First instance determination - Finland

Overview of first instance procedures

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Relevant EU legislation

Finland is bound by recast Asylum Procedures Directive (APD/APR), the recast Reception Conditions Directive and the Dublin III Regulation (AMMR) and has transposed their provisions through the through the Aliens Act 301/2004 | Ulkomaalaislaki.

National legislation

The Aliens Act provides for all the procedures related to first instance determination – regular procedure and special procedures, under the Chapter 6 – International protection, specifically:

- Section 94 – asylum procedure,
- Section 98 and 98a – deciding on an asylum application
- Sections 99, 99a, 100 – safe country concepts
- Sections 101, 102, 103, 104 – special procedures admissibility and accelerated.
- Sections 104a, b, c – border procedure.

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 provides for the reception of applicants for international protection and beneficiaries of temporary protection, as well as for assisting victims of human trafficking.

Competent authority and other stakeholders

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The Finnish Immigration Service (Department for International Protection fi. *Kansainvälisen suojelun osastao*) is responsible for immigration, asylum, refugees. The work of the Finnish Immigration Service is governed by the Act on the Finnish Immigration Service | Laki Maahanmuuttovirastosta, the Government Decree on the Finnish Immigration Service and the Aliens Act.

The Finnish Immigration Service reformed its organisational structure as of 1st June 2024 and has four departments: Permit and Citizenship Department, Department for International Protection, Reception Services Department and Control and Monitoring Department.

The newly created Department for international protection is responsible for: i) examining and granting protection-based permits, ii) quota refugees, iii) extension of protection-based permits and permanent residence, iv) travel documents, residence permits and service of decisions.

The Finnish Immigration Service Annual Report and Financial statements for 2024 provides a detailed overview of the restructuring process undergoing at the Finnish Immigration Service since 2024. The Agency had at the end of 2024 a total of 1,459 staff with 48% in expert posts. According to the Finnish Immigration Service Annual Report and Financial statements for 2024, the newly created Department on International Protection has approximately 300 employed persons.

The Finnish Immigration Service Annual Report and Financial statements for 2024 informed that in 2024 the agency renewed its contingency plan and participated in regional exercises, also that a voluntary pool of staff was created with the aim to support the agency in case of large scale arrivals or instrumentalisation. These preparations will also serve for the upcoming implementation of the Pact on Migration and Asylum.

Other actors

According to Section 97 (3) of the Aliens Act, the police may participate in an asylum interview if Finland's national security or international relations or public order or safety require it.

A security screening performed by the Police, Security Intelligence Service and National Bureau of Investigation (one of the units of the Police); all newly lodged applications are received and assessed by the Finnish security institutions, which process them according to their own classified screening method.

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The Police and the Finnish Border Guard contribute to the detection of fraud documents presented by the applicants. Both bodies, together with the Finnish Immigration Service, may submit documents which they suspect are falsified to the Forensic Laboratory the National Bureau of Investigation (NBI). NBI issues a statement on their authenticity to the Finnish Immigration Service.

The Police and the Finnish Border Guard also photograph the applicants and collect their fingerprint records for registers and doing the necessary register checks (Eurodac, AFIS, VIS, SIS).

As for the personal interview, a legal counsel/representative, interpreter (if needed, videoconferencing for interpretation is commonly used) and, in exceptional circumstances, trusted persons of choice (e.g. family members in case of accompanied minors), UNHCR (although rarely) as well as medical staff, e.g. nurse (if deemed necessary), are permitted to attend them. In case of unaccompanied minor, the personal interview is conducted in the presence of a guardian (mandatory), legal representative and, in some cases, a social worker. In case of other vulnerable applicants, the interview can be carried out in the presence of a support person.

Types of procedures and case processing

Finland has the following types of asylum procedures:

Regular procedure – Section 104 of the Aliens Act, jointly with Sections 87, 88, 88a-e, 97 – 98,

Admissibility procedure – under Section 103 of the Aliens Act:

- the Dublin III Regulation is applicable.
- another Member State has granted international protection to the applicant.
- subsequent application with no new elements.
- the first country of asylum or safe third country concept applies.

Accelerated procedure - according to Section 101 an application may be considered manifestly unfounded if it was rejected in the accelerated procedure stipulated in Section 104 of the Aliens Act:

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- no grounds referred to in Section 87(1) or Section 88(1) or other grounds related to prohibitions on return have been presented as justification, or the statements are clearly implausible;
- the applicant has arrived from a safe country of origin to which he or she can be returned;
- the applicant has misled the authorities by presenting false information or documents or by deliberately omitting to provide relevant information or documents concerning his or her identity or nationality which could have had a negative impact on the decision
- the applicant can be assumed to have destroyed or lost, with fraudulent intent, an identity or travel document that would have helped to establish his or her identity or nationality;
- it is a subsequent application that meets the conditions for admissibility set out in Section 102(3) of the Aliens Act;
- the applicant has made the application solely to delay or prevent the enforcement of a decision that has already been made or is immediately expected, which would result in his or her removal from the country;
- the applicant refuses to comply with requirements under the Dublin III Regulation
- the applicant has entered Finland or continued to stay in Finland illegally and without a reason referred to in section 95(2) (2), either by failing to report to the authorities or by failing to submit an application for international protection as soon as possible, taking into account the circumstances surrounding their entry into the country; or
- the applicant can be considered, for serious reasons, to be a danger to national security or public order, or the applicant has been removed from the country by coercive means for serious reasons relating to public security or public order.

Border Procedure – according to Section 104a of the Aliens Act, the border procedure applies for applications made at an external border crossing point or in connection with an unauthorised external border crossing and inadmissibility grounds were found under Article 103 of the Aliens Act, or the application is decided in an accelerated procedure under Section 104.

Time limit for a decision and length of the procedure

Average duration regular procedure:

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According to Section 98a of the Aliens Act, the decision on granting international protection should be issued within 6 months from lodging the application.

The time limit for issuance of the decision can be extended to 15 months (if the decision has not been issued within 6 months, the Finnish Immigration Service is obliged to inform the applicant of the reasons of the delay and the new time limit for issuing the decision). An extension is only possible if the case is particularly complicated, if in the given period a large number of foreigners is applying for international protection, or if an applicant does not comply with his/her obligations under the asylum procedure.

This time limit can be extended to 18 months where necessary in order to ensure an adequate and complete examination of the application for international protection. If the situation the country of origin is uncertain and it is therefore not possible to decide within 15 months, the time limit can be extended to maximum 21 months.

The Ministry of the Interior started a new project to introduce legislative changes in case of a large-scale influx of migrants. The legislative amendments entered into force on 15 September 2022 and enable Finland to request EUAA support in the event of a mass influx of migrants, according to Section 116a of the Aliens Act. The new provisions regulate the process for support by determining the parties responsible and coordination amongst stakeholders. The possible submission of the request will be decided at the government plenary session, and the Finnish Immigration Service will prepare an action plan with the Executive Director of the EUAA and act as the national contact point for support teams.

According to the Finnish Immigration Service Annual Report 2023, the average processing time for applications was 249 days. In 2023, activities continued to be affected by the war of aggression against Ukraine and thus the high number of temporary protection applicants from Ukraine. In addition, the number of applicants and the prioritisation of applications were particularly influenced by the situation at the eastern border that started in November 2023, which led to a significant increase in the number of applicants in a short period of time.

The Finnish Immigration Service Annual Report and Financial statements for 2024 mentioned that in 2024, the targets on processing times for asylum applications have not been achieved, but the 4 weeks processing time for the border procedure was fully implemented.

Measure to enforce legal time limit for processing applications

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A complaint may be filed with the Ombudsman or the Chancellor of Justice when an applicant believes that a public authority has not observed the law or fulfilled a duty. If after an investigation it becomes clear that the procedure has not been according to the law or there has been an unacceptably long delay in the process, the Ombudsman/Chancellor of Justice may give a public decision on the issue. This is usually done after the processing, and it is not a remedy for ongoing processes.

There are no penalty payments for exceeding processing time.

Special procedures:

Admissibility procedure: no time limits to take a decision

Accelerated procedure: When the decision is taken under the accelerated procedure, the Finnish Immigration Service must make a decision within 5 months after the application was lodged – see Section 104 (4) of the Aliens Act. If a decision cannot be issued within 5 months after the application was lodged, the applications is channelled for assessment in the regular procedure. In practice, it rarely occurs that accelerated cases are processed beyond this time limit.

Border procedure: four weeks pursuant to Section 104a (6) of the Aliens Act

Subsequent application: Subsequent applications are processed in the accelerated procedure if they are deemed admissible. The time limit for decisions in the accelerated procedure is 5 months (see above)

Prioritisation policies: See Types of procedures and case processing section of this page.

Quality assurance of first instance procedures

Quality review: The legality of the decisions is controlled by the Senior Administrative Officer, Decision-Making Officials as they finalise the decisions. Process specialists may do spot checks on a certain decision.

The Legal Services, which operate separately from the decision-making units are responsible for the internal control of legality and quality assurance within the Finnish Immigration Service, including decisions on international protection and interviews.

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According to the Finnish Immigration Service Head of Legal Services, cases returned by the courts concern most often situations when the applicant presents new information, or their circumstances have changed since the Finnish Immigration Service took a decision. This happens for example in cases regarding the applicant's conversation to Christianity or additional information is provided on conversation.

Upon request by the Finnish immigration Service, UNHCR assessed between 2021-2022 how the best interest of the child is assessed in the asylum procedures in Finland. UNHCR assessed more than 50 decisions issued for the period December 2018 - February 2021 and found that: i) best interests of the child are looked as a primary consideration in the asylum procedure; ii) a clearly structured analysis and legal reasoning is provided in decisions concerning the best interests of the child; iii) detailed internal instructions are provided to case officers on how to process and decide on children's applications; and iv) the Finnish Immigration Service is promoting consistency of decisions.

Quality- and efficiency-related measures: In June 2022, the asylum investigation was partially reorganised. Since then, case officers have been working in teams that specialise in different regions/countries of origin. In June 2024 the Immigration Service was restructured with an emphasis on strengthening process management and clarifying responsibilities.

The ADERE project improved the Finnish Immigration Service's asylum decision-making process, since March 2025, by reducing manual work and introducing accelerated decision-making through automation. The ADERE 2 project, which will start later, aims at streamlining the processing of the final document delivered to an external customer.

Quality review on assessment of applications: The Finnish Immigration Service is working on creating an electronic tool for case workers to support the preparation of the decision (e.g. checklists, decision blocks).

Interinstitutional cooperation

The Finnish Immigration Service cooperates with all relevant stakeholders in the asylum procedure. Information related to cooperation is available under Partners and stakeholders' page. Regular and ad hoc meetings are held with other stakeholders.

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The Finnish Immigration Service Annual Report and Financial statements for 2024 mentions that there was an intensified cooperation between the authorities and new cooperation mechanisms were introduced.

An electronic system has been implemented in all administrative courts since December 2020, namely the HAIPA System, which is a case management and document system. The system permits the Finnish Immigration Service, upon submission by the applicant of an appeal, to submit the information directly to the competent administrative court. Similarly, the Finnish Immigration Service may receive information about the appeal via the electronic HAIPA platform. When a decision is made on appeal by the administrative court, the court can also send its decisions to the Finnish Immigration Service by using the HAIPA system.

Regular asylum procedure at first instance

Legal basis

The Aliens Act contains provisions on the following:

- Provision of legal assistance throughout the procedure (Section 9),
- Right to interpretation and translation (Section 10),
- Grounds for asylum and exclusion (Section 88),
- Acts of persecution and reasons for persecution (Sections 87a and b),
- Subsidiary protection (Section 88),
- Refugee sur place (Section 88b),
- Actors of persecution or who can cause serious harm (Section 88c),
- Actors of protection (Section 88d),
- Internal flight alternative (Section 88e),
- Duty of the Finnish Immigration Service to provide information to applicants (Section 95a),
- Withdrawal of an application for international protection (Section 95b),
- Lapse of an application for international protection (Section 95c),
- Card issued to indicate the pending status of the application (Section 96),
- Special procedural guarantees for applicants with special needs (Section 96a),
- the Finnish Immigration Service competence to conduct an asylum investigation (Section 97),

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- the Finnish Immigration Service competence and tasks for the asylum interview (Section 97a),
- safeguards when obtaining information in an individual case concerning international protection (Section 97b),
- assessment and decision on the application for international protection (Section 98),
- time limits and possible extension when processing an application for international protection (Section 98a),
- right of the authorities to obtain information regarding unaccompanied minors (Section 105a),
- tracing family members of unaccompanied minors (Section 105b),
- refugee status and subsidiary protection (Section 106),
- revocation of international protection (Section 107),
- withdrawal of international protection (Section 108).

Competent authority and stakeholders

The Finnish Immigration Service | Maahanmuuttovirasto is competent to process an application under the regular procedure, pursuant to Sections 97, 97a, 97b, 98, 98a, 116 of the Aliens Act.

Personal interview

The Aliens Act provides under Section 97 that the Finnish Immigration Service has to conduct an asylum investigation which consists in determining: the identity, travel route and entry of a third country national who applied for international protection. This investigation also consists in determining the state responsible to process the application, for Dublin cases.

In its investigations on the identity of the applicant, the Finnish Immigration Service has to verify also personal information about family members and other relatives of the applicant.

An asylum interview is conducted by the Finnish Immigration Service and the applicant has the opportunity to present the grounds for his application, including acts of persecution or human rights violations, in his country of origin or of habitual residence.

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According to Section 97 (3) of the Aliens Act, the police can participate in the interview when there are aspects related to Finland's national security, international relations, public order or security.

Section 97a of the Aliens Act covers the procedure to conduct the personal interview.

Assessment of an application

The Aliens Act provides the grounds for being granted international protection in Sections 87, 87a, 87b, 88, 88a, 88b, 88c and 88d. Section 88e stipulates the conditions for applying the concept of internal flight alternative.

All applications for international protection are initially considered for refugee status and, if the relevant conditions are not met, they are considered for subsidiary protection status. Section 94 (3) (Asylum procedure) of the Aliens Act states that “Granting the right of residence is also considered and decided on other emerging grounds in conjunction with the asylum procedure.”

In practise this means that if the conditions for international protection are not met, these following sections are considered: 1) issuing of residence permits in cases of obstacles to leaving the country (section 51), 2) issuing of residence permits on discretionary basis on humanitarian grounds (section 52) and 3) issuing of a residence permit for a victim of trafficking in human beings (section 52a).

The Aliens Act provides under Section 97 that the Finnish Immigration Service has to conduct an asylum investigation which consists in determining: the identity, travel route and entry of a third country national who applied for international protection. For determining the applicant’s identity, its is possible to collect personal data about the applicant’s family members or other relatives.

Section 97b of the Aliens Act stipulates that the authorities processing an asylum application cannot obtain information in an individual case in a way that would endanger the applicant’s safety or of his loved one because such information became known to actors engaging in persecution or causing serious harm. The asylum authorities may conduct a medical examination, with the applicant's consent, in order to determine any evidence of previous persecution or serious

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harm. Such examination is ordered if it is deemed necessary for the assessment of the application for international protection.

Each decision is assessed on individual basis, by taking into consideration the statements pf the applicant about their personal circumstances in the country concerned and also by taking into account updated country of origin information, from various sources – as provided under Section 98 (2) of the Aliens Act. Also, the authority, after obtaining the available information, must decide to grant protection to the applicant on the basis of his or her statements, provided that the applicant has contributed to the investigation of the application to the possible extent and provided that the authority assessed and found credible the applicant's claim on the need for international protection, pursuant to Section 98 (3) of the Aliens Act.

A decision to prioritise the examination of an application may be taken on a case-by-case basis at any stage of the procedure. The prioritisation may apply for the following categories of applications: i) clearly well-founded applications, ii) manifestly unfounded applications, iii) applications concerning children, iv) vulnerable applicants, v) subsequent applications, vi) applications made in detention; vii) danger to public order/threat to national security and viii) applicant comes from safe country of origin.

Scope and outcomes of a decision

As an outcome of the asylum procedure, an applicant can be issued one of the following types of decision:

Decision granting refugee status – Section 98 (3) corroborated with Section 106 of the Aliens Act.

Decision granting subsidiary protection - Section 98 (3) corroborated with Section 106 of the Aliens Act.

Decision granting a residence permit on other grounds – Section 97a (2) of the Aliens Act.

Decision refusing to grant international protection and residence permit on other grounds accompanied by a decision on removal, unless there are special reasons preventing the removal, pursuant to Section 98 (4) of the Aliens Act.

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Withdrawal of an application

Competent authority to withdraw an application

The competent authority is the Finnish Immigration Service (Department for international protection – fi. *kansainvälisen suojelun osasto*), pursuant to Sections 95b and 95c of the Aliens Act.

For explicit withdrawal, Section 95b of the Aliens Act provides that the request must be personally made by submitting a written notification to the Finnish Immigration Service, the police, the border control authority or, at the reception centre, to its director or deputy director, containing a clear statement that the applicant intends to withdraw his or her application. Such notification must be dated and signed.

Implicit withdrawal

According to Section 95c of the Aliens Act, an application is considered as implicitly withdrawn when an applicant: i) left or is likely to have left the country (his/her place of residence has been unknown for at least 2 months according to the information available from the reception centre or it has been impossible to contact him/her for at least 2 months) or ii) the applicant has died.

If after the Finnish Immigration Service has decided on the implicit withdrawal of the application and the applicant contacts the competent authority after the decision, the applicant will be informed of the right to submit a new application – see Section 95c (2) of the Aliens Act. If the applicant submits a new application under these circumstances, it will not be considered a subsequent application - according to Section 102 paragraph 1 of the Aliens Act.

A formal decision to discontinue the examination will be issued. It is not possible to lodge an appeal against such a decision – see Section 95c of the Aliens Act.

No possibility of appeal is provided pursuant to Section 191 (8) of the Aliens Act.

Explicit withdrawal

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An applicant can explicitly withdraw his or her application for international protection by personally submitting a written request to the Finnish Immigration Service, the police, the border inspection authority or to the director or deputy director at the reception center. The notification has to clearly state the intention of the applicant to withdraw his or her application and has to be dated and signed – see Section 95b of the Aliens Act.

The authority receiving this notification will require the applicant to provide his or her position on the possible removal from Finland and/or ban on entry. The competent authority will also request two witnesses for the procedure, and these persons can be officials or employees of the Finnish Immigration Service or the reception center or police or border inspection authorities.

The Finnish Immigration Service can decide on the removal and entry ban when conditions and requirements are met under the Aliens Act. After the decision on withdrawal of the application, the applicant can apply for assisted voluntary return.

The application cannot be re-opened afterwards; thus a foreigner must therefore lodge a new application.

No possibility of appeal is provided pursuant to Section 191 (8) of the Aliens Act.

Section 200a (2) of the Aliens Act provides that a decision adopted on withdrawal of international protection which contains a decision on refusal of entry or expulsion from the country, may be enforced after it has been notified to the applicant, unless the administrative court orders otherwise.

Personal interview

Competent authority: Interviewers

The competent authority is the Finnish Immigration Service (Department for International Protection; fi. *Kansainvälisen suojelun osasto*), pursuant to Section 97a of the Aliens Act. The International Protection Unit was created in June 2024, when the institution underwent changes in its structure. The unit is responsible for examining applications for international protection and for granting

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protection-based permits and has approximately 300 personnel.

Qualifications and specialisations: Interviewers are expected to have a higher education degree (master's degree), but this is not a legal prerequisite.

Caseworkers specialise in specific areas or countries of. The number of applicants from different areas of origin, resource management and case workers' interests' direct rotations between these specialisations. Caseworkers interview mostly applicants according to specified countries of origin. Some specialization exists also in relation to the type of application (for example temporary protection, Dublin cases) and profile of the applicant (unaccompanied minors and other particularly vulnerable applicants, possible exclusion cases). Other caseworkers specialise in the accelerated procedure. The same specialisation, in general, applies for decision-making officers.

Number of staff tasked with interviewing: approximately 150. Most caseworkers hold interviews and all draft decisions.

Special procedural guarantees during the interview

Section 96 of the Aliens Act provides for special safeguards when an applicant has special needs arising from his or her vulnerable status as defined in the Section 6 of the Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings or otherwise identified during the asylum procedure. Such applicant has to be provided with adequate support to ensure that he can benefit from the rights related to the asylum procedure and comply with the related obligations.

For applicants who may have been victims of trafficking in human beings, if the case officer identifies indicators, it can propose to the applicant and with its consent, to submit a proposal to the assistance system only if the applicants consider that they are in need of assistance.

According to the Instructions on processing an application for international protection - Asylum instructions, there are various types of support for applicants with special needs during the asylum procedure, including inter alia: i) organising the interview by an office specialised in vulnerable groups, ii) organising the

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interview in several parts or allocating an extended period of time for it, iii) allocating more time for the applicant to add information on what he/she mentioned during the interview, iv) providing instructions on how to apply for a legal counsel, v) providing information on how to seek support from healthcare services or to request a medical opinion, vi) directing the applicant to contact a civil society organisation which provides specialised support.

Specific arrangements are in place for persons with disabilities, since Finland in bound by the UN Convention on the Rights of Persons with Disabilities since 2016. For example, the applicants are ensured different situational arrangements , such as rest breaks, an assistant or a support person or other arrangements depending on the individual situation of the applicant.

Accompanied minors: A personal interview with accompanied minors is conducted considering the age and the psychological maturity/capacity to contribute to establishment of material facts and the best interest of the child.

The law requires that accompanied minors over the age of 12 are heard during the asylum procedure, unless this is deemed manifestly unnecessary. In practice, all accompanied minors over the age of 11 are heard at the same time their parents' interviews are held. Younger children (4+ years) can also be heard if they have personal grounds for protection, they have experienced ill-treatment or abuse, they wish to be heard or there are other specific needs for organising the personal interview.

Unaccompanied minors: Unaccompanied minors are always interviewed, in a manner appropriate to their age. A legal representative, appointed to all unaccompanied minors by a district court, is always present in the interview – pursuant to Section 97a (5) of the Aliens Act and Section 39 of the Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings.

Possibility to omit the personal interview

Positive decision	Yes, in case of subsequent applications, if the claim is accepted with information already gathered and the applicant consents to omitting the interview.

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Previous meeting - essential information	No
Issues raised are not relevant or of minimal relevance	No
Safe country of origin	No
Safe third countries	No
Inconsistent, contradictory, improbable, insufficient representations	No
Subsequent application	Yes
Application to merely delay/frustrate enforcement	No
Not reasonably practical to conduct it	No
Applicant unfit or unable to be interviewed	Yes, unfit or unable to be interviewed

Omission of the Personal Interview: In case the interview is omitted, the decision is documented in the file and the reasoning of omitting the personal interview is provided in the decision on the application. The additional safeguards provided in case of personal interview omission are: i) the possibility of written submissions and/or supplementary evidence that can be presented on behalf of the applicant, representation by a legal counsellor and ii) the right to appeal the asylum decision. If the personal interview is omitted because the applicant does

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not attend without having good reason, a negative decision can be issued based on the available evidence.

Organisational aspects

An invitation to the interview and detailed instructions for a video interview are given to the applicant by the reception or the detention centre staff. The Finnish Immigration Service implemented the Reservation Aid 2 (Varausapu2 project) between May 2023– April 2025, which provides for a booking system for the asylum interview. The aim of the project was to find ways to prepare the system for the use of more automation in the interview booking, by offering choices suitable for an individual case when making an interview booking, resulting in a more efficient and higher-quality interview booking system. The Finnish Immigration Service will implement, the Varauasapu 3 project, with AMIF funding, which envisages to further modernise the booking system for the personal interview, with possible automation requirements to be implemented.

Information provision (before the personal interview): Prior to the interview, the applicant receives, in written form and in more than one occasions, information about the purpose of the interview, the confidentiality of information, the importance of the interview, the roles of different actors in the process, on the procedure after the interview, overall rights and obligations during the interview. In addition, applicants are informed about the fact that the interview will be recorded. This information is communicated to applicants by officials from the reception centre in a language determined by the asylum authority based on applicants' indication. Information on the conduct of the personal interview is also available in multiple languages on the website of the Finnish Immigration Service, with specificities for adults and unaccompanied minors.

The applicants are also informed of the fact that the asylum interview is audio-recorded – see Section 97a (3) of the Aliens Act.

Modalities of carrying out the interview: Interviews are mostly held in the offices of the four areas of the asylum unit: Helsinki, Raisio, Lappeenranta and Oulu. Typically, the interview takes place at the office that is the closest to the reception centre, where the applicant is registered. If the interview is held via videoconference, so that the applicant himself is in the reception center she/he is registered and the interviewer and the interpreter in the Immigration Services office. Interview room equipment includes computers, printers and audio

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recording devices. Waiting areas include children's play area and separate resting area with a bed at the disposal should an applicant need to rest.

Remote video interpretation is commonly used due to the lack of on-site interpreters near some of the interview locations.

If there are special circumstances, such as long-term hospitalization, the interview is either delayed or caseworkers travel to meet the applicant. If the applicant is held in prison, the interview is held remotely.

Remote interviews: The Finnish Immigration Service continues to use remote interviews in asylum procedure, after the pandemicin reception centres and in detention units.

Section 97a of the Aliens Act has a new subsection a) (in force since 1 September 2024) which provides that if the Finnish Immigration Service deems it appropriate, the asylum interview can be held using a videoconference or another suitable technical communication method, where the Finnish Immigration Service and the applicant have voice and visual communication with each other. When considering the method of the asylum interview, the Finnish Immigration Service must take into account the applicant's vulnerable position due to age or physical or psychological condition, or other personal reasons of the applicant that may affect the course of the interview, as well as the conditions stipulated in paragraph 6. The Finnish Immigration Service must ensure that the asylum interview can be held securely.

Digitalisation: Interviews are increasingly held via video-connection with the officer present at the Finish Immigration Service and the asylum applicant at the reception or detention centre. A separate room and the necessary equipment are in place for the asylum applicant to take part in the video-interview and the legal counsel and the interpreter participate through a video connection. The legal counsel may also participate with the applicant in the reception or detention centre.

The content of the interview remains unchanged regardless of whether the interview is conducted via video or face to face. The interviews have been conducted via video-connection primarily due to the pandemic but also for other well-founded reasons, namely the long distance between the reception/detention centre and the Finnish Immigration Service.

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The decision for the modality of conduct of the interview is taken separately in each case. The interview may be held at the Finnish Immigration Service premises upon specific request and with well-founded reason.

An invitation to the interview and detailed instructions for a video interview are given to the applicant by the reception or the detention centre staff.

Under the framework of a preliminary study conducted on the reform of the Aliens Act, the Finnish Immigration Service carried out a study on the use of a transcription tool to improve the quality and efficacy of asylum interviews. Minutes of the interview would be produced through speech-to-text, allowing to clarify matters during the interview and shortening the duration of the procedure. The Speech-to-Text pre-study project ended in autumn 2024, with feasibility study of piloting automatic transcription of interviews, with the aim to speed up asylum interviews

Choice of gender of the interviewer/interpreter: When necessary, the applicant's preference concerning the gender of interpreters and case workers can be taken into account. In cases involving past experiences of gender-based violence, an interpreter of the same gender is in general provided *ex officio*.

Objecting to the interviewer/interpreter: The possibility to object to a particular interpreter is mainly for reasons related to the quality of the interpretation provided, when the objection is duly justified.

Language and interpretation: Interviews take place in the language applicants indicated as their mother language, or another language they are reasonably expected to understand; interpretation is provided to this end. In case an applicant refuses to conduct the interview in the language determined, the Finnish Immigration Service would examine the reasons for this refusal and, if need be, arrange with a different interpreter. Videoconferencing is used if the interpreter is in a different part of the country;.

All interpreters must have a security clearance by the Finnish Security Intelligence Service, sign confidentiality agreement, be aware of their impartial role, be familiar with the special vocabulary in question and possible dialects of a language, be aware of the sensitive nature of certain subjects such as age, gender, religion etc. and must be fluent in Finnish. The Finnish Immigration Service has produced an online training course for interpreters working in asylum interviews, funded by AMIF. The online course consists of eight modules covering

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asylum process in general, different stages of asylum interviews and interview methods. The other modules focus on the interpreting-related aspects.

Since January 2025, interpreters must attend online trainings on the asylum interview, which provides a comprehensive overview of the requirements in the asylum interviews and the expectations from interpreters. The training offered by the Finnish Immigration Service provides tools for completing a challenging assignment and is suitable for all interpreters. The training has been developed under the KOTU project, which operated between May 2023 - April 2024. When there is no available professional interpreter in the applicant's language or in a language that s/he is expected to understand, the procedure may be suspended/prolonged until an interpreter is identified.

The Finnish Immigration Service actively monitors the quality of interpretation by both collecting feedback and by reviewing interpreting through audio recording and interview records.

The Finnish Immigration Service has also published a Guide for interpreters.

Persons present during the interview:

Persons present during the interview may include, for example:

- Interpreter (if needed, videoconferencing for interpretation is commonly used);
- Legal counsel, who is entitled to ask questions and make comments during the interview (the applicant is responsible for seeking legal assistance; there is no obligation in law to ensure that applicants have legal assistance during the procedure, although adequate support should be ensured to vulnerable applicants);
- Guardian of accompanied minor,
- Legal representative for unaccompanied minors, who is entitled to ask questions and make questions during the interview; he/she is also entitled to speak on behalf of the minor, but when the minor is above 15 years old, statements of both legal representative and minor are taken into account,
- Social worker,
- Medical professional (e.g. nurse, psychologist), if deemed necessary,
- Trusted person of choice, if deemed necessary,
- Family members may be only allowed for justifiable reasons (e.g. medical reasons), in exceptional cases,

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- Police officer, if Finland's national security or international relations or public order or security so require,
- Security guard, if there are some security concerns,
- UNHCR has not yet attended any interviews in Finland.

When spouses are applying for international protection, both will be interviewed separately.

Structure/steps of the interview

Interviews last on average 6 to 8 hours. Special arrangements are in place to ensure confidentiality and a comfortable environment. Video conference equipment is available in some of the rooms.

Audiovisual method is in use in reception centers since December 2019 for providing information on the procedure.

There are certain guidelines to structure the content of the interview, but the specifics will heavily depend on the individual case. In general, interview include:

- An introduction, which aims to: provide information about the personal interview; record the applicant's personal details; confirm that the applicant understands the interpreter; ask about the health condition of the applicant; and inform the applicant about the role of each person present in the room.
- The main part of the interview, which follows a flexible format of free questioning, so that applicants share their narratives. Among others, applicants are asked about their identity and the travel route; the reasons as to why they seek protection; the events in their home country or country of permanent residence and the threats they are experiencing; and provide additional materials to the ones they have already submitted with their application; and
- A conclusion, which aims to: inform the applicant about the next steps in the procedure, and the possibility to submit further evidence; and elicit applicant's consent on the interview record. Applicants are invited to add anything and are asked if they understood the interpreter. Applicants are also given an estimation of their application's processing time. Further information is provided on the possibility to appeal a possible negative decision.

Breaks may be taken during the interview at the request of the applicant or the interpreter, at the discretion of the interviewer, or at regular intervals.

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An interview follow-up is possible, if new evidence becomes available, or if a need emerges for the applicant to complete or clarify information.

Unaccompanied minors: In cases involving unaccompanied minors, child-friendly and age sensitive interviews take place. The presence of legal representative appointed by the court is mandatory for unaccompanied minors. The legal representative of an unaccompanied minor speaks on behalf or along with the minor and in parts assures that the best interests of the child are met in the asylum procedure. In addition, a legal counsel may participate in the interview. Unaccompanied minors are entitled to the presence of a legal counsel at the asylum interview as part of their legal aid. Views of the social worker on the best interest of the child (statement) is in general at the disposal of the caseworker when she/he interviews the child.

Training on interviewing minors is provided to case workers as a specialization, by more experienced interviewers. Training is also provided to all case workers with respect to interviewing individuals with other types of vulnerability. In both cases, EUAA modules are used as training materials.

UNHCR implemented a project for assessment of decisions issued between 2018 – February 2021 on processing applications submitted by unaccompanied minors.

Audio/Video recording and written report: The interview report is verbatim written transcript of the interview. At the end of the interview, summaries of relevant aspects of the report are read back to the applicant, and he/she is given the opportunity to make additions and corrections, as needed. The applicant approves the content of the interview report with his/her signature. Applicants, their legal counsels receive a copy of this report.

The interview is also audio-recorded, and the applicant must be informed of this prior to the interview. Records are kept in a digital file format. Access to those records can be also granted to applicants, their legal representatives and counsels, upon request – see Section 97b (3,4) of the Aliens Act.

Recording personal interview by the applicant or the legal counsel. The applicant is allowed to record the interview using various tools, although further dissemination of the recording may be punishable as a crime.

Postponement of the personal interview upon the applicant's request: The personal interview may be postponed in the following cases: justified medical reasons, in case the legal representative of the unaccompanied minor is not

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available, in case the applicant's legal counsel is not available and on valid grounds, depending on the applicant's personal circumstances.

Failure to appear

Should an applicant fail to appear for a personal interview without a valid justification, a negative in-merits decision could be taken. A decision on the merits of the application can be taken if the applicant fails to appear for the personal interview without good reason and there is otherwise enough information available to do so.

Other aspects

The Aliens Act does not specify whether the Finnish Immigration Service can organise a second or additional interviews. However, for certain specific situations, the interview can be suspended and resumed at a later date, according to the Instructions on processing an application for international protection - Asylum instructions.

Special asylum procedures at first instance

Admissibility procedure

The admissibility procedure applies for the situations provided for under Section 103 of the Aliens Act, namely: i) when the Dublin Regulation is applicable, ii) when another Member State has granted international protection to the applicant, iii) for subsequent application with no new elements and iv) when the first country of asylum or safe third country concept applies.

Competent authority and other stakeholders

The Finnish Immigration Service | Maahanmuuttovirasto is competent to process an application under the admissibility procedure, pursuant to Sections 97 and 103 of the Aliens Act

Procedural aspects

Right to enter (at the border)/remain: Section 147 a (2) of the Aliens Act provides that the time for voluntary return is not set when the application for international

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protection is rejected as inadmissible based on Section 103 of the Aliens Act.

Personal interview: A personal interview on admissibility takes place. Except in cases of subsequent applications where the criteria for admissibility may be examined solely on the basis of written submissions, Section 102 (3).

Decision and time limits to decide

The Finnish Immigration Service can decide to reject an application as inadmissible on the grounds provided under Section 103 of the Aliens Act, namely: i) when the Dublin Regulation is applicable, ii) when another Member State has granted international protection to the applicant, iii) for subsequent application with no new elements and iv) when the first country of asylum or safe third country concept applies. Applicants are channelled to the regular procedure if the time limit is not respected or there are no grounds for inadmissibility.

Appeal

An appeal is possible within 30 days, pursuant to Sections 190 and 193 of the Aliens Act. Generally there is no automatic suspensive effect, as the procedure is identical for admissibility and accelerated procedure. The applicant can request suspensive effect the appeal within 7 days after notification of the contested decision, pursuant to Section 198b of the Aliens Act. The deadline includes at least five working days. A decision to implement the expulsion cannot be implemented before a decision is made on the request for suspensive effect of appeal as provided under Section 198 b (1) – see Section 200a (4) of the Aliens Act . There is an automatic suspensive effect in the case that the application is inadmissible because the applicant is from a safe third country. According to section 200 a (1) this decision may not be enforced until final decision has been issued on the matter

Section 200a (6) of the Aliens Act, as amended in May 2025, stipulates that in case of withdrawal of an appeal in matters related to international protection, the subsequent application submitted pursuant to Section 102 of the Aliens Act cannot prevent the enforcement of a final decision on refusal of entry or expulsion issued following a previous application.

The court has no time limit to issue a decision on the appeal but both Sections 193 and 196 of the Aliens Act provide that the matter shall be treated as urgent both by the administrative court and the Supreme Administrative Court.

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The applicant can further appeal before the Supreme Administrative Court pursuant to Section 196 of the Aliens Act.

Section 200a (2, 3) of the Aliens Act, amended as of May 2025, provides the following:

if a decision on refusal of entry or expulsion from the country has been made pursuant Section 103 (2–4), namely Dublin procedure, beneficiaries of international protection in another Member State and unfounded subsequent application, the decision may be enforced after it has been notified to the applicant, unless the administrative court orders otherwise.

a decision made on the return of a third country national who has come from a first country of asylum pursuant to section 103 (1) can be implemented no earlier than the eighth day after the decision has been notified to the applicant, unless the administrative court orders otherwise. Before implementation, it must be ensured that at least five business days have been included in the deadline.

Impact on reception conditions

There is no impact on material reception conditions.

Accelerated procedure

Legal basis and grounds

According to Sections 101 and 104 of the Aliens Act, an application is examined in the accelerated procedure and may be considered as manifestly unfounded if:

- it is not based on such violations of human rights that would justify the granting of international protection.
- the statements made concerning the need for protection are clearly implausible or not related to the asylum grounds.
- the applicant obviously intends to abuse the asylum procedure by deliberately giving false, misleading or deficient information on matters that are essential to the decision on the application, by presenting forged documents without an acceptable reason, or by filing an application to delay removal from the country.
- the applicant has arrived from a safe country of origin.
- it is a subsequent application that meets the conditions for admissibility stipulated in Section 102 (3).

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- the applicant refuses to comply with requirements under the Dublin III Regulation.
- the applicant has entered or continued to stay in Finland illegally and without the reason referred to in Section 95 (2) either has not registered with the authorities or has not submitted an application for international protection as soon as possible, taking into account the circumstances related to his entry; or
- the applicant can be considered a danger to national security or public order, for serious reasons, or the applicant has been forcibly removed from the country for serious reasons concerning public security or public order.

Competent authority and other stakeholders

The Finnish Immigration Service is competent to process an application under the accelerated procedure, pursuant to Sections 97 and 98 of the Aliens Act.

See Overview of first instance procedures. Competent authorities and other stakeholders in this page

Procedural aspects

A decision to accelerate applications is taken during initial screening after registration and lodging of an application for international protection.

Right to enter (at the border)/remain: Section 147 (2) of the Aliens Act provides that the time for voluntary return is not set when the application for international protection is rejected under the accelerated procedure based on Section 101 of the Aliens Act.

Special safeguards for vulnerable applicants: Vulnerable applicants are exempted from the possible application of accelerated procedure, if adequate support (e.g. in the form of arranging a case worker specialized in vulnerable groups to conduct the interview, having multiple or longer interviews, guiding the applicant to get legal counsel, guiding the applicant to receive medical help or support from a civil society organisation) cannot be guaranteed – see Section 104 (3) of the Aliens Act. Applications lodged by unaccompanied minors can be assessed in accelerated procedure only when the unaccompanied minor has arrived from a safe country of origin, the application is a subsequent application that meets the conditions for admissibility stipulated in Section 102 (3), or the unaccompanied minor can be considered a danger to national security or public order, for serious reasons, or the applicant has been forcibly removed from the country for serious

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reasons concerning public security or public order – see Section 104 (2) of the Aliens Act.

Personal interview: A personal interview takes place.

Decision and time limits to decide

When the decision is taken under the accelerated procedure, the Finnish Immigration Service must make a decision within 5 months after the application was lodged, pursuant to Section 104 (4) of the Aliens Act. If a decision cannot be issued within 5 months after the application was lodged, the applications is channelled for assessment in the regular procedure. In practice, it rarely occurs that accelerated cases are processed beyond this time limit.

A decision issued on refusal of entry concerning a third-country national whose application is considered manifestly unfounded, may generally be enforced at the earliest on the eighth day from the receipt of the decision, unless otherwise ordered by an administrative court. Before the enforcement it shall be ensured that the eight-day period contains at least 5 working days.

Appeal

An appeal is possible within 30 days, pursuant to Sections 190 and 193 of the Aliens Act. Generally there is no automatic suspensive effect, as the procedure is identical as for admissibility and accelerated procedure. The applicant can request suspensive effect the appeal within 7 days after notification of the contested decision, pursuant to Section 198b of the Aliens Act. The deadline includes at least five working days. A decision to implement the expulsion cannot be implemented before a decision is made on the request for suspensive effect of appeal as provided under Section 198 b (1) – see Section 200a (4) of the Aliens Act. With the exception of section 104 (8): the applicant has entered or continued to stay in Finland illegally and without the reason referred to in Section 95 (2) either has not registered with the authorities or has not submitted an application for international protection as soon as possible, taking into account the circumstances related to his entry. According to section 200 a (1) this decision may not be enforced until final decision has been issued on the matter.

Section 200a (3) of the Aliens Act, amended as of May 2025, provides the following: "*a decision made on the return of a third country national whose application was processed under the accelerated procedure, on grounds provided under Section 104 (1)(1, 7 and 9) and which was deemed manifestly unfounded*

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under Section 101, can be implemented no earlier than the eighth day after the decision has been notified to the applicant, unless the administrative court orders otherwise. Before implementation, it must be ensured that at least five business days have been included in the deadline."

Section 200a (6) of the Aliens Act, as amended in May 2025, stipulates that in case of withdrawal of an appeal in matters related to international protection, the subsequent application submitted pursuant to Section 102 of the Aliens Act cannot prevent the enforcement of a final decision on refusal of entry or expulsion issued following a previous application.

The court has no time limit to issue a decision on the appeal but both Sections 193 and 196 of the Aliens Act provide that the matter shall be treated as urgent both by the administrative court and the Supreme Administrative Court.

The applicant can further appeal before the Supreme Administrative Court pursuant to Section 196 of the Aliens Act.

Impact on reception conditions

There is no impact on material reception conditions.

Border procedure

Legal basis and grounds

The border procedure is applicable as of 1st September 2024. The Aliens Act provides for the application of the border procedure under Section 104a -c. It provides that border procedure applies when it is decided not to investigate an application for international protection made at an external border crossing point or in connection with an unauthorized external border crossing pursuant to Section 103 (inadmissibility procedure), or the application is resolved in an accelerated procedure pursuant to Section 104.

Competent authority and other stakeholders

The Finnish Immigration Service | Maahanmuuttovirasto is competent to process an application under the border procedure, pursuant to Sections 104a,b,c of the Aliens Act

Procedural aspects

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Information provision: The border control authorities can refer an applicant to the border procedure and to a reception centre. The border control authorities will provide information and instructions concerning the border procedure and the processing of the asylum application, while the reception centre provides more information about the processing of the asylum application as well as rights and obligations.

Legal aid and appeals: The applicant has access to legal aid as in the regular procedure. Border control authorities refer applicants to the border procedure but the Finnish Immigration Service decides if conditions for applying border procedure are met. Applicants can not appeal against the decision of border procedure being applied. If the applicant is detained under the border procedure general rules of detention procedure apply. Personal interview: The Finnish Immigration Service will organise an asylum interview and it is held by a video link and the applicant can attend it at their own reception center or detention unit.

The Border procedure is not applicable if the guarantees for applicants with special needs cannot be covered, as requested by Section 96a of the Aliens Act.

Obligation to stay: During the border procedure, the applicant is obliged to stay within the area of the reception centre where he has been ordered to reside. The applicant is not allowed to leave the area of the reception centre as specified by the reception centre. If in detention, the detention unit will inform the applicant of the restrictions of the freedom of movement. The applicant can get permission to leave the reception center for important personal reasons, for example a close relative’s serious illness or funeral. The reception center provides for advice on how to apply for permission. It is not possible to get such permission in detention. If the applicant leaves the area of the reception center where he/she is ordered to stay or does not return to the centre by the time specified in the permission, the police or the border control authorities may then decide to place the applicant in detention.

Special safeguards for vulnerable applicants: Vulnerable applicants are exempted from the possible application of accelerated procedure, if adequate support cannot be provided pursuant to Section 96a of the Aliens Act.

Reception: According to Section 13 (4) of the Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings, when the border procedure is applied, meals can be provided as reception services.

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End of procedure: The border procedure is terminated in the following cases, pursuant to Section 104c of the Aliens Act:

- The Finnish Immigration Service has not made a decision within 4 weeks,
- The decision of the Finnish Immigration Service is not notified within seven days, at least five of which must be working days, of the date on which the decision was made
- There are no grounds to consider the application inadmissible,
- There are no grounds to apply the accelerated procedure,
- An administrative court has issued a decision on prohibition or suspension of enforcement of decision on denial of entry/stay.
- Four weeks have passed since the decision on denial of entry or stay issued to the applicant became enforceable. When a decision on denial of admittance or stay becomes enforceable, removal from the country is possible under law.

Decision and time limits to decide

Section 104a (6) of the Aliens Act provides that the Finnish Immigration Service must issue a decision on the asylum application within four weeks of the date of application. However, the border procedure does not end when the decision is made but will continue until the applicant receives a notification of its termination.

Appeal

An appeal is possible within 30 days, pursuant to Sections 190 and 193 of the Aliens Act. There is no automatic suspensive effect, as the procedure is identical as for admissibility and accelerated procedure. The applicant can request suspensive effect the appeal within 7 days after notification of the contested decision, pursuant to Section 198b of the Aliens Act. The deadline includes at least five working days. A decision to implement the expulsion cannot be implemented before a decision is made on the request for suspensive effect of appeal as provided under Section 198 b (1) – see Section 200a (4) of the Aliens Act.

The court has no time limit to issue a decision on the appeal but both Sections 193 and 196 of the Aliens Act provide that the matter shall be treated as urgent both by the administrative court and the Supreme Administrative Court.

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The applicant can further appeal before the Supreme Administrative Court pursuant to Section 196 of the Aliens Act.

Impact on reception conditions

The applicant has the obligation to stay in an assigned area of the reception center and freedom of movement is restricted, as stipulated under Section 104b of the Aliens Act.

Subsequent application procedure

Legal basis and grounds

The legal framework for subsequent application is found under Sections 102 and 103 of the Aliens Act.

A subsequent application means an application for international protection filed by a third-country national after his/her previous application was rejected by the Finnish Immigration Service or an administrative court while he/she still resides in the country, or if he/she has left the country for a short time after his/her application was rejected. However, an application is not considered subsequent if the previous decision was made on the basis of implicit withdrawal.

If the applicant attempts to lodge a subsequent application while the appeal is still pending, such an application will not be considered as a subsequent one, but as new evidence to be taken into account in the appeal process.

In June 2019, an amendment to the Aliens Act, Sections 102 and 103 further specified the criteria for subsequent asylum applications in an effort to prevent misuse. Well-founded grounds must be stated for not having previously presented the arguments made in the subsequent application. The Finnish Immigration Service assesses the reasons given when considering whether a subsequent application will be examined or not, and the applicant must show that he/she was incapable of presenting the new grounds in the previous application. The conditions for admissibility of a subsequent application must be determined solely based on written evidence – see Section 102 (3) of the Aliens Act. The Supreme Administrative Court examined the competence of the Finnish Immigration Service to rule on multiple subsequent applications and clarified the criteria to assess a subsequent application after exhausting legal remedies for the first application.

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Competent authority and other stakeholders

The Finnish Immigration Service is the competent authority to decide on subsequent applications, pursuant to Sections 102 and 103 of the Aliens Act

Procedural aspects

Subsequent applications are considered within the admissibility procedure. The Finnish Immigration Service can determine the conditions of admissibility only on the basis of written material- pursuant to Section 102 (3) of the Aliens Act.

Preliminary examination: materials from previous proceedings as well as new information provided by the applicant are considered within the preliminary examination of subsequent applications.

Personal interview: Admissibility interview can be organised if needed during the preliminary examination. If the application is deemed admissible, the application is forwarded to accelerated procedure, a substantive interview is conducted and according to section 101 and 104 (1) 5) the subsequent application can be found manifestly unfounded.

Most of the subsequent asylum applications are forwarded to a specific team, which handles “fast track” cases such as those that are processed under the accelerated procedure or are found inadmissible based on the fact that subsequent application was lodged with no new elements related to the examination.

In 2021, the Supreme Administrative Court examined the competence of the Finnish Immigration Service to rule on multiple subsequent applications and clarified the criteria to assess a subsequent application after exhausting legal remedies for the first application.

Impact on right to remain: enforcement of the return decision according to the Section 200a (2) of the Aliens Act: - if a decision to refuse has been taken pursuant to section 95b or section 103 (2), (3) or (4), the decision may be enforced after it has been notified to the applicant, unless the administrative court provides otherwise.

Section 200a (5-6) of the Aliens Act provides that submission of a second subsequent application referred to in section 102 (3) does not prevent the enforcement of a final decision on denial of admittance or stay concerning the previous subsequent application, if the previous decision was made under some

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other provision than section 95b. If the applicant withdraws his appeal in a case concerning international protection, the submission of a subsequent application does not prevent the implementation of the legally binding decision on deportation issued because of the previous application. Also, Section 200a (7) of the Aliens Act stipulates that when a first renewal application does not meet the admissibility requirements laid down in section 102(3), it must not prevent the enforcement of a final decision on refusal of entry or expulsion made on the basis of a previous application, if the aim of the subsequent application is made only to prevent or delay the immediate enforcement of this decision.

Decision and time limits to decide

The Finnish Immigration Service can take a positive decision in a subsequent application if the application contains, or the case otherwise reveals, new facts or grounds that significantly increase the probability for the applicant to be considered eligible for international protection – see Section 102 (3) of the Aliens Act.

When the Finnish Immigration Service decides on the admissibility, it assesses whether the applicant has not been able to present the new facts or arguments in connection with the processing of the previous application or the appeal, for reasons beyond his control. There is no time limit for the rejection of the application as inadmissible.

Appeal

An appeal is possible within 30 days, pursuant to Sections 190 and 193 of the Aliens Act. There is no automatic suspensive effect, as the procedure is identical as for admissibility and accelerated procedure. The applicant can request suspensive effect the appeal within 7 days after notification of the contested decision, pursuant to Section 198b of the Aliens Act. The deadline includes at least five working days. A decision to implement the expulsion cannot be implemented before a decision is made on the request for suspensive effect of appeal as provided under Section 198 b (1) – see Section 200a (4) of the Aliens Act .

The court has no time limit to issue a decision on the appeal but both Sections 193 and 196 of the Aliens Act provide that the matter shall be treated as urgent both by the administrative court and the Supreme Administrative Court.

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The applicant can further appeal before the Supreme Administrative Court pursuant to Section 196 of the Aliens Act.

Impact on reception conditions

There is no impact on the reception conditions. For the right to work, the applicant who submitted a new application, has to wait three or six months before the person can start to work again:

- The limit is three months if the applicant presented a valid and authenticated passport or other travel document to the authorities.
- The limit is six months applies if the person has not presented a travel document.

Last-minute application pending removal

There is no difference in procedure between last-minute applications lodged by first time applicants pending a removal and last-minute applications lodged as subsequent applications pending a removal because the subsequent application procedure applies mutatis mutandis.

Legal framework: The Aliens Act, Sections 102 and 103 (3) are meant to prevent misuse of subsequent applications and will also have an effect on the police procedures. A subsequent application will not prevent the enforcement of an earlier decision on denial of admittance or stay, if the subsequent application does not fulfil the criteria for admissibility and it has been submitted only for the purpose of preventing or delaying the return (Section 201 of the Aliens Act). In practice, this covers situations in which the arrangements for the removal from the country have already been made and a new application is not submitted until at the airport, for example. The subsequent application must be submitted as soon as there are grounds for it, not just when the person is being returned.

According to the Asylum Act, asylum seekers have to be able to present well-founded grounds for not having previously presented the arguments they are now making in the subsequent application. Such grounds may be changes in the applicant’s home country situation or in his or her personal circumstances in Finland. The applicant may also have well-founded reasons relating to their vulnerability, shame or fear. The Finnish Immigration Service takes into account these reasons when considering whether a subsequent application will be examined or not.

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Occurrence: In Finland, return and asylum decisions are made in a single administrative decision. It is typical that last minute applications are made either just before or during removal.

Type of procedure: In case the applicant lodges a subsequent application, while she or he has already been informed about his/her flight for his/her removal, the Finnish Immigration Service has arranged a ‘last-minute’ procedure. In this procedure, the FIS will decide based on the applicant’s new claim whether the applicant has the right to remain in the territory or not. This is based on the question whether there are new relevant elements or findings.

The decision on the right to remain on Finnish territory differs from the decision on the asylum application. In case it is decided that the applicant has no right to remain on the territory, because the application is not based on new relevant elements or findings, the applicant will be removed and the decision on the asylum application will be made while the applicant is no longer present in the territory.

Safe country concept

Safe country of origin

The concept of a safe country of origin is defined in Section 100 of the Aliens Act. This concept is applied in practice within an accelerated procedure.

There is no legal provision on the designation of a national list of safe countries of origin. This has not been adopted, and the concept is applied on a case-by-case basis.

An application may be rejected as manifestly unfounded if the applicant "comes from a safe country of origin where he/she may be returned" according to the Article 101 of the Aliens Act. An accelerated procedure is carried out when the safe country of origin concept applies, as provided by Section 104 (1) (2) of the Aliens Act, including for unaccompanied minors.

When the country of origin cannot be considered as safe for the applicant, the application will be referred to the regular procedure. If the decision cannot be taken within the time limit of 5 months, the case is referred to the regular

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procedure.

The safe country of origin designation is substantiated in every asylum decision. The burden of proof lies on the applicant to explain the reasons why the country is not safe for him/her. If the applicant can rebut the presumption of safety, the burden of proof becomes shared, as applied in regular cases. The standard of proof is also higher, because state protection is always presumed to be available in these cases.

If the grounds submitted by the applicant have been assessed as serious and the country may not be considered to be a safe country of origin in his/her particular circumstances, it implies that the application will be examined further without applying the safe country of origin concept.

Safe third country

The concept of a safe third country is defined in Article 99a (concept) and 103(1) (procedure) in the Aliens Act. This concept is applied rarely in practice within an admissibility procedure. The Aliens Act repeats the recast APD criteria and added another requirement, namely no ban on expulsion or refoulement in place. A list of safe third countries has not been adopted, and the concept is applied on a case-by-case basis. The responsibility for determining safe third countries lie within the Finnish Immigration Service.

A safe third country means a country which is not an EU Member State, that has signed and adheres to the Convention Relating to the Status of Refugees and 1967 Protocol, the Geneva Convention, the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment, and where the applicant could receive international protection or another form of sufficient protection.

Additionally, it has to be assessed if the applicant has a sufficient connection to the country. This means that the applicant has the right to enter the country and stay there, and it must be assessed if staying in the country can be regarded as reasonable for the applicant. The assessment of the reasonableness and sufficiency of the connection must be made on a case-by-case basis. Criteria to consider are the applicant's earlier legal stay in the country, length of the stay, the quality and efficiency of the country's asylum procedures, access to the

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procedure, efficiency of the protection provided in the country, the level of reception facilities for asylum seekers, basic services for asylum seekers and the general situation for applicants.

In order to assess the link between the applicant and the third country, the applicant should have a valid permit to stay in that country, but there is no set minimum period of time that the applicant needs to have lived in that country. The applicant must have legal entry to the country, which must be assessed prior to the decision.

There is no specific guideline in Finland; however, the assessment is made based on the information and the documents provided by the applicant, country of origin information and replies by the third countries to the Finnish Immigration Service queries.

When deciding on an asylum application, a state may be considered to be a safe third country for the applicant, pursuant to Section 99a of the Aliens Act, if:

- It is a signatory, without geographical reservations, to the Convention relating to the Status of Refugees, the International Covenant on Civil and Political Rights (Treaty Series of the Statute Book of Finland 8/1976) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Treaty Series of the Statute Book of Finland 60/1989) and adheres to them; and
- In that state, the applicant has received and may continue to receive the protection referred to in Sections 87 or 88 or protection that is otherwise sufficient. Examples of countries that may be considered to be safe third countries: EEA countries, Australia, Canada, Japan, New Zealand and the United States. Finland has a bilateral readmission agreement with Kosovo. There are no third country agreements.

Finland may arrange for the readmission of the asylum seeker to a safe third country. For such case, Section 116 (1)(4) of the Aliens Act provides that the Finnish Immigration Service must provide an applicant with a document stating that his or her application has not been examined in substance in Finland, for the return to a safe third country.

According to Section 103 of the Aliens Act, an application for international protection may be declared inadmissible if the applicant has arrived from a safe country of asylum as defined in Section 99 or a safe third country as defined in Section 99a to which he/she may be returned.

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The safe third country concept could in theory be applied when assessing revocation of refugee status (according to the Article 14 (3)(b) of the recast Qualification Directive) and when assessing revocation of residence permits.

First country of asylum

The concept of a first country of asylum is defined in Sections 99 (concept) and 103(1) (procedure) in the Aliens Act. This concept is applied in practice within an admissibility procedure.

The first country of asylum has signed and adheres to, without geographical reservations, the Convention relating to the Status of Refugees, the International Covenant on Civil and Political Rights (Treaty Series of the Statute Book of Finland 8/1976) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Treaty Series of the Statute Book of Finland 60/1989). The second cumulative condition is that the applicant has received and can continue to receive protection as provided under Sections 87 or 88 of the Aliens Act (assessment of state protection for international protection applicants) or sufficient protection.

European safe third country

The concept of European safe third country is not defined in law.

Assessment of an application at first instance

Legal provisions relevant for an assessment

The Aliens Act provides the grounds for being granted international protection in Sections 87, 87a, 87b, 88, 88b,88c 88d and 88e.

Competent authority for the assessment

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The Finnish Immigration Service is competent to assess an application for international protection , pursuant to Sections 97, 97a and 98, 98a of the Aliens Act.

For general information on the national authority or other actors responsible/involved to carry out the first instance assessment and determination, internal organisation, structure and staff. see Overview of first instance procedures. Competent authorities and other stakeholders sections below.

Required qualifications: Case workers are expected to have a higher education degree, but this is not a legal prerequisite.

Training: Initial training to newly recruited case workers includes a 1-week general orientation and 8 weeks of training on the substance. Later on, new employees complete training on EUAA's core modules: interview techniques, inclusion and evidence assessment. Junior case workers work also closely with senior colleagues. Depending on the current needs and specialisation of the case worker, there are also regular trainings offered, e.g. UNHCR trainings and the possibility to take part in specialised EUAA modules. Training on different subjects is provided whenever needed.

Grounds

All applications for international protection are initially considered for refugee status and, if the relevant conditions are not met, they are considered for subsidiary protection status.

Acts of persecution are defined in the Aliens Act, under Section 87a as: "*acts that, by their nature or repetition, constitute serious violations of fundamental human rights. An accumulation of various measures of the same level of seriousness, including violations of human rights, is also considered persecution.*"

Acts of persecution may take the form of:

1) acts of physical or mental violence, including acts of sexual violence;

2) legal or administrative measures or police or judicial measures which are in themselves

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discriminatory or which are implemented in a discriminatory manner;

3) prosecution or punishment which is disproportionate or discriminatory;

4) absence or denial of judicial redress resulting in a disproportionate or discriminatory punishment;

5) prosecution or punishment for refusal to perform military service in a conflict where performing military service would include acts under section 87, subsection 2;

6) acts of gender-specific or child-specific nature.

Guidelines for case officers

The following guidance is made available to case workers:

- procedural - internal manual (with links to more specific materials) and official guidelines that cover almost all stages of the asylum process (e.g. age assessment, case management using ICT systems),
- thematic - internal guidance on female gender mutilation, victims of human trafficking, SOGIESC issues, and religious converts,
- guidance per country of origin - policies/country guidance for assessing/examining applications from the main countries of origin e.g. Iraq, Afghanistan (Current situation in Afghanistan) and Somalia, which are reviewed at different intervals.
- guidance on best interests of the child - Instructions on processing an application for international protection - Asylum instructions,

When developing guidance, materials of the UNHCR, other agencies and other countries are taken into account. Specific guidance by UNHCR and EUAA is also taken into account.

In 2021, the Legal Unit of the Finnish Immigration Service continued to support decision-making by developing country-specific guidance on the processing and settlement of applications for international protection. The progress reports and the application guidelines are updated flexibly when the situation in the country-of-origin changes to such an extent that an update is necessary. The amendments to the Aliens Act and the decisions of the courts of appeal led to the need for amendments to the FIS's implementing instructions.

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The Immigration Service in Finland announced in February 2023 that gender alone would constitute a sufficient reason to grant protection to Afghan women and girls. In December 2022, the Immigration Service updated its guidelines on processing applications from Afghans of Hazara background, considering that their situation deteriorated in Afghanistan.

The Finnish Immigration Service published in April 2025 detailed Instructions on processing an application for international protection - Asylum instructions. The agency is regularly publishing updates on its policies under news of its website.

Credibility assessment

Section 98 of the Aliens Act provides that each application is analysed individually for each applicant; by taking into account the statements he/she presents about his/her conditions in the relevant country and the up-to-date COI obtained from different sources. Paragraph 2 of Section 98 mentions that after the COI report is available, the Finnish Immigration Service must resolve the matter in favour of the applicant based on the report, if the applicant has contributed to the investigation of the matter to the extent possible and if the authority is convinced of the credibility of the application in terms of the need for international protection.

The Finnish Immigration Service published in April 2025 detailed Instructions on processing an application for international protection - Asylum instructions.

Assessment of facts and circumstances when aspects of the applicant's statements are not supported by documentary or other evidence

The Finnish Immigration Service is following the EUAA Practical Guide on Evidence Assessment and Risk Assessment and applies the Article 4(5) of the recast Qualification Directive, as stated in the Instructions on processing an application for international protection - Asylum instructions, published in April 2025.

Time limit for submitting evidence during credibility

The applicant can produce additional evidence at any time. The late submission of evidence has to be justified, otherwise it may have negative effect on the credibility of the evidence in question. According to the Instructions on

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processing an application for international protection - Asylum instructions, the applicant can submit additional explanations up until a decision is made and the Finish Immigration Service has the duty to investigate and review all evidence submitted to it.

COI research

Decision-making officials can consult reports produced by the independent Country Information Service in the Information Services Unit as well as ask specific questions in the form of COI queries. Decision-making officials can also access the national Tellus COI portal, which is accessible for other relevant parties as well Hyperlink to COI Unit section below

Decision and outcomes

Types of decisions: As an outcome of the asylum procedure, an applicant can be issued one of the following types of decision:

- Decision granting refugee status.
- Decision granting subsidiary protection.
- Decision granting a residence permit on other grounds.

Decision refusing to grant international protection and residence permit on other grounds accompanied by a decision on removal, unless special reasons have arisen for not making a decision on removing the applicant from the country– see Section 98(4) of the Aliens Act.

Form: Before drafting the decision, certain basic information about the case is put in the IT system. This creates a template which is then used in drafting the decision. The template includes e.g. certain relevant sections from the Aliens Act. Templates do not exist in their own right and need an actual case in order to be drawn from the system.

- negative decision: states the reasons in fact and in law for rejection. Negative decisions are signed by two people.
- positive decision: states the reasons in fact and law for granting international protection. If the applicant is granted subsidiary protection, the reasons for not granting him/her refugee status are stated in fact and law in the decision. Decisions where refugee status is granted may, in

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certain situations, be signed by only a single case worker.

Notification: The notification of asylum decisions must always be evidentiary and done without delay. Notification is performed by the Finnish Immigration Service or the police. In general, if the decision is negative and includes a decision on removal, police will serve the decision. The Finnish Immigration Service notifies decisions issued in the asylum procedure which do not include a decision on removal.

If the applicant has been granted international protection, the decision is notified to him/her in writing. A summary of the decision is attached in the applicant's mother tongue or in another language he/she can understand. The notification is done by post with acknowledgement of receipt or, if this is not possible, by handing the decision with its attachments to the applicant at the Finnish Immigration Service.

If the applicant has been granted a residence permit on other grounds than international protection, the decision is notified in the premises of the Finnish Immigration Service. This is also the case if an applicant who has been granted international protection is illiterate or if no summary of the decision is available in a language the applicant understands well. In these cases, the decision is interpreted to the applicant.

Negative decision in the asylum procedure which also include a decision on removal is notified by the police department closest to the applicant's place of residence or by the Finnish Immigration Service in case of decisions that do not include a removal order. The decision is provided with the support of an interpreter, and it is interpreted in its entirety. The instructions on how to appeal the decision must also be interpreted to the applicant if the instructions have not been printed in a language the applicant can be reasonably expected to understand. The applicant is also informed about how to seek legal counsel in order to appeal the decision by handling him/her a leaflet (available in a language that the applicant understands or interpreted to a language understood by him/her).

If the addressee is hiding or otherwise avoiding notification or his/her whereabouts are otherwise unknown, the decision can be handed over to another person, as specified in the Section 61 of the Administrative Procedure Act on proxy/substituted service.

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The applicant is informed by the reception or detention unit when the meeting takes place via video or phone connection in order for the decision to be communicated. An interpreter is reserved for the appointment. After the appointment, the decision is communicated by post with an advice of receipt.

Minor asylum seekers unaccompanied by a guardian and their representatives will also be notified about the decisions in this way.

This way of communicating the decisions does not affect the appeal timelines and the deadline to appeal a negative decision is calculated from the date when the notification is being received by post.

The same procedure applies for unaccompanied minors and the deadline for appeal is calculated as follows:

- In case only the representative of the minor is served with the decision, the appeal period is calculated from the date when the representative has received the decision letter.
- If the decision letter is sent to both, the representative and the minor, the appeal period is calculated separately for each of them. For each of them, the appeal period is calculated from the date when they receive the decision by post.

COI units

Background information

The Finnish Country Information Service (CIS) is a part of the Information Services Unit of the Finnish Immigration Service (FIS).

The legal basis for the functions of the CIS is defined in the Finnish Aliens Act (30.4.2004/301, 98§).

Structure and capacity

The Finnish Country Information Service (CIS) operates as a separate section within the Information Services Unit in the Finnish Immigration Service. CIS works

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independently from the decision-making departments and its main tasks include acquiring and producing reliable and up-to-date COI to support the decision-making of the Department for International Protection, the Permit and Citizenship Department, the Control and Monitoring Department and the Reception Services Department and producing information services to meet the needs of the Finnish Immigration Service, as well as national and international authorities, interest groups and organisations.

CIS currently encompasses 23 employees: 1 management (Head of Country Information), 1 Chief Specialist, 16 Researchers, 1 Senior Adviser (Tellus), 2 Planning Officers (Tellus), 1 Project Manager and 1 Project Researcher.

The Finnish Immigration Service has an internal Migration Library, which contains literature on migration and countries of origin and journals and e-subscriptions available for the staff of the Finnish Immigration Service.

Project Foresight Country Information (ENNACOI) was launched by the Finnish Immigration Service (FIS) in January 2024 and it lasts until April 2026. Co-funded by the EU's Asylum, Migration and Integration Fund (AMIF), the project aims to develop FIS's methods to gather, analyse and produce qualitative information on future migration trends and related developments in countries of origin and transit. The project will establish a practice model for creating information products designed for forecasting purposes, situational awareness and preparedness. Research and analysis conducted during the project is based, mainly, on the information needs identified in Finland's national forecasting process.

COI products

The CIS primarily produces country information to application-specific COI and MedCOI (Medical Country of Origin Information) queries; responses to international inquiries; security situation updates on Iraq, Afghanistan and Somalia; situation and thematic reports; reports from Fact Finding Missions (FFM) and participates in producing and peer reviewing EUAA products. The frequency depends on demand and on changes in countries of origin. A variety of sources is used, including UNHCR and other UN organizations, other international and government organizations, EU bodies, non-governmental organizations and news agencies. The sources consulted are mainly in English, but also other languages

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are used frequently, for example Arabic, French, German, Norwegian, Russian, Spanish and Swedish.

The final COI products are produced mainly in Finnish. Some outputs are produced also in English, such as fact-finding mission reports and thematic reports. In addition, the CIS produces forecasts/scenario work and contingency plans. All COI products undergo a peer review process and are proofread by colleagues and the Chief Specialist and Head of COI.

Other aspects of COI units

Information is currently not available.

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