Applicants with special needs - Finland

Overview

Content updated and validated on: 9/09/2025

Relevant EU legislation

Finland is bound by the recast Asylum Procedures Directive (APD) has transposed its provisions through the Aliens Act | Ulkomaalaislaki, (30 April 2004).

Finland is bound by the recast Reception Conditions Directive has transposed its provisions through the Act on the Reception of Applicants for International Protection and the Identification and Assistance of Victims of Trafficking in Human Beings | Laki kansainvälistä suojelua hakevan vastaanotosta sekä ihmiskaupan uhrin tunnistamisesta ja auttamisesta (Reception Act),

National legislation

Finnish law provides special procedural safeguards for vulnerable persons or people who have other special needs which have been identified during the asylum procedure - Article 96a of the Aliens Act. The physical and mental state of the applicant as well as his or her age are mentioned explicitly as factors which may indicate vulnerability when it comes to asylum seekers or victims of human trafficking.

Vulnerable persons and any special needs deriving thereof shall be identified individually within a reasonable time after the application is lodged. These special needs shall be taken into account during all the stages of the asylum procedure.

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 provides that special needs must be taken into account when dealing with vulnerable applicants seeking international protection, those

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receiving temporary protection and victims of human trafficking. Those needs may be related to age, or physical or psychological condition.

The legislation provides that vulnerable status, and the resulting special needs are determined individually within a reasonable period of time after the case is initiated. Special needs must be taken into account throughout the procedure for international protection, temporary protection and in the framework of the assistance received by victims of trafficking in human beings as provided in Chapter 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

In Finland, disability is mentioned in the guidance on vulnerability and defined according to the UNCRPD Convention and the Non-Discrimination Act. The guidance mentions adaptations in the asylum procedure for applicants with disabilities.

Competent authority and other stakeholders

The Finnish Immigration Service | Maahanmuuttovirasto is the competent authority to deal with special procedural and reception of applicants with special needs, jointly with police or border guard for referral of such applicants. Other relevant stakeholders are: - district courts for the appointment of a legal guardian for unaccompanied minors as provided under Chapter 5, Sections 39 – 44 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.

Training initiatives

All case officers received EUAA training on vulnerable persons and gender, gender identity and sexual orientation. Case officers specialised with unaccompanied minors receive EUAA training on interviewing children and other relevant courses. There is also national training on human trafficking.

Finland has appointed a special senior administrative officer on vulnerability, with the task to create guidance and give advice on cases involving, amongst others, persons with disabilities.

Training of case officers is a continuous activity, as reported in the Finnish Immigration Service Annual Report and Financial statements for 2024.

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Special needs in reception

Identification of special needs

Several authorities may be involved in the identification of vulnerable individuals, including the police, border guard, reception centre and the Finnish Immigration Service, as provided under 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. The identification is conducted on individual basis after the case is initiated.

For victims of trafficking in human beings, Section 35 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 provides that identification is made when the victim is admitted to the Assistance System for Victims of Human Trafficking. Admittance requires that, based on individual circumstances, it can be assessed that the person may be a victim of human trafficking and in need of assistance. Also, a person assisting in the investigation of a crime of human trafficking can be included in the assistance system provided that there is a need of assistance. A child of a person abovementioned can also be included in the assistance system in Finland if he or she is in need of assistance. The right of a person admitted to the assistance system is provided continuously until a separate decision has been made to remove them from the assistance system pursuant to Section 38 f of the Reception Act.

According to Section 33 of Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings, Joutseno Reception Center is responsible to decide on granting access to assistance ad to organise it for victims of trafficking in human beings.

Referral of applicants with special needs

For unaccompanied minors, in order to arrange accommodation, the police or border guard official contacts the situation centre (part of the Reception Unit in the Finnish Immigration Service) which coordinates the reception of unaccompanied minors in Finland. When a minor arrives to the centre, the centre immediately files an application for the appointment of a representative/guardian

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to the district court (within whose jurisdiction the reception centre, whose client the applicant has been registered as, is located). Before the application is filed, the child is however given an opportunity to express his/her wishes and views with regard to the representative as provided pursuant to Section 39 of the Reception Act.

For victims of trafficking in human beings, Section 34 of the Reception Act stipulates that A public, private or third sector actor can submit a proposal to the Joutseno Reception Centre to include a person they suspect is a victim of human trafficking in the assistance system. The proposal can also be made by the person themselves.

Section 33 the Act on the reception of applicants for international protection provides for assistance system which is maintained by the Joutseno Reception Center with the following tasks:

- to decide on the admission of a person to the assistance system and to identify the person as a victim of human trafficking in accordance with Section 35 of the Reception Act,
- grant the victim of human trafficking the reflection period as referred in Section 52b of the Reception Act in the manner provided for in Section 52c of the Aliens Act, extend the period or suspend it,
- to organise assistance measures for victims who do not have a home municipality in Finland as referred to in the Municipality of Residence Act, and provide advice and guidance as referred to in Section 38a, subsection 1, paragraph 1, of the Reception Act also to victims of human trafficking who do have a municipality of residence,
- to cooperate with the welfare region, the City of Helsinki and the HUS Group in assisting a victim of human trafficking who has a municipality of residence in Finland as defined in the Municipality of Residence Act ,
- to cooperate with the reception centre in assisting a victim of human trafficking who is seeking international protection or beneficiary of temporary protection,
- to decide on the removal of a victim of human trafficking from the assistance system,
- to act as a national expert authority in matters related to human trafficking and work to combat it.

The decision in the case referred to in subsection 1, paragraphs 1, 2 and 6 is made by the director of the Joutseno Reception Centre or an official designated by him or her.

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Reception and care of applicants with special needs and vulnerabilities

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 provides that special needs deriving from the status of vulnerability of an applicant for international protection, a beneficiary of temporary protection, or a victim of trafficking in human beings, including age, physical or mental condition, must be taken into account when applying the law related to reception. Also, the vulnerable status and the special needs arising from it must be assessed individually within a reasonable period of time after the case has been initiated.

All unaccompanied and accompanied minors are offered a health examination by a nurse upon their arrival at a reception centre and later on, whenever deemed necessary. In the health examination, psychological well-being is discussed, but a special mapping and screening model related solely to mental health is not used. A discretionary allowance can be also granted if, for example, glasses or other aids are needed.

All unaccompanied minors are offered general as well as individual leisure activities by receptions centres. In addition, a bus ticket or monetary support for bus ticket is provided depending on the location of the group home and the school.

Also, an applicant's plan (which includes a record of the support and services needed) is drafted by a social worker for each unaccompanied minor. When necessary, it is supplemented with a more detailed care and upbringing plan (covers day-to-day work with a child) which is prepared by the child’s counsellor (all children have one or two personal counsellors / educators, besides social worker). An independence promotion plan is also made for those approaching adulthood. The implementation of the plans is monitored, and they are updated on a regular basis.

In addition, to prevent a radicalisation among unaccompanied minors and ensure their social and psychological well-being, specific courses and lessons are provided e.g. on extremism to social workers and other people involved in provision of reception to unaccompanied minors.

When necessary, special medical support for applicants with disabilities are utilised, when necessary. The same applies for individuals, who have been

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subject to torture, rape, or other forms of physical, psychological, and sexual violence. Overall, services are provided by specialised staff from reception facilities, experts from public health institutions, private operators contracted by authorities, and civil society organisations.

Transportation is also provided for people with disabilities. In case of individuals with mental disorder, guardian is appointed.

Victims of human trafficking may receive additional assistance (including therapy) from the National Assistance System for Victims of Trafficking in Human Beings (managed by the Finnish Immigration Service) coordinated by the Joutseno reception centre – see Section 38a and 38b of the Reception Act.

When necessary, LGBTIQ individuals and families are provided with any additional medical support.

Pregnant women are provided with the necessary healthcare and enjoy practical support from volunteer support persons (doulas), who have been trained accordingly and accompany mothers during childbirth.

Supplementary reception allowance is allocated to applicants if special needs arise.

Reception facilities and other housing arrangements

During the asylum process, unaccompanied minor asylum seekers live in group homes or supported residential units intended for minors. After receiving a residence permit, they usually move on to family group homes. The activities of the family group homes are coordinated by the ELY Centres (Centres for Economic Development, Transport and the Environment), and the operation of the group homes is coordinated by the Finnish Immigration Service. A minor, who is an asylum seeker or who has been issued with a residence permit may also live in private accommodation while being registered with a group home or a family group home.

Group homes for accommodation of children under 16 years of age may be located in connection with a reception centre which must always have a separate building. Such group homes are administered by the Finnish Immigration Service, but they may be maintained by other stakeholders – see map and details on locations and operators here.

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According to Section 17 of the Reception Act and Sections 59 and 60 of Child Welfare Act, a group of a maximum of seven children may be accommodated together in one group home and a maximum of 24 children may be placed in one building; for each building, there should be a minimum of seven employees working in care and education tasks.

Section 17 of the Reception Act there can be supported housing units used for accommodating children between 16 and 17 years of age. Each unit has capacity of between 7 and 40 places, they are administered by the Centre for Economic Development, Transport and the Environment under the control of the Ministry of Employment and the Economy. For ten children, there should be a minimum of three employees working in care and education tasks.

There are currently 14 units for minors according to the list on the available map.

Applicants with disabilities and special health needs are placed in accommodation arrangements adapted to special needs. People with serious illnesses have the possibility to stay in hospital, if needed. Also, a small unit with 20 places is maintained in collective accommodation centres for applicants who have various symptoms of mental health problems that are considered not to necessitate hospital care but do require support that a normal reception centre cannot provide.

Victims of human trafficking who have applied for international protection (tp/tilsu) and who do not have a municipality of residence are generally accommodated in various reception centres, where they can also receive assistance intended for victims of human trafficking from the assistance system. If a victim of human trafficking has special needs (including security threats) that cannot be met by accommodation at a reception centre, the assistance system for victims of human trafficking can arrange other accommodation or housing services that meet their needs. This may be, for example, supported housing or accommodation at the Joutseno reception centre, which maintains the assistance system and where, for example, the necessary technical and other measures to ensure safety can be taken. Potential candidates for providing supported housing for victims of human trafficking are put out to tender. In this process requirements are set for bidders on appropriate training of staff, the number of staff, contents of the service and security measures. Bidders must be in possession of a permit legally required for any private entity that provides supported housing. This permit is granted by a Regional State Administrative Agency (AVI) that also supervises the functions of the permit holders. Therefore,

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AVI acts as the supervising authority for the legality and activities of supported housing for victims of trafficking in human beings. As the purchaser of the service, the National Assistance System for Victims of Human Trafficking also supervises the legality and activities of the supported housing and its adherence to the contract.

LGBTIQ applicants are accommodated in three of the collective reception centres that have 20 places especially for asylum seekers belonging to LGBTIQ minorities, should they need such places. The places are in reception centres located in larger cities, enabling asylum seekers to participate in services intended for LGBTIQ minorities outside the reception centres.

Families are accommodated in the reception centre in Raasepori (opened in October 2017 and maintained by Mediviva Oy, it is intended for both adults and families and has a capacity of 249 beds).

Detention of vulnerable persons and applicants with special reception needs

There are no special provisions applicable to vulnerable persons in the conditions for detention laid down in the Aliens Act. Section 11 of the Act on the Treatment of Aliens Placed in Detention and Detention Units, on accommodation and care, specifies in detail that for the arrangement of care for vulnerable persons (minors or victims of torture, rape, other physical or sexual violence, or those in a weaker position), the special needs arising from their situation are taken into account and it is ensured that their situation is followed up on regularly and sufficient support measures are provided. The arrangement of support measures should take the individual situation and needs of each person into account. In addition, the provision that families and women are accommodated in facilities separate from male detainees, unless it is a question of family members, was included in the legislation.

Section 121 of the Aliens Act provides for the detention of third-country nationals only when other restrictive measures have been ascertained as insufficient.

Section 122 of the Aliens Act provides that unaccompanied minors under the age of 15 cannot be detained. It further provides the conditions under which minors can be detained and stipulates that it is a measure of last resort. The detention of minors under the age of 15 is strictly forbidden - see Section 122(3). An

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unaccompanied minor who has reached the age of 15 can be detained after a return decision has become enforceable.

As an additional safeguard, the child needs to be heard, and a social worker assigned.

The Aliens Act further stipulates in Section 122(2) that, if a child is held in detention with the person who has custody, a further condition is that the detention is essential for the family contact between the child and the guardian.

Reception of unaccompanied minors

Section 5 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 provides that the application of this law must be guided by the principle of best interests if the child when the applicant is under the age of 18 and that the development and health of a minor must be taken into account. The assessment of the best interest of the child is conducted following the provisions of the Child Welfare Act.

The Reception Act provides that the wishes and opinions of the child must be ascertained and taken into consideration in a way appropriate to the minor’s age and development. However, the child's opinion may not be ascertained if it would endanger the child's health or development or if it is otherwise clearly unnecessary. A minor who has reached the age of twelve must be provided with the opportunity to be heard in a matter concerning him or her in accordance with section 34 of the Administrative Procedure Act. All matters concerning the child must be handled urgently.

Reception facilities and other housing arrangements

During the asylum process, unaccompanied minor asylum seekers live in group homes or supported residential units intended for minors. After receiving a residence permit, they usually move on to family group homes. The activities of the family group homes are coordinated by the ELY Centres (Centres for Economic Development, Transport and the Environment), and the operation of the group homes is coordinated by the Finnish Immigration Service. A minor, who is an asylum seeker or who has been issued with a residence permit may also live in private accommodation while being registered with a group home or a family

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group home.

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There are currently 14 units for minors according to the list on the available map.

Age assessments

In the asylum process, the age of the applicants is assessed primarily on the basis of documents, registers and hearing.

The Finnish Immigration Service published in April 2025 detailed Instructions on processing an application for international protection - Asylum instructions. They provide that age assessment is conducted only when there are clear doubts on the information provided on the age of the applicant, when there is a significant difference between the declared age and the actual appearance on age. The consent of the applicant and his/her legal representative is requited

The Finnish Institute for Health and Welfare is asked to comment on whether the applicant may be older than the age indicated by him/her, in addition to the date of birth indicated by the applicant. The Supreme Administrative Court ruled on the assessment on whether the applicant was a minor when applying for asylum in the case Applicant v Finnish Immigration Service (Maahanmuuttovirasto, FIS),

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KHO:2024:25, ECLI:FI:KHO:2024:25, 06 March 2024.

The instructions on assessment of best interest of the child Instructions on handling a child's case – Child's best interests instructions provides for details on the age assessment procedure.

Access to education

The Finnish law grants the children who live in reception centres the right to participate in basic education. The municipality in which the reception centre is located organises basic education for all children who live in that municipality and who are of compulsory school age. The municipality also organises pre-primary education for children who will reach the compulsory school age in the coming year.

The Aliens Act does not restrict asylum seekers' right to study. An asylum applicant can apply for and accept a study place if this is not against the rules and regulations of the educational institution in question. However, being granted a study place does not automatically mean that the asylum seeker will be allowed to stay in Finland.

All minors at the age 6-17 are obliged to attend kindergarten, primary and secondary school.

Children are entitled to preparatory classes for children up to 16 years old to assist students whose Finnish or Swedish skills and/or other skills are insufficient for studying in a pre-primary or basic education group (a minimum of 900 hours of instruction is provided for 6–10-year-olds and a minimum of 1,000 hours for those over 10 years of age); a help of classroom assistants, school social workers and cultural interpreters.

Access to healthcare

Access to healthcare services is the same level as for nationals.

According to Section 26 of the Reception Act, applicants for international protection and a victim of human trafficking who does not have a municipality of residence in Finland as defined in the Municipality of Residence Act has the right to receive healthcare services under the Healthcare Act, Section 50 (1326/2010), as well as the right to receive other health services deemed necessary by a

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healthcare professional. The same applies for children seeking international or temporary protection.

Transition to adulthood

The Finnish Act on the Promotion of Immigrant Integration foresees support in the transition to adulthood. Unaccompanied minors turning 18 are still covered by support measures until they reach the age of 25 (Section 27) (the maximum age threshold was raised to 25 in 2020, previously the age threshold was 21). Municipalities are responsible for organising the necessary support.

The support provided depends on the needs of the young person transitioning to adulthood include:

- Education/Vocational training - Support for finding apprenticeship or employment
- Financial support, cash available for studies, leisure activities and personal needs
- Housing - Guidance given by contact person
- Support person and peer support groups

Unaccompanied minors who did not apply for asylum are not entitled to the same support services as asylum seeking unaccompanied minors. If they are granted a residence permit on other grounds, they have access to similar child protection services as any other residents in the country.

According to the reform of integration, the age limit for receiving after-care in adulthood for unaccompanied minors will be lowered to 23 from the current 25. This age limit will correspond to the after care in child welfare. The act entered into force on 1 January 2024.

Special procedural guarantees

First instance determination for applicants with special needs

Procedural guarantees in Finland generally include the provision of a legal advisor, legal representative for unaccompanied minors and support person as well as practical arrangements for the conduct of the personal interview.

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There is specific guidance on best interests of the child - Instructions on handling a child's case – Child's best interests instructions for case officers.

The border procedure can be applied to an unaccompanied minor only pursuant to the conditions provided under Section 104a (3) of the Aliens Act. Similarly, the accelerated procedure can be applied to an unaccompanied minor only if, pursuant to Section 104 (2) of the Aliens Act: i) the applicant has arrived from a safe country of origin to which he or she can be returned, ii) the applicant submitted a subsequent application which meets the admissibility requirements, or iii) the applicant may, for serious reasons, be considered to be a danger to national security or public order, or the applicant has been forcibly removed from the country for serious reasons concerning public security or public order.

The border of the accelerated procedure shall also not apply to applicants who are in need of special procedural guarantees and cannot be provided with the necessary support under the accelerated procedure – see Section 104 (3) and 104a (5) of the Aliens Act.

The Finnish Immigration Service published in April 2025 detailed Instructions on processing an application for international protection - Asylum instructions which include a section 1.7.2. on identification of vulnerable applicants and provision of support.

Access to information

There are specific arrangements for various type of applicants and specialised material is also available for vulnerable applicants, for example is a dedicated material for children is available, explaining to them the asylum procedure. Unaccompanied minors receive a separate brochure that outlines the asylum procedure in a manner tailored to their needs. There is relevant information only to unaccompanied minors, such as on appointment of guardians, age assessment and tracking of parents. Unaccompanied minors are also given an information session at the reception centre. It is more important for children to have face to face discussions so that things can be explained more thoroughly.

For victims of human trafficking, specific information about assistance systems is provided during the substantive interview, with an offer to propose their case to

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these systems if appropriate. Additionally, a brochure about female genital mutilation is distributed at reception centres to raise awareness and provide support.

For illiterate persons, there are eight short videos in nine languages explain the asylum process for illiterate applicants; the info session at the reception centres is useful too. Moreover, applicants can also address questions to the social workers for more information if needed during individual meetings.

Personal 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,
- Police or border guard 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.

According to the detailed Instructions on processing an application for international protection - Asylum instructions, specifically on identification of

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vulnerable applicants and provision of support, the following examples of arrangements can be put in place for the asylum interview conducted for an applicant with special needs: i) participation of an interviewer specialised in vulnerable groups, ii) organising the personal interview in several parts or booking an extended period of time, iii) reserving the opportunity for the applicant to complement his/her statements made during the personal interview, iv) instructing the applicant to apply and obtain legal aid, v) directing the applicant to seek healthcare services/request a medical opinion, or vi) referring the applicant to a civil society organisation for specialised support.

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.

Legal assistance

The representative of an unaccompanied minor is different from a legal assistant in the procedure for international protection. The role of the representative is to ensure that the principle of best interests of the child is respected throughout the procedure. The legal representative of the unaccompanied minor will arrange for legal assistance for the unaccompanied minor.

The Finnish Refugee Advice center provides legal counselling to victims of human trafficking.

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Guarantees for unaccompanied minors

Section 5 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 provides that the application of this law must be guided by the principle of best interests if the child when the applicant is under the age of 18 and that the development and health of a minor must be taken into account. The assessment of the best interest of the child is conducted following the provisions of the Child Welfare Act.

The Aliens Act contains special procedural guarantees for unaccompanied minors when it comes to the conduct of the asylum procedure and the personal interview – see Sections 96a, 97a, 104 (2), 104a, 105a and 105b.

The Aliens Act provides for the obligation for the Finnish Immigration Service to initiate the procedure for tracing his/her parents or other persons responsible for the care of the unaccompanied minor. The tracing can continue after the granting of international protection. Similarly, 'the Finnish Immigration Service must also immediately begin tracing the parents of an unaccompanied child victim of human trafficking or another person who was responsible for his or her actual care within the assistance system referred to in 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.'

Making, registering and lodging an asylum application

Unaccompanied minors have the legal capacity to lodge an application. The authorities will register an application even if the minor does not explicitly express his/her wish to seek asylum (for example, due to his/her very young age), if judging by all outward indications it seems probable that the purpose of the minor in arriving in Finland is to seek asylum.

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 provides for the obligation to apply for a representative 'to be appointed without delay for a child seeking international protection, receiving temporary protection, or a child who is a victim of human trafficking and who does not have a residence permit if the child is in Finland without a guardian or

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other legal representative’.

The reception center where the unaccompanied minor is accommodated will submit the application for appointment of a legal representative.

Information provision

The Finish Immigration Service provides specific information on the asylum procedure for unaccompanied minors, including a dedicated chart available on its website.

There is a separate brochure about the asylum process for unaccompanied minors. In addition to the general information about the asylum process, there is relevant information only to unaccompanied minors, such as on appointment of guardians, age assessment and tracking of parents. Unaccompanied minors are also given an information session at the reception centre. It is more important for children to have face to face discussions so that things can be explained more thoroughly.

Best interests of the child in the Dublin procedure

There is a specific procedure for assessing the best interest of the unaccompanied child within the Dublin procedure. There are specific instructions for a Dublin hearing for an unaccompanied child at the Finnish Immigration Service.

When the minor is in Finland, the process is as follows:

- Gathering of relevant information for the assessment - this is done through a hearing for the child and receiving a statement from the representative (on the best interests of the child). On a case-by-case basis, also a statement (on health, everyday life and the personal situation of the minor) from the social worker of the child’s reception facility may be requested. Information may also be received from another Member State pursuant to Article 6(5) of the Dublin III Regulation related information exchange.
- An overall assessment based on all the available information before a take charge/take back request is made. The actual assessment is based on a free evaluation of all the relevant facts and as such it is not rigidly structured. Factors mentioned in Article 6(3) of the Dublin III Regulation are especially

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taken into account.
- After receiving an acceptance, a final overall assessment is made before the transfer decision is issued. Decisions are presented to the Head of Section/Deputy Head of Section/Team Leader (always 2 persons) to ensure thorough scrutiny.

When the unaccompanied minor is in another country and the family member/relative is legally present in Finland, the procedure typically includes:

- enquiry about the willingness of the person to receive the minor,
- registry checks on judgements, decisions and suspicions of criminal activity,
- a statement of a communal social authority on the health and personal situation for the individual examination of a relative to take care of a minor. For family members/siblings this statement is not systematically asked. The overall assessment will be based on the factors revealed by these investigations.

Personal interview

Unaccompanied minors are always interviewed. Child -friendly and age sensitive interviews take place. The presence of legal representative appointed by the court is mandatory for UAMs. 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.

Legal representation during the asylum procedure

Chapter 5, Sections 39 – 44 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 provides for the procedure to appoint a legal representative for an unaccompanied minor, the eligibility criteria for the representative and his/her duties.

The Finnish District Courts assigns a legal representative to each asylum seeker who is younger than 18 and has arrived in Finland without a guardian. The

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representative's task is to ensure that the child's best interests are taken into account in different situations. The Finnish Immigration Service will pay the representative's fee.

The representative uses the right of action that belongs to the guardian of a minor child, helps the child with official matters or takes care of the child's matters on his or her behalf with the Finnish authorities. For example, the representative participates in the child's asylum interview which is a part of the processing of his or her asylum application.

The representative exercises a guardian's right to be heard in matters pertaining to the child's person and assets. The duties of a representative do not include the accommodation, daily care, education or other looking after of the child - they fall under the responsibility of the reception centre in which the child is registered.

Legal assistance and counselling

The representative of an unaccompanied minor is different from a legal assistant in the procedure for international protection. The role of the representative is to ensure that the principle of best interests of the child is respected throughout the procedure. The legal representative of the unaccompanied minor will arrange for legal assistance for the unaccompanied minor.

The right to legal assistance is the same as the regular procedure for any applicant for international protection.

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