, UNHCR Advocacy Brief: Screening and identification of persons with vulnerabilities under the European Union Pact on Migration and Asylum, September 2025, <https://www.refworld.org/legal/intlegcomments/unhcr/2025/en/150580>, p. 3.

[3] European Union: Council of the European Union, European Union: European Parliament, Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU "Asylum Procedure Regulation", 32024R1348, 14 May 2024, <https://www.refworld.org/legal/reglegislation/council/2024/en/148004>.

[4] European Union: Council of the European Union, European Union: European Parliament, Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024 laying down standards for the reception of applicants for international protection (recast) "Reception Conditions Directive", 32024L1346, 14 May 2024, <https://www.refworld.org/legal/reglegislation/council/2024/en/148002>.

[5] Supra note 2.

[6] European Union: Council of the European Union, European Union: European Parliament, Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817, 32024R1356, 14 May 2024, <https://www.refworld.org/legal/reglegislation/council/2024/en/148013>, Recital 37 and Article 12(3).

[7] Proposal, p. 107.

[8] Proposal, p. 233.

**Viranomaiset ja tehtävienjako viranomaisten välillä**

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**Seulontaviranomaisten toimivaltuudet**

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**Seulottavan henkilön läsnäolo seulonnassa**

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**Riippumaton perusoikeuksien seurantamekanismi seulontaan ja rajamenettelyyn**

d. Independent Monitoring Mechanism

2. The Proposal introduces the new section 16 j to the Aliens Act regarding the independent monitoring mechanism for the screening procedure and the border procedure.[1] The Non-Discrimination Ombudsman is proposed to become the independent national mechanism to monitor fundamental rights compliance in Finland for both procedures.[2] The Proposal estimates that the role requires resources equivalent of one full-time personnel cost per annum.[3]

3. UNHCR recalls that according to the Screening Regulation, Member States must provide sufficient financial resources for the independent monitoring mechanism of fundamental rights. The mechanism must be independent from the authorities being monitored or which may be responsible for violations. The need for adequate financial and human resources and financial autonomy is an essential element for this independence. Not only adequate capacity should be available in order to effectively carry out monitoring activities but also the appointment of appropriately qualified staff, with particular skills and expertise (such as those in the medical profession and those with forensic skills) should be ensured. Moreover, the mechanism should be composed of multidisciplinary and diverse teams (including as regards gender and background). These elements are necessary to ensure operational autonomy to proactively investigate alleged violations as well as to cooperate with national and international stakeholders and conduct consultations.

4. UNHCR further notes that the establishment of the fundamental rights monitor should be without prejudice to UNHCR's and other mandated stakeholders' unhindered access to reception and processing facilities, including at borders, to ensure the provision of independent legal assistance and other services, and – for mandate holders – to conduct monitoring visits.

5. UNHCR recommends that Finland ensure sufficient financial resources for the independent monitoring mechanism of fundamental rights.

#### ENDNOTES:

[1] Article 10(2)(a) of the Screening Regulation and Article 43(4) of the Asylum Procedures Regulation.

[2] Proposal, p. 182.

[3] Proposal, p. 167.

#### **Henkilötietojen käsittely**

#### **Eurodac-järjestelmä**

#### **Eurodac- järjestelmää koskevat muutokset**

# Kansainvälistä suojeleua koskevat menettelyt

## **Yleiset huomiot menettelyistä**

### c. Accelerated and Border Procedures

2. The Proposal seeks to amend section 104 a of the Aliens Act to provide that the application of border procedures should not be limited to the situations in which they are mandatory under the Asylum Procedure Regulation but also be extended to all situations in which they may be applied.[1]

3. UNHCR recalls that under the Asylum Procedure Regulation, border procedures are, in many cases, also accelerated procedures. Member States should restrictively interpret grounds for including cases in accelerated procedures and apply a low threshold to redirect cases to the regular procedure on the basis of complexity. Such an approach would enhance the efficiency of accelerated procedures by focusing on the most simple and straightforward cases, while protecting applicants whose claims are not suited for accelerated processing.

4. Under the Asylum Procedure Regulation, border procedures must cease to apply if the national authorities consider that “necessary support” cannot be provided to applicants with special procedural guarantees or applicants with special reception needs.[2] The Proposal, where it regards border procedures, does not define “necessary support”. In UNHCR’s view, the provision of necessary support for certain groups with specific protection needs, such as survivors of trauma or trafficking, persons with psychosocial or intellectual impairments, and unaccompanied or separated children would, in practice, be extremely difficult to ensure within the framework of accelerated or border procedures. Accordingly, UNHCR considers that such applicants should be automatically exempted from border procedures.[3]

5. The Proposal further introduces the concept of the so-called “legal fiction of non-entry” in line with the Screening Regulation and the Asylum Procedure Regulation. During the screening and border procedure, key guarantees under the Common European Asylum System remain applicable, including provisions in the Reception Conditions Directive and certain provisions of the Return Directive[4]. It is important to emphasise that international and EU legal obligations, including the 1951 Convention, the European Convention on Human Rights (ECHR)[5] and the EU Charter of Fundamental Rights[6], also remain applicable to persons who are undergoing screening or to whom the border procedure applies. UNHCR therefore encourages Finland to make these legal obligations explicit in the legal text and accompanying guidance.

ENDNOTES:

[1] The Proposal clarifies that the scope of the application of border procedure would exclude points (h) and (i) of Article 42(1) of the Asylum Procedures Regulation, which concern applicants who are already illegally or legally present in the country. These points would not be applicable, as the border procedure can only be applied to applicants for international protection at the external border. Proposal, p. 259-260.

[2] European Union: Asylum Procedure Regulation, Article 21(2), 53(2)(c) & 53(2)(b).

[3] UNHCR, UNHCR Advocacy Brief: Restrictions of movement, detention and alternatives to detention under the European Union Pact on Migration and Asylum, September 2025, <https://www.refworld.org/legal/intlegcomments/unhcr/2025/en/150579>.

[4] European Parliament and Council, Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L. 348/98-348/107; 16.12.2008, 2008/115/EC, European Union: Council of the European Union, 16 December 2008, <https://www.refworld.org/legal/reglegislation/council/2008/en/64263>.

[5] Council of Europe, European Convention on Human Rights, as amended by Protocols Nos. 11, 14 and 15, ETS No. 005, 4 November 1950, <https://www.refworld.org/legal/agreements/coe/1950/en/18688>.

[6] European Union, Charter of Fundamental Rights of the European Union, 2012/C 326/02, 14 December 2007, <https://www.refworld.org/legal/agreements/eu/2007/en/13901>.

## **Menettelyn alkuvaiheet**

### **Maksuton oikeudellinen neuvonta / oikeusapu hallintomenettelyssä**

g. Legal assistance and counselling

1. The Proposal seeks to restrict access to free legal assistance in the administrative procedure by amending section 9 of the Aliens Act. Free legal assistance may only be provided in administrative procedures for unaccompanied minors or for other “particularly valid/compelling reasons”.<sup>[1]</sup> During the administrative procedure, all applicants will, however, have the right to request free legal counselling in accordance with the Asylum Procedures Regulation and the Asylum and Migration Management Regulation<sup>[2]</sup>, which the authorities would have to arrange for the individual at the latest after the registration of the application and before lodging of the application. The authority providing legal counselling would be the Finnish Immigration Service.<sup>[3]</sup>

2. UNHCR welcomes that the Proposal provides for free-of-charge legal counselling for all asylum-seekers. However, UNHCR notes with concern that the description of such legal counselling is limited in scope. The Proposal does not specify its duration or frequency nor does it clearly define its full content.<sup>[4]</sup> Moreover, it does not explicitly provide for the availability of individual counselling<sup>[5]</sup>, nor does it explicitly include essential elements such as accompanying the asylum-

seeker to the asylum interview, providing a written statement, or reviewing the interview transcript and other relevant documents.

3. UNHCR recommends that asylum-seekers be provided with guidance and advice on the procedure, and have access to legal counsel, at all stages of the procedure, including at the admissibility stage.[6]

4. Furthermore, in UNHCR's view, legal counselling should offer more than merely providing general legal information. It should deliver tailored, case specific advice that goes beyond the general information requirements set out in Article 8 of the Asylum Procedures Regulation. Legal counselling should also include guidance on legal issues that arise during the procedure. Therefore, counselling must consist of high quality support rather than simple information provision. Legal counseling should hence go beyond the national authority's obligation to merely inform the applicant about the asylum procedure.

5. UNHCR is concerned that without continuous and quality legal counselling, asylum-seekers may not be sufficiently prepared for and aware of what is relevant to share during an asylum interview and may therefore fail to adequately articulate their claim. Furthermore, they may be unable to provide further submissions to substantiate the claim after the interview.

6. In UNHCR's view, the proposed form of legal counseling may undermine the efficiency of the asylum procedure as it increases the risk that information relevant to the asylum determination will only be disclosed at a later stage. This effect was observed in Finland during the period 2016-2021 when access to legal assistance was restricted.[7] Effective legal advice and representation from the outset not only enables asylum-seekers to better navigate the asylum procedure and support their claim but also enhances the quality and timeliness of information provided to asylum authorities. This, in turn, can lead to shorter adjudication timelines, fewer appeals and reapplications, and a reduction of associated costs and administrative burden.[8] UNHCR further recalls that the central objective of the EU Pact is to enhance the efficiency of procedures. Ensuring access to quality legal assistance from the start of the asylum process is crucial not only for the effectiveness and fairness of the administrative procedure, but also for enabling efficient and accurate decision-making and judicial review.[9]

7. UNHCR recommends that Finland upholds standards exceeding the minimum baseline established by the Asylum Procedures Regulation, in particular by ensuring the availability of free legal assistance at first instance rather than limiting support to legal counselling alone. In UNHCR's view, any exception to the provision of free legal assistance should be restricted to cases where the applicant has sufficient financial means to secure legal representation.

ENDNOTES:

[1] Proposal, p. 225.

[2] European Union: Council of the European Union, European Union: European Parliament, Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013, 32024R1351, 14 May 2024, <https://www.refworld.org/legal/reglegislation/council/2024/en/148011>.

[3] Proposal, p. 148.

[4] The Proposal notes that the counselling would include providing the applicant with information on the course of the asylum procedure, on the guidelines for the application of the criteria and procedures for determining the Member State responsible, and on the applicant's rights and obligations in the procedure. Proposal, p. 248.

[5] According to the Proposal, legal counselling would "mainly be provided to several applicants simultaneously". Proposal, p. 248.

[6] UNHCR, Global Consultations on International Protection/Third Track: Asylum Processes (Fair and Efficient Asylum Procedures), EC/GC/01/12, 31 May 2001, <https://www.refworld.org/policy/strategy/unhcr/2001/en/13248>, para. 50 (g).

[7] Restricting legal assistance led to a slow down the overall process in some cases and increase the number of applications returned to the Finnish Immigration Service by the Administrative Court as well as increased the number of subsequent applications, thus increasing costs for the authorities and the reception services. Proposal, p. 165.

[8] Asylum Capacity Support Group, Boosting the effectiveness of asylum systems: the impact of legal advice and representation Outcome Report 2 October 2024 [https://acsg-portal.org/wp-content/uploads/2024/11/Outcome-Report\\_November-24.pdf](https://acsg-portal.org/wp-content/uploads/2024/11/Outcome-Report_November-24.pdf).

[9] UNHCR, UNHCR Comments and Recommendations on the proposed amendments to the Czech Asylum Act, April 2025, <https://www.refworld.org/legal/natlegcomments/unhcr/2025/en/150020>, p. 7.

## **Poikkeukset oikeuteen oleskella Suomen alueella hakemuksen tutkinnan ajan**

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### **Turvalliset maat**

f. Inadmissibility of asylum applications and safe third countries

1. The Proposal seeks to amend section 103 of the Aliens Act which provides for grounds for inadmissibility. The Proposal sets forth that the application of grounds for inadmissibility should not be limited to the situations in which they are mandatory under the Asylum Procedure Regulation but also be extended to all situations in which they may be applied.[1] The Proposal further seeks to amend subsection 2 of section 100 of the Aliens Act to provide for the possibility for the Ministry of

the Interior, through a decree, to designate safe third countries (“STC”) and safe countries of origin in Finland.[2] This list would be in addition to the common EU list.

2. In general, UNHCR advises against the broader use of admissibility procedures at the expense of in-merits procedures. Furthermore, UNHCR advises against the implementation of admissibility procedures for unaccompanied children.

3. UNHCR considers that the transfer of asylum-seekers to a safe third country is permissible in limited circumstances and where robust safeguards are in place. This requires that each individual has access to fair and efficient, State-led in-merits asylum procedures in the receiving country, along with treatment and rights fully in line with the 1951 Refugee Convention, its 1967 Protocol, and international human rights law. In UNHCR’s view, where the STC concept is applied, rigorous and individualized assessments are required. UNHCR further emphasizes that any such transfers should be governed by legally binding, public agreements that clearly articulate the responsibilities of all participating States, ensure accountability, and provide clarity and legal certainty for affected individuals. Importantly, transfer arrangements must not be used to evade a State’s own responsibility to examine asylum claims on its territory, nor result in responsibility-shifting that undermines access to protection or the right to seek asylum.[3]

4. Furthermore, Member State cannot reject applications for international protection as inadmissible under the safe third country concept where a third country is not or has not been accepting transfers for extended periods of time, in order to avoid applicants being left in a state of legal uncertainty or effectively stranded, including through extended stay in border or return border procedures or in detention. Those applicants should instead be channelled to relevant regular or accelerated in-merits procedures.

5. UNHCR encourages Finland to maintain an approach that prioritises individualized, in-merits examination of asylum claims, rather than introducing a national list of safe third countries in addition to the common EU list.

#### ENDNOTES:

[1] Proposal, p. 259.

[2] Proposal, pp. 253-254.

[3] UNHCR has published several guidance notes with considerations that may inform any decision regarding the transfer of asylum-seekers to a safe third country. UNHCR, International agreements for the transfer of refugees and asylum-seekers, 7 August 2025, <https://www.refworld.org/policy/legalguidance/unhcr/2025/en/150357>; UNHCR, Note on the

"externalization" of international protection, 28 May 2021, <https://www.refworld.org/policy/legalguidance/unhcr/2021/en/121534>; UNHCR, Guidance on responding to irregular onward movement of refugees and asylum-seekers, September 2019: <https://www.refworld.org/policy/legalguidance/unhcr/2019/en/123059>; UNHCR, Comments on the European Commission's Proposal for an Asylum Procedures Regulation, April 2019: <https://www.refworld.org/legal/intlegcomments/unhcr/2019/en/122595>; UNHCR, Legal considerations regarding access to protection and a connection between the refugee and the third country in the context of return or transfer to safe third countries, April 2018: <https://www.refworld.org/policy/legalguidance/unhcr/2018/en/120729>; UNHCR, Guidance note on bilateral and/or multilateral transfer arrangements of asylum-seekers, May 2013: <https://www.refworld.org/policy/legalguidance/unhcr/2013/en/16943>.

## **Muutoksenhaku (valitusajat, valituskiellot ja tuomioistuinten määräajat)**

### **Euroopan unionin kansalaisten kansainvälisen suojelelun hakemukset**

### **Turvapaikanhakijoiden työnteko-oikeus**

#### **Turvapaikanhakijoiden työnteko-oikeutta koskeva muutos**

##### i. Access to the labour market

1. The Proposal seeks to restrict asylum-seekers' right to work. The amended section 81 b of the Aliens Act provides that the right to work will only apply to asylum-seekers who have been in Finland for at least six months.[1]

2. UNHCR encourages Member States to grant asylum-seekers early and effective access to the labour market. Early access can be beneficial to both the State and the asylum-seeker,[2] not only fostering early inclusion and self-reliance among asylum-seekers but also enabling them to contribute to host communities at an earlier stage.[3] Furthermore, UNHCR specifically advocates for expedited labour market access for applicants with likely well-founded claims.[4]

3. UNHCR further notes that the proposed allocations of applicants for international protection to specific geographical areas may create additional obstacles for them to find work due to transportation challenges, distance to potential places of employment, and limited local employment opportunities.

4. UNHCR recommends that Finland consider adopting more favourable provisions to facilitate asylum-seekers' early and effective access to the labour market, which can serve both the interests

of the individuals and the host state by promoting self-reliance, social inclusion and economic contribution.

#### ENDNOTES:

[1] Proposal, p. 241.

[2] UNHCR, Global Consultations on International Protection/Third Track: Reception of Asylum-Seekers, Including Standards of Treatment, in the Context of Individual Asylum Systems, 4 September 2001, EC/GC/01/17, <http://www.refworld.org/docid/3bfa81864.html>.

[3] UNHCR (2011), Comments on the European Commission's amended recast proposal for a Directive of the European Parliament and the Council laying down standards for the reception of asylum-seekers – COM (2011) 320 final, <https://www.refworld.org/legal/intlegcomments/unhcr/2012/en/87394>, pp. 13-14; UNHCR, Annotated Comments on the recast EU RCD, 2015.

[4] UNHCR, Comments on the recast EU RCD, 2017, p. 14.

## Pitkään oleskelleiden direktiivin muutos

### Pitkään oleskelleiden direktiivin muutos

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### Vastaanotto

#### Yleiset huomiot liittyen vastaanottoon

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#### Vastaanottopalvelujen saaja ja kesto

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#### Vastaanottopalvelut (tunnistautuminen, vastaanottoraha, tilapäistä suojelua hakevien terveydenhuolto, vastaanottopalveluista perittävien maksujen takautuva perintä)

##### h. Reception allowance and sanctions

1. The Proposal seeks to permanently reduce the amount of the reception allowance to the level provided for in the temporary amendments for the Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings ("the Reception Act").<sup>[1]</sup> Furthermore, the Proposal seeks to introduce the possibility to reduce or withdraw the reception allowance for individuals found in breach of obligations or restrictions.<sup>[2]</sup> The decision to reduce or withdraw reception allowance would be made for a two-

month period, after which a new reduction may be imposed if one of the grounds set out in section 45, subsection 1 of the Reception Act applies.[3]

2. UNHCR recalls that in the explanatory notes to extend the temporary amendment for the Reception Act, a survey conducted by the Finnish Immigration Service indicated that the reduction in the amount of the reception allowance since August 2024 had led to increased need for food aid, emergency support, and social services, including counselling.[4] UNHCR recalls that asylum-seekers and refugees, particularly those with specific needs, should at all times be treated in a humane and dignified manner, in line with international human rights law.[5] Thus, the amount of reception allowances, even when reduced, must ensure an adequate standard of living for applicants.

3. Furthermore, UNHCR underscores that any sanctions, including those applied when basic needs are already met, should be proportionate, carefully considered, well-justified, and implemented in a manner that respects the dignity of the individuals concerned. The Court of Justice of the European Union (“CJEU”) has established that Member States may not impose sanctions that would prevent an applicant from meeting their most basic needs. The CJEU has also established that any lesser sanctions must still observe the principles of proportionality and respect for human dignity.[6] Regarding the proposed possibility to reduce or withdraw reception allowance for breaches of obligations or restrictions, UNHCR is concerned that the duration of such reductions could be disproportionately long, potentially causing undue hardship for the individuals affected.

4. Good practice suggests that adequate reception conditions reduce the likelihood of absconding and onward movement, as well as the risk of abuse and exploitation. Moreover, when asylum procedures are swift and efficient, with the requisite safeguards in place, reasonable levels of material assistance should not represent an excessive burden on the host state, nor an incentive for misuse of the asylum system by applicants.[7]

5. UNHCR therefore recommends that Finland ensure that reception allowances are sufficient to guarantee an adequate standard of living and are aligned with the actual living costs of asylum-seekers and beneficiaries of temporary protection. Furthermore, any withdrawal or reduction of such allowances should remain consistent with existing legal standards and continue to safeguard an adequate standard of living.

#### ENDNOTES:

[1] See for example the full presentation of the temporary amendments, including explanatory notes and legislative text (in Finnish), is available at, HE 90/2025, [https://www.eduskunta.fi/Fl/vaski/KasittelytiedotValtiopaivaasia/Sivut/HE\\_90+2025.aspx](https://www.eduskunta.fi/Fl/vaski/KasittelytiedotValtiopaivaasia/Sivut/HE_90+2025.aspx).

[2] According to the Proposal, a new section 45 would be introduced to the Reception Act providing for the reduction of reception allowance. The base amount of the reception allowance for an applicant for international protection and beneficiaries temporary protection could be reduced by 20% if the person, without a justified reason, fails to comply with the reporting obligation, fails to cooperate with the competent authorities or comply with the procedural requirements set, repeatedly or seriously violates the rules of the reception centre, or fails to participate in a course on Finnish society organised by the reception centre. The base amount of the reception allowance for an applicant for international protection could also be reduced by 20% if the person, without justified reason, fails to comply with the obligation to reside in the geographical area allocated to him/her or with the obligation to comply with the restriction on freedom of movement. In addition, the base amount of the reception allowance would be reduced by 20% if the person has made a subsequent application or if the individual receives reception services after a removal decision has already been made. Furthermore, a new section 47 would be introduced to the Reception Act. Reception services for those seeking international protection and beneficiaries temporary protection could furthermore be withdrawn, if a person, who does not have the right to remain in the territory of Finland, neglects the obligation to cooperate during the removal procedure referred to in Section 145 a of the Aliens Act or if the person has received a decision on reduction the reception allowance after violating the rules of the reception centre and has continued to violate the rules. Proposal, p. 155-156.

[3] Proposal, p. 322.

[4] Supra note 1, pp. 10-11.

[5] UNHCR, UNHCR Comments on the Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast) – COM (2016) 465, August 2017, <https://www.refworld.org/legal/intlegcomments/unhcr/2017/en/100418>, p. 13.

[6] European Union, Court of Justice, Judgment of the Court (Grand Chamber) of 12 November 2019. Zubair Haqbin v Federaal Agentschap voor de opvang van asielzoekers, C-233/18, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62018CJ0233>.

[7] UNHCR, Annotated Comments on the recast EU RCD, 2015, p. 43.

**Vastaanottopalvelujen rajoittaminen ja peruuttaminen (alennettu vastaanottoraha, vastaanottopalvelujen peruuttaminen)**

**Liikkumisvapauden rajoittaminen (maantieteellinen kohdentaminen, liikkumisvapauden rajoittaminen)**

**Ehdotuksen vaikutukset ihmiskaupan uhreihin**

**Ilman huoltajaa olevien lasten edustajajärjestelmä**

**Edustajajärjestelmään ehdotetut muutokset, vastaanottolaki**

## **Edustajajärjestelmään ehdotetut muutokset, kotoutumislaki**

### **Tervydenhuoltolaki**

#### **Tervydenhuoltolakiin ehdotettu muutos**

### **Muut muutokset**

#### **Sellaiset muita muutoksia koskevat huomiot, jotka eivät liity edellä esitettyihin teemoihin**

### **Esitystä koskevat muut huomiot**

#### **Koko esitystä koskevat yleiset huomiot**

UNHCR Observations on the Proposal for the implementation of the acts constituting the EU Pact on Migration and Asylum

Hallituksen esitys eduskunnalle EU:n muuttoliike- ja turvapaikkasopimuksen muodostavien säädösten täytäntöönpanemiseksi

#### I. Introduction

1. The United Nations High Commissioner for Refugees (“UNHCR”) Representation for the Nordic and Baltic Countries appreciates the invitation to provide observations on the “Government proposal to Parliament for the implementation of the acts constituting the EU Pact on Migration and Asylum” (Hallituksen esitys eduskunnalle EU:n muuttoliike- ja turvapaikkasopimuksen muodostavien säädösten täytäntöönpanemiseksi) - hereafter the “Proposal”.[1]

2. UNHCR has a direct interest in law proposals related to asylum, as the agency entrusted by the United Nations (“UN”) General Assembly with the mandate to provide international protection to refugees and, together with Governments, seek permanent solutions to the problems of refugees.[2] Paragraph 8 of UNHCR’s Statute confers responsibility on UNHCR for supervising international conventions for the protection of refugees,[3] whereas the 1951 Convention relating to the Status of Refugees[4] and its 1967 Protocol (hereafter collectively referred to as “1951 Convention”) oblige State Parties to cooperate with UNHCR in the exercise of its mandate, in particular facilitating UNHCR’s duty of supervising the application of the provisions of the 1951 Convention (Article 35 of the 1951 Convention and Article II of the 1967 Protocol). This has also been reflected in European Union (“EU”) law, including by way of reference to the 1951 Convention in Article 78(1) of the Treaty on the Functioning of the EU. The UN General Assembly has also

entrusted UNHCR with a global mandate to provide protection to stateless persons world-wide and for preventing and reducing statelessness.[5]

3. UNHCR's supervisory responsibility is exercised in part by the issuance of interpretative guidelines on the meaning of provisions and terms contained in international refugee instruments, in particular the 1951 Convention. Such guidelines are included in the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status and subsequent Guidelines on International Protection ("UNHCR Handbook").[6] With respect to statelessness, guidelines are included in the UNHCR Handbook on Protection of Stateless Persons ("UNHCR Handbook on Statelessness").[7] UNHCR also fulfils its supervisory responsibility by providing comments on legislative and policy proposals impacting on the protection and durable solutions for forcibly displaced and stateless people.

## II. General observations

1. The stated aim of the Proposal is to adapt Finland's legislation to implement the legal acts of the European Union Pact on Migration and Asylum ("EU Pact"). Furthermore, the Proposal aims to align the implementation of the EU Pact with the Government Programme by making use of the discretion afforded under national law to achieve the stated objectives of the Programme, namely to enhance the efficiency of the asylum system and tighten asylum policy, as well as to implement the Programme's objectives regarding reception arrangements, activities and services.[8] The Proposal sets forth amendments in several legislative acts.[9] Given that a significant portion of the EU Pact consists of directly applicable regulations, the Proposal seeks to repeal overlapping national legislation. With regard to provisions allowing for national discretion, both new national legislation and amendments to existing legislation are proposed. The proposed amendments are expected to enter into force on 12 June 2026.

2. In the following observations on specific aspects of the Proposal, UNHCR will focus its comments on the following issues: a) screening and identification of persons with vulnerabilities; b) identification and referral of stateless persons; c) accelerated and border procedures; d) independent monitoring mechanism; e) UNHCR and partner access to asylum-seekers; f) inadmissibility of asylum applications and safe third countries; g) legal assistance and counselling; h) reception allowance and sanctions; i) access to the labour market. UNHCR's concluding recommendations are set out in Section IV of this submission.

## IV. Concluding recommendations

Based on the above observations, UNHCR invites Finland to consider the following recommendations:

- a. Ensure that screening authorities are equipped with adequate resources and specialized expertise, including in areas such as medical, mental health and psychosocial care, gender-based violence prevention and response and child protection, to enable accurate identification of vulnerabilities and appropriate referral;
- b. Provide individuals subject to the screening procedure with opportunities to disclose their specific needs at any stage of the procedure, ensuring that the absence of self-declaration does not hinder efforts to identify and address vulnerabilities;
- c. Explicitly include the identification of stateless persons in the legislative framework governing the screening procedure;
- d. Include explicit reference in the legislative text and accompanying guidance to the continued applicability of international and regional legal obligations regarding the legal fiction of non-entry during the screening and border procedures;
- e. Ensure that survivors of trauma or trafficking, persons with psychosocial or intellectual impairments, and unaccompanied or separated children are given access to procedures that allow sufficient support, exempting them from accelerated and border procedures,;
- f. Allocate sufficient financial resources to support an independent fundamental rights monitoring mechanism;
- g. Guarantee UNHCR and its partners unrestricted access to all applicants, including those in detention, at the border locations and in transit zones;
- h. Ensure in-merits procedures remain central to asylum determination, using admissibility procedures in a measured way, and refrain from introducing a national safe third countries list that would limit substantive examination of claims;
- i. Retain free legal assistance at the first instance, rather than providing legal counselling alone, to ensure effective legal support.
- j. Ensure reception allowances provide an adequate standard of living and reflect the actual living costs for asylum-seekers and beneficiaries of temporary protection;
- k. Adopt provisions that facilitate asylum-seekers' early and effective access to the labour market, promoting self-reliance, social inclusion, and contribution to the local economy.

UNHCR Representation for Nordic and Baltic Countries

February 2026

ENDNOTES:

[1] The full presentation of the Proposal by the Ministry of the Interior, including explanatory notes and proposed legislative text (in Finnish), is available at EU:n muuttoliike- ja turvapaikkasopimuksen kansallista täytäntöönpanoa koskeva lainsääädäntöhanke, Hankenumero SM032:00/2024, <https://intermin.fi/hankkeet/hankesivu?tunnus=SM032:00/2024>.

[2] UN General Assembly, Statute of the Office of the United Nations High Commissioner for Refugees, 14 December 1950, A/RES/428(V) <https://www.refworld.org/docid/3ae6b3628.html> ("the Statute").

[3] Ibid, para. 8(a). According to para. 8(a) of the Statute, UNHCR is competent to supervise international conventions for the protection of refugees. The wording is open and flexible and does not restrict the scope of applicability of the UNHCR's supervisory function to one or other specific international refugee convention. UNHCR is therefore competent qua its Statute to supervise all conventions relevant to refugee protection, UNHCR's supervisory responsibility, October 2002, <http://www.refworld.org/docid/4fe405ef2.html>, pp. 7–8.

[4] UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, United Nations Treaty Series, No. 2545, vol. 189, <http://www.unhcr.org/refworld/docid/3be01b964.html>. According to Article 35 (1) of the 1951 Convention, UNHCR has the "duty of supervising the application of the provisions of the Convention".

[5] UN General Assembly Resolution A/RES/50/152, 9 February 1996, <http://www.unhcr.org/refworld/docid/3b00f31d24.html>, reiterated in subsequent resolutions, including A/RES/61/137 of 25 January 2007, <http://www.unhcr.org/refworld/docid/45fa902d2.html>, A/RES/62/124 of 24 January 2008, <http://www.unhcr.org/refworld/docid/47b2fa642.html>, and A/RES/63/148 of 27 January 2009 <http://www.unhcr.org/refworld/docid/4989619e2.html>.

[6] UNHCR, Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection Under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, April 2019, HCR/1P/4/ENG/REV. 4, <https://www.refworld.org/docid/5cb474b27.html>.

[7] UNHCR, Handbook on Protection of Stateless Persons, 30 June 2014, <https://www.refworld.org/policy/legalguidance/unhcr/2014/en/122573>.

[8] Proposal, pp. 141–142.

[9] Aliens Act, Act on the Reception of Applicants for International Protection and the Identification and Assistance of Victims of Human Trafficking, Act on the Processing of Personal Data in the Immigration Administration, Act on the Processing of Personal Data by the Police, Act on the Processing of Personal Data by the Border Guard, Act on the Promotion of Integration, Health Care Act, Act on the Conditions for the Entry and Residence of Third-Country Nationals for Highly Skilled Work, Act on the Conditions for the Entry and Residence of Third-Country Nationals for Research, Study, Internship and Volunteering, Criminal Records Act, the Act on the Enforcement of a Fine, Act on the Finnish Immigration Service, Act on Security Measures at the Finnish Immigration Service, Act on Private Security Services and the Child Protection Act. Proposal, p. 1.

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