

**NB: Unofficial translation,
legally binding only in Finnish and Swedish
Ministry of the Interior, Finland**

**Act on the Integration of Immigrants and Reception of Asylum Seekers
(493/1999; amendments up to 324/2009 included)**

**Chapter 1
General provisions**

Section 1

Purpose of the Act (1269/2006)

The purpose of this Act is to promote the integration, equality and freedom of choice of immigrants through measures which help them to acquire the essential knowledge and skills they need to function in society, and to ensure support and care for asylum seekers and beneficiaries of temporary protection in the context of a mass influx by arranging for their reception. The further purpose of this Act is to assist victims of trafficking in human beings.

Section 2

Definitions (362/2005)

In this Act:

- 1) *integration* means the personal development of immigrants, aimed at participation in working life and society while preserving their own language and culture; and
- 2) integration also means the measures taken and resources and services provided by the authorities to promote and support such integration, and consideration for the needs of immigrants in planning and providing other public services and measures; (1215/2005)
- 3) *asylum seeker* means a person seeking international protection under the Aliens Act (301/2004);

4) *reception of asylum seekers and beneficiaries of temporary protection* means the provision of support and care at a reception centre or organising centre; (1269/2006)

5) *victim of trafficking in human beings* means a person who, as a victim of trafficking, is clearly in need of assistance or who, in the course of the criminal investigation of trafficking, is in need of special assistance; and (1269/2006)

6) *assistance for victims of trafficking in human beings* means the services and support measures provided by reception centres for asylum seekers in order to care for victims of trafficking, ensure support for them, assist in their recovery and integration, maintain their capacity to function, and work towards their safe return. (1269/2006)

Section 3

Scope of application

- (1) Measures promoting and supporting integration are available to persons who have moved to Finland and have a municipality of residence in Finland under the Municipality of Residence Act (201/1994). (1215/2005)
- (2) Reception of asylum seekers covers persons who have applied for asylum in Finland until they have been granted a residence permit or have left the country. (362/2005)
- (3) Reception of beneficiaries of temporary protection covers persons enjoying temporary protection under the Aliens Act until they have been granted a continuous residence permit or have left the country. (649/2004)
- (4) The provisions on assistance for victims of trafficking in human beings apply to persons who:
 - 1) have been granted a reflection period under section 52b of the Aliens Act or a residence permit under section 52a(1) of the Aliens Act; or
 - 2) may otherwise, judged on their circumstances, be held to be victims of trafficking or to be in need of special assistance in the criminal investigation of trafficking. (1269/2006)

- (5) The provisions on assistance for victims of trafficking are no longer applicable when the grounds under subsection 4 no longer exist or the need for assistance no longer exists for some other reason. (1269/2006)

Section 3a

Refugees under this Act (649/2004)

- (1) The provisions of this Act on refugees also apply to:

1) persons who have been granted a residence permit on the basis of subsidiary protection or humanitarian protection under section 113(1) of the Aliens Act; (324/2009)

2) persons who have, following the temporary protection under section 112(1)(1) of the Aliens Act, been granted a residence permit under section 113(2) of the same Act, though not if this residence permit has been granted because they are studying, working or engaged in self-employment, or because of marriage;

3) persons who have been granted a residence permit under section 51, 52 or 89 of the Aliens Act after they have applied for international protection; (1269/2006)

4) persons who have been admitted to Finland on special humanitarian grounds or by way of fulfilling international obligations under section 93 of the Aliens Act; and (1269/2006)

5) persons who have been granted a continuous residence permit under section 52a(2) or 54(5) of the Aliens Act. (1269/2006)

- (2) Persons who are family members of or otherwise related to a refugee or persons under paragraphs 1-5 are also considered refugees, provided that the relationship existed before the person in question entered Finland. (1269/2006)

Section 4

Recovery of costs

- (1) In general, costs incurred in the course of activities under this Act are met from the state budget. (362/2005)

- (2) However, the provisions of the Act on Discretionary Government Transfers (688/2001) apply to the recovery of costs relating to the return assistance under section 8a of this Act, the cost of the related processing and appeal procedure. (118/2002)
- (3) Municipalities may recover costs incurred as a result of special services and support measures provided for victims of trafficking. (1269/2006)

Section 5

Relationship to other legislation

This Act does not preclude access to supportive measures, services or cash benefits laid down elsewhere in legislation, unless otherwise provided in Chapter 3.

Chapter 2 Implementation

Section 6

Duties of the Ministry of the Interior (972/2007)

- (1) The Ministry of the Interior is responsible for the general development, planning, steering, monitoring and coordination of the integration of immigrants and the reception of asylum seekers and beneficiaries of temporary protection, and also for the provision of assistance to victims of trafficking. Reception and organising centres may be set up under the Ministry of the Interior.
- (2) Advisory boards may be set up under the Ministry of the Interior in order to assist the Ministry to meet its responsibilities under subsection 1.

Section 6a

Preparedness for a mass influx (118/2002)

- (1) The Ministry of the Interior may order an Employment and Economic Development Centre to agree with a municipality on drawing up a contingency plan to provide for arrangements for the reception of a mass influx of people entering Finland. The contingency plan shall be drawn up in the form of a letter of intent. (972/2007)

- (2) A sufficient number of reception centres and organising centres shall be set up to receive a mass influx of people entering Finland. The establishment and maintenance of centres is the responsibility of those municipalities that have drawn up the contingency plans under subsection 1 or municipalities within which placement of such persons arriving in Finland is otherwise justified in view of current circumstances.
- (3) The costs of establishing and maintaining a centre will be met from state funds.
- (4) The municipalities charged with the obligation under subsection 2 are specified by Government decree.

Section 6b

Duties of Employment and Economic Development Centres and State Provincial Offices (1215/2005)

- (1) Under the guidance and supervision of the Ministry of the Interior, Employment and Economic Development Centres are responsible for regional coordination of the integration of immigrants, the reception of asylum seekers, the planning, guidance and monitoring of reception of beneficiaries of temporary protection, and other duties assigned separately. (972/2007)
- (2) State Provincial Offices participate within their sphere of competence in the planning, guidance and supervision of measures and services promoting and supporting the integration of immigrants and ensure that the needs of immigrants are taken into account in planning and organising other services and measures within their sphere of competence.
- (3) An advisory board on immigration matters may be set up to support an Employment and Economic Development Centre with a view to developing and planning the integration of immigrants, discussing other immigration-related issues, and promoting ethnic equality and good ethnic relations.
- (4) The relevant Employment and Economic Development Centres, in consultation with the State Provincial Office, may decide on the establishment and scope of the advisory board on immigration matters. The relevant Employment and Economic Development Centre may appoint the advisory board. Other provisions on the

establishment, composition and duties of the advisory board are given by Ministry of the Interior decree. (972/2007)

Section 6c

Duties of employment offices (1215/2005)

- (1) Employment offices are responsible, jointly with the respective Employment and Economic Development Centres, for the provision of labour market services promoting and supporting the integration of immigrants, of instruction in reading and writing and of basic education for immigrants registered as jobseekers. They also perform other duties specified for them in this Act.
- (2) Immigrants who under section 11 are entitled to an integration plan are referred by employment offices to municipal measures and services in cooperation with the municipality if the immigrants cannot, because of their state of health or for other comparable reasons, participate in labour market policy measures.
- (3) Employment offices and the respective municipalities cooperate in the organisation of measures and services to promote and support integration and in the provision of information about them.

Section 6d

Duties of municipalities (1215/2005)

- (1) Municipalities have general and coordinative responsibility for developing, planning and monitoring the integration of immigrants. Municipalities organise measures and services promoting and supporting the integration of immigrants.
- (2) Municipalities ensure that the integration of immigrants is promoted and supported by means of the measures and services under section 7 if the immigrants receive social assistance and are entitled under section 11 to an integration plan, or if employment offices refer them to municipal measures and services under section 6c(2).
- (3) Municipalities cooperate with the respective employment offices in integration efforts and give immigrants information about services provided by employment offices and other service providers.

Section 7

Measures and services promoting and supporting integration (1215/2005)

(1) In order to promote and support integration, employment offices and municipalities may :

- 1) provide guidance, advisory services and information services;
- 2) provide information about Finnish society and how it functions;
- 3) provide Finnish or Swedish language teaching;
- 4) provide adult skills training and take appropriate labour market policy measures;
- 5) provide instruction in reading and writing, and teaching to augment basic education;
- 6) provide interpretation services;
- 7) take measures and provide services to promote equality in all its forms;
- 8) take measures and provide services to meet the special needs of immigrant minors;
- 9) take measures and provide services for special-needs groups;
- 10) take other measures and provide services that encourage immigrants to acquire for themselves the skills and knowledge needed in society.

(2) The best interests of the child shall be considered in provision of all the measures and services referred to above.

Section 7a

Integration programme (1215/2005)

(1) An integration programme is drawn up to promote and support the integration of immigrants. The programme contains a plan concerning both the measures,

services, cooperation and responsibilities involved in promoting and supporting integration, and consideration for the needs of immigrants in planning and organising other public services and measures. It also covers the promotion of ethnic equality and good ethnic relations, and the prevention of discrimination.

- (2) Municipalities are responsible for drawing up, implementing and developing an integration programme and for monitoring its implementation and impact. Employment offices and, where necessary, other authorities shall, on the initiative of the respective municipalities, participate in drawing up and implementing the programme regarding their respective sectors. Immigrants and NGOs, employee organisations and employers' organisations operating in the municipality, together with other parties, are consulted when the immigration programme is drawn up and implemented.
- (3) The measures and services are planned so as to promote and support the integration of immigrants in an efficient and timely fashion.

Section 8

Reimbursement of costs relating to refugees (1215/2005)

If a municipality has drawn up, or has committed itself to drawing up, an integration programme for immigrants under section 7a, the relevant Employment and Economic Development Centre will reimburse, within the limits of the state budget, the municipality for costs relating to the reception of refugees.

Section 8a

Return assistance (118/2002)

- (1) Return assistance may be granted, within the limits of the appropriation allocated for the purpose in the state budget, to persons under section 3(3-5) or section 3a who voluntarily return to their home country or country of origin. Return assistance may comprise reasonable travel costs and relocation costs plus assistance enabling the persons to resettle in their country of return. The competent grant authority deciding on return assistance, and on other matters related to return assistance, is the reception centre for persons under section 3(3-5) and the municipality for persons under section 3a. (1269/2006)

- (2) The decision under subsection 1 may be appealed as provided in the Administrative Judicial Procedure Act (586/1996). The competent Administrative Court is that within whose jurisdiction the relevant reception centre is located.
- (3) A reception centre which has granted return assistance has the authority to recover such assistance from the recipient. An application to recover return assistance shall be submitted to the Administrative Court within whose jurisdiction the reception centre is located.

Chapter 3

Arranging for measures to support integration and integration assistance

Section 9

Assigning refugees to a municipality (362/2005)

Employment and Economic Development Centres agree with municipalities on the reception of refugees and assign refugees to municipalities with which they have an agreement governing reception of refugees.

Section 10

Integration plan (1215/2005)

- (1) An integration plan is a personalised plan drawn up for individual immigrants covering the measures and services under section 7 to promote and support their opportunity to acquire a sufficient command of Finnish or Swedish and other knowledge and skills required in Finnish society and working life, and to promote and support their opportunity to participate in society. The integration plan also takes into account measures and services to promote and support the integration of an immigrant's family.
- (2) An integration plan may involve basic education, vocational education, upper secondary education, studies leading to a higher education degree, continuing education or further training.
- (3) Employment offices decide whether each individual measure to promote integration under subsections 1 and 2, provided by the municipality or organised by the immigrant independently, may be considered labour market training under Chapter

6, section 1(3) of the Act on the Public Employment Service (1295/2002) or a labour market measure under Chapter 8 of the same Act. A measure promoting the integration of the immigrant and improving his or her employment potential may be considered to satisfy this requirement. Further provisions on the comparability of measures may be given by Government decree.

Section 11

Right to an integration plan (1215/2005)

- (1) Immigrants who are resident in Finland, unemployed and registered in the information system of the labour administration customer service in accordance with Chapter 3, section 5 of the Act on the Public Employment Service, or in receipt of social assistance in accordance with the Act on Social Assistance (1412/1997), are entitled to an integration plan. The integration plan replaces the job-seeking plan under Chapter 5, section 2 of the Act on the Public Employment Service.
- (2) Immigrants under 18 years of age who do not have the right to an integration plan under subsection 1 shall be offered the opportunity to have an integration plan drawn up if they themselves or their parents so request or if the municipality considers they would benefit from the services and measures covered by an integration plan.
- (3) An immigrant's right to an integration plan lasts for three years from his or her initial entry in the Population Information System in his or her first municipality of residence. This period may be extended by a maximum of two years if necessary for the immigrant to learn to read and write or to complete basic education, or if necessary because of the age of the immigrant or an injury or illness or a need related to child protection measures, or for the duration of the equivalent of maternity or paternity leave, or on similar reasonable grounds. The period during which an immigrant is not entitled to labour market support under Chapter 3, section 4(1)(3) of the Unemployment Security Act is not counted in the period during which the immigrant is entitled to an integration plan.

Section 11a

Drawing up an integration plan (1215/2005)

- (1) An integration plan is drawn up jointly by the immigrant, the municipality and the employment office. If the immigrant does not require municipal social services, the immigrant and the employment office may draw up the plan between themselves.
- (2) If the immigrant is not required to register as an unemployed jobseeker under section 2a of the Act on Social Assistance, the immigrant and the municipality draw up the plan between themselves.
- (3) The authority with which the immigrant draws up an integration plan shall explain to the immigrant concerned the responsibilities of the authority and the rights and obligations of the immigrant under the plan and its related measures.
- (4) An integration plan shall be drawn up at the latest when the immigrant has been unemployed or has been receiving social assistance for an uninterrupted period of two months, or when two months have passed from a request for drawing up an integration plan under section 11(2). The aim is to guide the immigrant into activities promoting and supporting integration within one month of drawing up the integration plan.

Section 11b

Amendment, duration and suspension of an integration plan (1215/2005)

- (1) The amendment, duration and suspension of an integration plan are subject to negotiation between the immigrant and the authorities involved in drawing up the plan. An integration plan may be considered suspended when one month has elapsed from the immigrant's finding permanent full-time employment, setting up his or her own business, or embarking upon full-time studies leading to a vocational qualification or degree.
- (2) The decision on the amendment, duration and suspension of an immigrant's integration plan is taken by the employment office or, in the case of the immigrants under section 11a(2), the municipality.
- (3) If the immigrant re-registers as an unemployed jobseeker, continuation of a suspended integration plan shall be agreed upon, subject to the provisions of section 11(1-2), no later than one week after the immigrant has re-registered in the information system of the labour administration customer service.

Section 12

Integration assistance

- (1) Integration assistance is financial support paid to an immigrant to ensure that he or she has secure means of support for the duration of the integration plan. Its purpose is to improve and promote the immigrant's opportunities to find employment or further training and ability to become an active member of Finnish society.
- (2) Integration assistance consists of labour market support under the Unemployment Security Act and social assistance under the Act on Social Assistance. (1292/2002)
- (3) Immigrants are not entitled to labour market support during the three-year period referred to in section 10(2) except in the form of integration assistance under this Act.
- (4) Immigrants are entitled to integration assistance for the same period as they are entitled to an integration plan under sections 11 and 11b. (1215/2005)

Section 13 (1292/2002)

Section 13 has been repealed. (1292/2002).

Section 14

When to grant and when to review integration assistance

- (1) Immigrants are granted integration assistance when their integration plan has been agreed upon.
- (2) Integration assistance is reviewed if there are changes in the circumstances or needs of the recipient or his or her family. (118/2002)

Section 15

Obligation to cooperate

- (1) Immigrants who have the right to an integration plan are required to cooperate in the drawing up of the plan and participate in the measures and services agreed upon in it.

(2) Subsection 2 has been repealed. (1292/2002).

(3) Subsection 3 has been repealed. (1292/2002).

Section 16

Immigrants' obligation to report

- (1) In order to retain their right to integration assistance, immigrants shall report on the progress of their integration plan, any need for change and any interruption, as agreed in the plan.
- (2) Immigrants shall, as necessary, submit a statement to the municipality and to the local office of the Social Insurance Institution with details of their income in order for the appropriate level of integration assistance to be determined, and with any other information necessary for the granting and paying of assistance.

Section 16a

Insurance cover of persons participating in measures to promote integration (118/2002)

- (1) A person who is receiving labour market support in the form of integration assistance and who has an accident or contracts an occupational illness while participating in measures comparable to labour market measures, or in other individually agreed measures to promote integration, will be compensated out of state funds on the same basis as provided for an employment accident under the Employment Accidents Insurance Act (608/1948), insofar as the person is not entitled to equal or greater compensation under another Act.
- (2) Where compensation is to be paid out of state funds under subsection 1, the competent authority in the first instance is the State Treasury. A decision made by the State Treasury under this section may be appealed as provided in Chapter 5 of the Employment Accidents Insurance Act.
- (3) The Ministry of the Interior arranges for group liability insurance for persons participating in measures to promote integration under subsection 1. (972/2007)

Section 17

Application of the Unemployment Security Act and the Act on Social Assistance (1292/2002)

- (1) Unless otherwise provided in this Act, the provisions on labour market support and related matters in the Unemployment Security Act and the provisions on social assistance and related matters in the Act on Social Assistance apply to labour market support and social assistance granted in the form of integration assistance and to related matters and appeals. (1292/2002)
- (2) Subsection 2 has been repealed. (1292/2002).

Section 18

Application of reference provisions elsewhere in the law

- (1) If, in another Act, or in provisions enacted under it, reference is made to labour market support under the Unemployment Security Act, such reference is considered to apply to labour market support under this Act, unless otherwise provided in this Act. (1292/2002)
- (2) If, in another Act, or in provisions enacted under it, reference is made to social assistance under the Act on Social Assistance, such reference is considered to apply to social assistance under this Act, unless otherwise provided in this Act.

Chapter 4

**Reception of asylum seekers and beneficiaries of temporary protection
(118/2002)**

Section 19

Content of reception (362/2005)

- (1) The reception of asylum seekers and beneficiaries of temporary protection includes accommodation, social assistance, essential social and health care services, interpretation services and fulfilment of all other basic needs. Work and study activities may also be arranged.
- (2) Accommodation shall be organised so that families can stay together.

- (3) Special needs due to the age, vulnerability and physical and mental condition of asylum seekers and beneficiaries of temporary protection shall be taken into account in organising accommodation and in arranging their reception in general.
- (4) The best interests of children shall be taken into account in reception. Children in need of special support shall be provided with the appropriate counselling, rehabilitation and mental health services.

Section 19a

Health care services for beneficiaries of temporary protection (118/2002)

- (1) In addition to what is provided in section 19(1) and (4), beneficiaries of temporary protection under section 3(3) are entitled to health care services just like any other person who has a municipality of residence in Finland under the Municipality of Residence Act.
- (2) The provision of services is the responsibility of the reception centre.

Section 19b

First-stage urgent reception (118/2002)

- (1) If a group of persons arriving in Finland under section 3(2) is so large that they cannot be accommodated at reception centres, their first-stage urgent reception is to be arranged at an organising centre.
- (2) At an organising centre, beneficiaries of temporary protection are given first-stage assistance with immediate necessities until such time as they can be transferred to a reception centre or leave the country.

Section 19c

Organisation of reception (362/2005)

- (1) The reception of asylum seekers and beneficiaries of temporary protection is organised by reception centres.
- (2) Asylum seekers and beneficiaries of temporary protection are entered in the residents' register at the reception centres. The reception centre at which an asylum seeker or beneficiary of temporary protection is registered is responsible for the

reception of that person. Asylum seekers and beneficiaries of temporary protection may be transferred to another reception centre if this is deemed necessary for a justified reason in their own interests or those of the operations of the reception centre or for their asylum cases to be processed.

- (3) Asylum seekers and beneficiaries of temporary protection may organise their own accommodation. If persons organising their own accommodation require other reception measures besides the accommodation under section 19, they shall notify the reception centre in writing of their address and submit a statement on the accommodation in the case of private accommodation or a lease agreement.
- (4) Persons who have received a residence permit on the basis of an asylum application, and beneficiaries of temporary protection who have received a continuous residence permit, may remain within the reception system for a reasonable period in order for them to organise their accommodation and means of support.

Section 19d

Organisation of reception for minors (362/2005)

- (1) A group home may be set up for unaccompanied minor asylum seekers and minors granted temporary protection status. Further provisions on the operations and staffing of such a group home may be given by Ministry of the Interior decree. (972/2007)
- (2) The provisions of the Act on Qualification Requirements for Social Welfare Professionals (272/2005) apply to the group home personnel.
- (3) The director of the reception centre at which an asylum seeker or a minor granted temporary protection status is entered in the residents' register decides on where the child will be accommodated and on other matters concerning the child until such time as a representative under Chapter 5 is appointed for the child.

Section 19e

Notification of the accommodation of a minor (362/2005)

- (1) If a minor asylum seeker or a minor granted temporary protection status is not accommodated at a reception centre or a group home, his or her address and

information on the people with whom the child is staying are given to a multi-member body appointed for the purpose by the municipality where the child is staying. This notification is submitted by the reception centre.

- (2) In the case of an unaccompanied minor, the notification under subsection 1 shall include a report by the reception centre and the child's representative concerning whether the private home in question is a suitable place to care for and bring up a child, and whether the person with whom the child is staying is able to care for and bring him or her up. The reception centre shall provide instructions for persons accommodating children concerning the care and upbringing of children, taking into account, as appropriate, the provisions of the Child Custody and Right of Access Act (361/1983).

Section 19f

Provision of information (362/2005/362)

Asylum seekers and beneficiaries of temporary protection are informed as soon as possible, though no later than 15 days after the filing of an asylum application or the beginning of temporary protection status, of the benefits, responsibilities and social and health care services covered by the reception system. This information is given in writing and, as far as possible, in a language that the persons receiving the information can reasonably be expected to understand. If necessary, the information may also be given verbally. Asylum seekers are informed as soon as possible of organisations or groups providing legal assistance during reception and in asylum matters.

Section 20 (1215/2005)

Section 20 has been repealed. (1215/2005).

Section 21

Agreement on the organisation of reception (118/2002)

Employment and Economic Development Centres may agree with municipalities, joint municipal authorities, other public bodies, or private organisations or foundations on the organisation of reception for asylum seekers and beneficiaries of temporary protection, and on the reimbursement of costs incurred.

Section 21a

Fees charged for reception accommodation and services (362/2005)

- (1) A reasonable charge may be imposed for the provision of accommodation and other services at a reception centre. This charge may be no larger than the actual cost of providing the services. The charge shall be waived or discounted in cases where collecting the charge would jeopardise the means of support of a person or a family or fulfilment of their obligations to pay statutory maintenance. The provisions on the level of the charge are given by Ministry of the Interior decree. The charge is imposed by the director of the reception centre. (972/2007)
- (2) Users of social and health care services may be charged in accordance with the Act on Client Fees in Social Welfare and Health Care (734/1992). The charge is imposed by the director of the reception centre. The charge is paid to the reception centre cashier or into a bank account specified by the reception centre. The provisions of section 13 of the aforementioned Act do not apply to asylum seekers, beneficiaries of temporary protection or victims of trafficking. (1269/2006)
- (3) The charge under subsections 1 and 2 may not be imposed retroactively.
- (4) Within six months of the charge being imposed, a person liable to pay the charge under subsections 1 and 2 who considers that there has been an error in imposing the charge may ask the director of the reception centre who imposed the charge to correct it. The decision issued in response to a correction request may be appealed to the Administrative Court within whose jurisdiction the relevant reception centre is located. An appeal shall be lodged within 30 days of receipt of the decision in accordance with the Administrative Judicial Procedure Act. The decision of the Administrative Court may not be appealed.

Section 22

Social assistance

- (1) Asylum seekers, beneficiaries of temporary protection and victims of trafficking may be granted social assistance under the Act on Social Assistance, unless otherwise provided in this Act. Social assistance is granted on application by the reception centre. (1269/2006)

- (2) Asylum seekers and beneficiaries of temporary protection do not receive social assistance for accommodation in cash; instead, they are provided with accommodation at reception centres and in group homes. (1269/2006)
- (3) Further provisions on the division of other costs between those payable directly from basic social assistance benefit for reception at a reception centre and those payable out of pocket by asylum seekers and beneficiaries of temporary protection on basic benefit are given by Ministry of the Interior decree. (972/2007)
- (4) If residents at a reception centre repeatedly and without justifiable cause effectively refuse work or employment-promoting training suitable for them and to which they have individually been assigned, this may be deemed refusal under section 10 of the Act on Social Assistance.
- (5) Persons applying for asylum or temporary protection in Finland may be granted social assistance by reception centres in the form of travel costs back to their country of origin or home country if the persons in question have not been granted a residence permit or if they withdraw their application and voluntarily leave the country. (1269/2006)

Section 22a

Insurance coverage of persons participating in activities organised by reception centres (118/2002)

- (1) A person participating in work or employment-promoting training to which they have individually been assigned by the reception centre who has an accident or contracts an occupational disease in the course of this activity shall be compensated out of state funds on the same basis as for an occupational accident under the Employment Accidents Insurance Act (608/1948) where the person is not entitled to equal or greater compensation under any other Act.
- (2) For payments of compensation out of state funds under subsection 1, the competent authority in the first instance is the State Treasury. A decision made by the State Treasury under this section may be appealed as provided in Chapter 5 of the Employment Accidents Insurance Act.
- (3) The Ministry of the Interior arranges for group liability insurance for persons participating in measures organised by reception centres. (972/2007)

Section 23

Recovery of social assistance

- (1) A reception centre that has granted social assistance has the authority to recover such assistance as provided in the Act on Social Assistance for the recovery of social assistance by municipalities.
- (2) An application to recover social assistance shall be submitted to the Administrative Court within whose jurisdiction the reception centre is located. (362/2005)

Section 24

Appealing social assistance decisions (362/2005)

- (1) A person registered as a resident at a reception centre who is not satisfied with a decision on social assistance made by the reception centre under section 22 may appeal the decision to an Administrative Court. The appeal shall be lodged within 30 days of receiving the decision, as provided in the Administrative Judicial Procedure Act. Within the said time period, the appeal may also be submitted to the director of the reception centre, who will forward it to the Administrative Court together with a personal statement.
- (2) The appeal shall be submitted to the Administrative Court within whose jurisdiction the reception centre is located.
- (3) A decision issued by an Administrative Court concerning the grant of social assistance or its amount may be appealed to the Supreme Administrative Court as provided in section 49(2) of the Social Welfare Act (710/1982).

Section 25

Placement of detained aliens (649/2004)

Arrangements to hold an alien in detention under section 121 of the Aliens Act may be made at a reception centre maintained by the state or a municipality.

Chapter 4a

Assistance to victims of trafficking in human beings (1269/2006)

Section 25a

Content of assistance (1269/2006)

Victims of trafficking in human beings may be provided with services and support measures, which may include legal and other advice, crisis therapy, social and health care services, interpretation services and other support services, accommodation or housing, social assistance and other necessary care, and support for a safe return. In arranging such services and support measures, account shall be taken of special needs arising from the age, vulnerability, and physical and mental state of the victim, and the safety of the victim and of personnel providing services and support measures.

Section 25b

Competent authority (1269/2006)

- (1) Provisions on the competent reception centre in assisting victims of trafficking are given by Ministry of the Interior decree. (972/2007)
- (2) The reception centre may organise the services and support measures under section 25a itself or outsource them from a public or private service provider.

Section 25c

Filing for assistance (1269/2006)

A motion for the provision of services and support measures to a victim of trafficking may be filed by an official, the individual victim, or a private or public service provider. However, services and support measures may not be provided against the victim's will.

Section 25d

Decision to apply the provisions on assistance (1269/2006)

The decision to apply the provisions on assistance, and on ceasing to apply them, is made by the director of the reception centre as provided in section 3(4-5).

Section 25e

Multi-professional evaluation group (1269/2006)

- (1) The reception centre has a multi-professional evaluation group to help the director with decision-making and to evaluate the service needs of victims of trafficking.
 - (2) The evaluation group shall include, in addition to the director, at least one social welfare and one health care expert, and a representative of the police and border authorities. The Employment and Economic Development Centre appoints the evaluation group for a term of three years at a time, having consulted the State Provincial Office and the director of the reception centre. If a member of the evaluation group resigns or dies mid-term, the Employment and Economic Development Centre appoints a new member on proposal from the body that the former member represented. The members of the evaluation group are subject to official liability.
 - (3) The evaluation group shall, as necessary, consult municipal authorities, labour protection authorities, labour market organisations, mental health and child protection experts and any other parties needed to provide assistance to victims of trafficking.
 - (4) The duties of the evaluation group are:
 - 1) to evaluate the need for assistance of a victim of trafficking, when to apply the provisions on assistance and when to cease to apply them;
 - 2) to evaluate the placement of a victim of trafficking and the need for services;
 - 3) to evaluate the security risks of a victim of trafficking and to participate in planning and implementing security measures; and
 - 4) to ensure exchange of information between the authorities and other actors in the assistance system.
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Section 25f

Procedures in a multi-professional evaluation group (1269/2006)

The director of the reception centre convenes the evaluation group. Notwithstanding any secrecy provisions, the director may disclose to the evaluation group personal data on a victim of trafficking, and the evaluation group may use these data in order to carry out its duties, provided that the person in question has given his or her consent or that such disclosure is essential to evaluate the need for services, provide services, or plan and implement security measures. The evaluation group may not disclose any of this information to third parties.

Chapter 5

Representation of unaccompanied minors

Section 26

Representation and exercising the right to be heard

- (1) A representative may be appointed for a refugee child, a child granted temporary protection status, a child applying for a residence permit or asylum, or a child who is a victim of trafficking, if the child is in Finland without a guardian or other legal representative. An unaccompanied minor who is a victim of trafficking shall always be appointed a representative immediately. *(1269/2006)*
- (2) The representative exercises a guardian's right to be heard in matters pertaining to the child's person and assets, decides on the child's living arrangements and manages the child's assets as provided in Chapter 12, sections 1 and 2 of the Code of Judicial Procedure, in section 14 of the Administrative Procedure Act (434/2003), in sections 17 and 18(3) of the Administrative Judicial Procedure Act and in the Guardianship Services Act (442/1999). *(362/2005)*
- (3) In the exercise of his or her duties, the representative shall protect the child's interests, taking the child's ethnic, linguistic, religious and educational background into account.
- (4) Before making a decision in a matter pertaining to the child's person or assets, the representative shall discuss the matter with the child, if this is possible in view of

the child's age and developmental level and the nature of the matter. When making decisions, the representative shall take the child's opinions and wishes into account.

- (5) It is not the representative's duty to manage the immediate daily care or upbringing of the child or otherwise look after the child.

Section 27

Qualification of the representative

Any legally competent, suitable and consenting person who is able to perform the required duties correctly while taking the child's interests into account may be appointed as a representative.

Section 28

Appointing a representative

- (1) An application to appoint a representative may be filed by the reception centre where the minor in question is resident or by the body under section 6(1) of the Social Welfare Act of the municipality in which the minor is staying.
- (2) Before the application to appoint a representative is filed, the child shall be given an opportunity, insofar as this is possible in view of his or her age and developmental level, to express his or her own wishes and opinions.

Section 29

Expiry of a representative's duties, and releasing a representative from duties

- (1) The duties of a representative expire when:
- 1) the child represented comes of age;
 - 2) the child represented moves permanently away from Finland; or
 - 3) a guardian or other legal representative is appointed in Finland for the child represented.
- (2) Representatives may be released from their duties at their own request or if they are prevented from or incapable of carrying out their duties due to

illness or some other reason, or if there are other special reasons for releasing them. If the child's guardian moves to Finland, the representative shall be released from his or her duties, unless this would be against the child's interests.

- (3) An application to release a representative may be filed by the representative himself or herself, the reception centre where the child in question is resident, the body under section 6(1) of the Social Welfare Act of the municipality where the child is staying, the child himself or herself if the child is aged 15 or above, or the child's guardian or other legal representative.

Section 30

Legal venue

An application to appoint a representative or to release a representative from his or her duties shall be filed at the District Court within whose jurisdiction the reception centre where the child is registered is located or the child is staying.

Section 31

Obligation to notify

- (1) Concerning decisions on the appointment or release of a child's representative, the court shall notify the Finnish Immigration Service in the case of a child who does not have a residence permit, and the Population Information System in the case of a child who has been granted a residence permit. (972/2007)
- (2) The representative's duties shall be entered in the register of guardianship affairs if the child's assets managed by the representative are considerable enough to warrant entry in the register under section 66 of the Guardianship Services Act. The court appointing the representative shall ask the applicant to give an account of whether the child has assets that would be managed by the representative and, if necessary, notify the guardianship authorities of the need for an entry in the register of guardianship affairs. (118/2002)

- (3) Otherwise, the provisions of sections 64 to 68 of the Guardianship Services Act apply, as appropriate, to entry of the representative's duties in the register of guardianship affairs. (118/2002)

Section 32

Statement of accounts provided by the representative (118/2002)

The provisions of the Guardianship Services Act apply to the representative's obligation to provide a statement of accounts when his or her duties come to an end.

Section 33

Complying with a decision without legal force

A decision issued by a District Court concerning the appointment or release of a representative shall be complied with even if it is without legal force.

Chapter 6

Personal data files for reception of refugees, beneficiaries of temporary protection and asylum seekers, and for assistance for victims of trafficking (1269/2006)

Section 34

Personal data files (1269/2006)

The following are personal data files intended for use in the planning and implementation of reception for refugees, beneficiaries of temporary protection and asylum seekers, for integration and for assistance for victims of trafficking:

- 1) the residents' register, including the national sub-register and the sub-registers of the reception centres;
- 2) the refugee register; and
- 3) the register of designated municipalities.

Section 35

Registrars

- (1) The principal registrar of the residents' register is the competent ministry, which is also responsible for maintaining the national sub-register. Each reception centre is responsible for maintaining its own sub-register. The competent ministry may assign the maintenance of the residents' register to a municipality, an organisation or a foundation.
- (2) The registrar of the refugee register is the competent ministry.
- (3) The registrar of the register of designated municipalities is the relevant Employment and Economic Development Centre.

Section 36

Responsibility for register data

- (1) The registrar is responsible for the accuracy of data entered in the register and for the legality of entering and using data in the performance of the registrar's duties. In other respects, the provisions laid down elsewhere in the law on the protection of personal data apply to the responsibilities of the registrar.
- (2) The principal registrar of the residents' register issues instructions on the use of the register as necessary.

Section 37

Residents' register (118/200)

- (1) The residents' register is a computerised personal data file maintained in order to arrange the reception of asylum seekers and beneficiaries of temporary protection, and provide assistance to victims of trafficking. (1269/2006)
- (2) The following data on the persons referred to above and their family members may be collected and entered in the residents' register:

- 1) personal identification data, the customer number issued by the registrar and the Finnish Immigration Service, place of birth and citizenship;
(972/2007)

- 2) language skills, education, professional and vocational skills and work experience;
- 3) information needed to arrange reception pertaining to the processing of matters related to asylum applications or removal from the country; and
- 4) with the consent of the registree, ethnic origin and religion.

Section 38

Refugee register

The refugee register is a partly computerised, partly manual personal data file maintained for the purpose of selecting quota refugees and assigning refugees to municipalities under section 9. The following data on refugees accepted by Finland within quota limits and their family members may be collected and entered in the refugee register:

- 1) personal identification data, the customer number issued by the registrar and the Finnish Immigration Service, place of birth and citizenship;
(972/2007)
- 2) language skills, education, professional and vocational skills and work experience;
- 3) state of health;
- 4) ethnic origin and religion; and
- 5) data and reports on the reasons for and background to the person's becoming a refugee.

Section 39

Register of designated municipalities

The register of designated municipalities is a partly computerised, partly manual personal data file maintained for the purpose of assigning refugees to municipalities under section 9. The following data on refugees assigned to a

municipality and their family members may be collected and entered in the register of designated municipalities:

- 1) personal identification data, place of birth and citizenship;
- 2) language skills, education, professional and vocational skills and work experience;
- 3) with the consent of the registree, ethnic origin and religion.

Section 40

Removing data from the register and permanent data storage

- (1) Data on a registree entered in any of the registers under this Chapter shall be removed when five years have elapsed from the last entry concerning the registree.
- (2) Permanent storage of the registers under this Chapter and the data contained therein is decided on by the public archives as provided in section 8(3) of the Archives Act (831/1994). In other respects, the provisions of section 8(2) of the Archives Act concerning document storage apply.

Chapter 7

Miscellaneous provisions

Section 41

Right of access to information

- (1) Notwithstanding any secrecy provisions, state and municipal authorities, the Social Insurance Institution, the organisers of reception for asylum seekers and beneficiaries of temporary protection, and the representative under Chapter 5 have the right to receive, free of charge, any information needed to perform their duties under this Act from other state and municipal authorities and other organisers of reception for asylum seekers. (118/2002)
- (2) The information may also be provided using a technical interface.

Section 42

Disclosure of information

- (1) Notwithstanding the provisions of section 43, any information needed by the police, the Border Guard and the Finnish Immigration Service in order to perform their duties under the Aliens Act may be disclosed to them free of charge. (972/2007)
- (2) Notwithstanding any secrecy provisions, the directors of reception centres may disclose personal data on a victim of trafficking to an authority or a party engaged in providing assistance where the person in question has given his or her consent or where such disclosure is essential in order to evaluate the need for services, provide services, or plan and implement security measures. (1269/2006)
- (3) The information may also be provided using a technical interface.

Section 43

Secrecy obligation

- (1) Persons carrying out the duties under this Act may not disclose information on the private or family secrets and personal circumstances of a refugee, beneficiary of temporary protection, asylum seeker, other immigrant or victim of trafficking without the specific consent of these persons or any guardians or representatives appointed for them under this Act. Also, they may not disclose any information acquired in the course of carrying out the duties under this Act, unless it is obvious that such disclosure would not compromise the security of the persons referred to above or their family members. (1269/2006)
- (2) The provisions of subsection 1 do not prevent disclosure of information to those parties who have the right by law to receive said information.

Section 44

Appeal prohibition

- (1) A decision of an employment office under section 10(3) may not be appealed except when appealing the principal claim. (1215/2005)
- (2) A decision taken by a reception centre under section 19c(2) concerning transfer to another reception centre may not be appealed. (362/2005)

Section 45

Administrative procedure (1269/2006)

All parties providing integration services for immigrants, reception services for asylum seekers and beneficiaries of temporary protection, and assistance for victims of trafficking shall comply with the Administrative Procedure Act in handling administrative matters under this Act.

Section 46

Further provisions

Further provisions on the implementation of this Act are given by decree as necessary.

Chapter 8

Provisions on entry into force

Section 47

Entry into force

This Act comes into force on 1 May 1999.

This Act repeals the Act on Reception Points and Centres for Asylum Seekers of 13 December 1991 (1465/1991), as amended.

Section 48

Transitional provision

- (1) In the case of immigrants for whom the period referred to in the first sentence of section 10(2) has expired before the entry into force of this Act, an integration plan will be drawn up within five months of the entry into force of this Act. If, however, at the time of the entry into force of this Act, two years have elapsed since the entry of the immigrant's first municipality of residence in the Population Information System, an integration plan does not have to be drawn up unless the immigrant so requests. The restriction on receiving labour market support provided for in Chapter 7 section 4(3) of the Unemployment Security Act does not apply to immigrants for

whom the compilation of an integration plan is waived because the two-year period referred to above in this section has elapsed; nor does it apply, for a period of five months from the entry into force of this Act, to immigrants who have entered Finland before this Act came into force. (1292/2002)

- (2) The provisions of this Act on refugees apply to persons who have been granted a residence permit for weighty humanitarian reasons under section 20(1)(3) of the Aliens Act and to family members who have been granted a residence permit on the basis of family ties to such persons.

[Entry into force and application of amendments:]

15.2.2002/118

This Act comes into force on 1 March 2002.

30.12.2002/1292

This Act comes into force on 1 January 2003.

9.7.2004/649:

This Act comes into force on 20 July 2004.

- (1) Measures necessary for implementation of the Act may be undertaken before the Act enters into force.

- (2) The provisions in this Act regarding refugees also apply to:

1) persons who have been granted a residence permit on the basis of section 31 or section 18(1)(4) of the Aliens Act (378/1991);

2) persons who have applied for asylum or received temporary protection in Finland and have thereafter been granted a residence permit of permanent nature by virtue of section 20(1)(3) of the Aliens Act (378/1991), though not if this residence permit has been granted on grounds of studies, employment or self-employment, or because of marriage; and

3) persons who are family members of or are otherwise related to a refugee or persons referred to in paragraphs 1-2, provided that they were members of the

family of the refugee or person granted a residence permit before said person entered Finland.

27.5.2005/362

This Act comes into force on 10 June 2005. Section 19d(2) will, however, come into force on 1 August 2005.

29.12.2005/1215

This Act comes into force on 2 January 2006.

22.12.2006/1269

This Act comes into force on 1 January 2007.

9.11.2007/972

This Act comes into force on 1 January 2008.

8.5.2009/324

This Act comes into force on 1 June 2009.