



PAKOLAISNEUVONTA

Family reunification of beneficiaries of international protection in Finland - challenges and successes



@PAKOLAISNEUVO

11.9.2024

Content of the presentation

- Finnish Refugee Advice Centre
- General about family reunification in Finland
 - Biggest challenges
- About our work with family reunification
- Our cases in ECHR, CRC





Finnish Refugee Advice Centre

Finnish Refugee Advice Centre

- Human rights organisation, NGO
- Founded in 1988
- 9 member organisations:
 - (Amnesty International Finland, The Finnish Refugee Council, Finn Church Aid etc)
- Office in Helsinki, 10 + 2 lawyers
- Official partner of UNHCR in Finland

Legal aid, expert consultation

- Legal aid and advice to asylum seekers and other foreigners in Finland
- Working to improve the situation of asylum seekers and immigrants in Finland / Europe
- Experts in refugee and immigration law
- Specialised in assisting vulnerable applicants such as victims of torture, victims of human trafficking, children and people belonging to sexual minorities

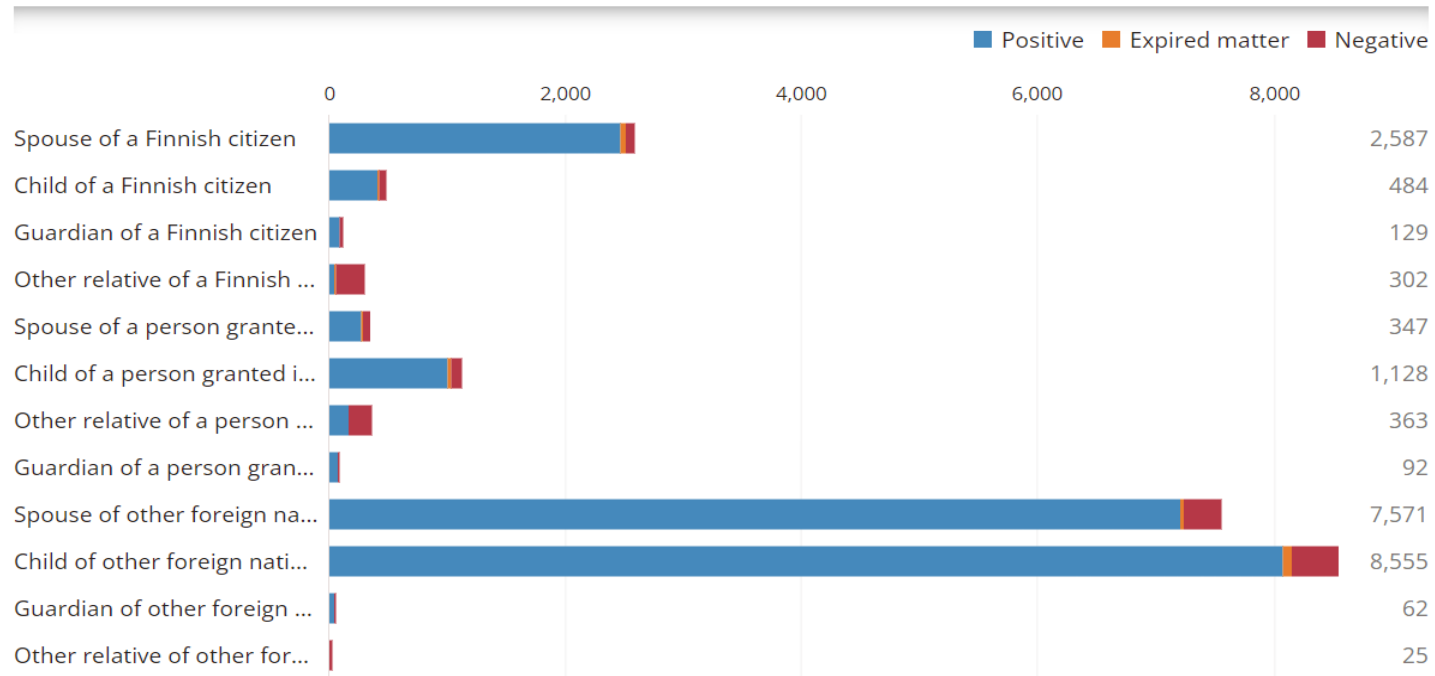
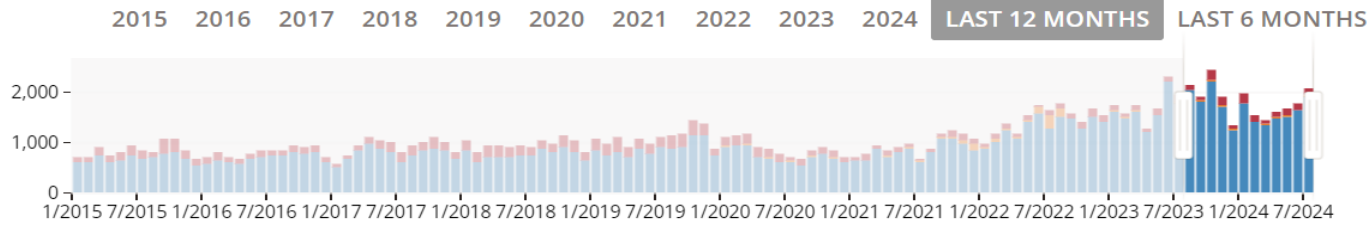


About family reunification of BIPs in Finland

-and biggest challenges

 @PAKOLAISNEUVO

11.9.2024



Family reunification of BIPs in Finland

- The legislation concerning family reunification (in Finnish Aliens Act) has been made stricter since 2012
- **The application process has been made more difficult** (the applicants have to visit a certain Finnish embassy for identification etc) and more expensive
- Valid travel document, but exceptions possible (ECHR 8 art)
- **Requirement of legal residence;** otherwise an appointment for identification / interview / DNA-test at the embassy is not booked.
 - 9 month processing time calculated from the date of the identification
- **The vulnerability of the families not taken into account**
- In 2016, **income requirement was extended to FRU of BIP's**, with limited exceptions concerning persons with refugee status (3 month rule for the “old family”)
 - Amendment in 2023, the income requirement was removed from cases where the sponsor is a child who has received international protection
 - Current government plans to repeal it...
- Government planning to add the requirement of 2 year residence in Finland

Family reunification of BIPs in Finland

- **Exemption from the income requirement** based on best interest of the child / other exceptionally weighty reasons → **high threshold**
- **The best interest of the child** not assessed adequately nor given primary consideration in cases involving children
- Decision-making that **dismisses the refugee status**
- **UAMs right to FRU has been restricted**, even when the child has received international protection but not refugee status (concept of "compelling reasons")

- **Narrow concept of family**; nuclear family members of the sponsor
 - A child must be a minor at the time of lodging the application
 - ECJ, C-279/20 (1.8.2022): if sponsor with a refugee status: defining moment when the sponsor applied asylum
- Difficult to receive permit as other close relative.
 - Only if refusal of the residence permit would be *unreasonable* because the persons concerned intend to *resume their close family life* in Finland or because the close relative is *fully dependent* on the reference person living in Finland.
 - Government "exploring" the possibility to eliminate this category

- With family tie permit, a protection status may be granted
- Our report "Family Reunification Practices in Finland", March 2021, commissioned by the UNHCR



Our work in different stages of the FRU process

 @PAKOLAISNEUVO

11.9.2024

Application stage

- In principle no right to free legal aid at this point. Sponsors in very unequal position in Finland.
 - in some cases a free legal aid decision for our client
- General advice: questions mostly about FRU
- Negotiations with Finnish foreign ministry / Immigration Service (exceptions from the requirement of legal residence etc)
 - Minor applicants, without custodian, who were not able to legalise their residence in the country where they wanted to visit the Finnish embassy (an Eritrean child in Ethiopia, an Afghan girl in Iran) whose parents had international protection / asylum status in Finland
 - Refugee's family members, some of the children did not have original passports (but false)
 - Second FRU application, same applicants, exemption from a new visit to the embassy to identify themselves
 - **EJC decision C-1/23, 8.4.2023:** MS may not require family members of a refugee / BIP to visit a certain embassy (abroad), if impossible or excessively difficult for them to travel there, to lodge the application. (MS may require that they appear in person at a later stage of the FRU process)

Appeal stage

- Right to free legal aid
- Appeals to administrative courts
- Supreme Administrative Court (SAC)
 - Have to apply for a leave to appeal
 - The few precedents in our cases show that decision practice very strict:
 - Case example (2020): whether the income requirement is applicable
 - Case example (2021): whether there were particular circumstances that rendered the late submission of the initial application objectively excusable and whether there are reasons to make an exception from the income requirement
 - Disappointed with SAC, too many appeals to international instances



PAKOLAIŠNEUVONTA

About our cases in international instances (ECHR, CRC)



@PAKOLAIŠNEUVO

11.9.2024

Our cases in ECHR, CRC

- ECHR: 4 appeals pending since 2020, article 8
 - sponsor has a refugee status, income requirement, best interest of the child
 - One case has been communicated
- CRC: 5 individual communications since 2021, article 3 & 10, etc
 - Children and spouse of an Afghan national who has refugee status in Finland: "family life has ended voluntarily" (nr. 173/2022)
 - Child of Somali woman with a refugee status (in Hungary) ("sponsor wasn't considered to be *de facto* guardian since she had left the child under the guardianship of her own mother", "did not have compelling reasons to leave Somalia", FRU applied twice when the child was a minor.
 - Children and spouse of a Jemeni national, with subsidiary protection in Finland, income requirement (incapable of work)
 - Two cases concerning UAMs, Afghanistan, subsidiary protection in Finland ("no compelling reason to leave the home country, the family has sent the child in order to receive residence permits for them")

THANK YOU!



www.pakolaisneuvonta.fi

Facebook: Pakolaisneuvonta

X (Twitter): @pakolaisneuvo

Instagram: pakolaisneuvonta