1. General

Nearly all of the unaccompanied minors arriving in Finland are asylum seekers. The number of other unaccompanied minors is very small. At the moment the authorities have not enough knowledge of these minors. According to some organisations and researchers there are unaccompanied minors who arrive in Finland from the neighbouring areas. These minors stay in Finland for a short time. It is possible that some of them are involved in prostitution or crimes. The authorities from the Ministry of Social Affairs and Health, the Ministry of the Interior and the Ministry of Labour have participated in the meetings and seminars organised by the Council of the Baltic Sea States concerning unaccompanied minors. The Council and the authorities of the states in question are continuing the co-operation around this problem.

2. Statistics

According to Finnish law, persons under 18 years of age are considered minors. The number of unaccompanied minor asylum seekers entering Finland without a guardian amounted to 1428 over the years 1991 – 2003 (15.11.03). The minors have accounted for 2 -13.3% of all the asylum seekers at a yearly level. The biggest number of minor asylum seekers has come from Somalia. Other countries of departure have included f.ex. Albania, Afghanistan, Angola former Yugoslavia, Iraq, Sri Lanka, Ethiopia, Poland and Slovakia, Democratic Republic of Congo and China. The ages of the children have varied from 0 to 17. 14 – 17 has been the most common age. Boys have accounted about for 60% and girls for 40%.

Table 1. Minor asylum seekers without a guardian entering Finland over 1991-2003 (19.11.03)

<table>
<thead>
<tr>
<th>Year</th>
<th>Asylum seekers without a guardian</th>
<th>Percentage of all asylum seekers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991</td>
<td>160</td>
<td>7.5</td>
</tr>
<tr>
<td>1992</td>
<td>151</td>
<td>4.2</td>
</tr>
<tr>
<td>1993</td>
<td>169</td>
<td>8.4</td>
</tr>
<tr>
<td>1994</td>
<td>112</td>
<td>13.3</td>
</tr>
<tr>
<td>1995</td>
<td>107</td>
<td>12.5</td>
</tr>
<tr>
<td>1996</td>
<td>88</td>
<td>12.4</td>
</tr>
<tr>
<td>1997</td>
<td>105</td>
<td>10.7</td>
</tr>
<tr>
<td>1998</td>
<td>135</td>
<td>10.6</td>
</tr>
<tr>
<td>1999</td>
<td>127</td>
<td>4.0</td>
</tr>
<tr>
<td>2000</td>
<td>66</td>
<td>2.0</td>
</tr>
<tr>
<td>2001</td>
<td>34</td>
<td>0.0</td>
</tr>
<tr>
<td>2002</td>
<td>74</td>
<td>2.1</td>
</tr>
<tr>
<td>2003</td>
<td>100</td>
<td>4.1</td>
</tr>
<tr>
<td>Total</td>
<td>1428</td>
<td></td>
</tr>
</tbody>
</table>

Source: Directorate of Immigration
3. National legislation

The residence permits, reception, care and upbringing of children according to national legislation are primarily affected by the Aliens’ Act, Act on the Integration of Immigrants and Reception of Asylum Seekers, the Act on Child Custody and Right of Access, and the Child Welfare Act.

3.1 Aliens’ Act

3.1.1 Residence permits

The decisions concerning the residence permits are given by the Directorate of Immigration, subordinate to the Ministry of Interior. It is possible to appeal to the Administrative Court in Helsinki against the negative residence permit. During year 2002 nine negative residence permits to unaccompanied minors were given by the Directorate of Immigration.

3.1.2 The interest and hearing of the child

The revision of the Aliens’ Act, effected on 1 May 1999, takes the children into consideration. A new section 1 c has been added to the Act, according to which the decisions concerning children younger than 18, made on the basis of the Act, shall pay special attention to the best interest of the child as well as to circumstances related to the child’s development and health. The second paragraph of the section states that prior to making a decision concerning a child of 12, the child has to be heard in accordance with section 15 of the Administrative Procedure Act, unless the hearing is plainly unnecessary. The child’s opinions should be taken into account in accordance with its age and developmental level. Even when younger, the child can be heard, if it is so mature that its opinions can be taken into account.

3.1.3 Family reunification

A refugee and a comparable person have a possibility of family reunion in compliance with sections 18 c and 18 b of the Aliens’ Act. Due to family reunion, the residence permit is granted to the members of the nuclear family. The nuclear family includes the spouses, minor unmarried children and the guardian of the minor children. The age limit of family reunion in Finland is the same as the limit for coming of age, i.e. 18 years. According to directions on residence and work permits (9/011/99), issued by the Ministry of the Interior and effected on 1 May 1999, the age of the applicant when the application is instituted is crucial when defining minority.

At the revision of the Aliens’ Act on 1 May 1999, an amendment was made to section 57. After the amendment, it is possible to appeal to the Administrative Court in Helsinki against a negative residence permit decision given by the Directorate of Immigration. By virtue of the Administrative Judicial Procedure Act, the Administrative Court can arrange an oral hearing.
3.2 Act on the Integration of Immigrants and Reception of Asylum Seekers

3.2.1 Reception arrangements

The Act on the Integration of Immigrants and Reception of Asylum Seekers entered into force on 1 May 1999. Section 19 of the Act defines the reception of minors by stating that “in addition, in the reception of a minor asylum seeker, other services required because of the child’s age and developmental level shall be provided.” The relevant Decree (511/1999) requires that the sizes of the groups of children in group homes and the number of workers shall comply with section 8 of the Child Welfare Decree. Reception centres can be operated by the state, municipality, municipal federation or some other public or private community or foundation.

According to the Child Welfare Decree, child welfare institutions have one or several dwelling units. The units of institutions with several units can operate separately. A maximum number of eight children or adolescents can be tended to in the dwelling unit, and a maximum number of 24 children or adolescents can be placed in the same group of buildings. In urgent cases, even more children or adolescents can be tended to in the dwelling units or institution for a short period.

The child welfare institution should have sufficient staff per dwelling unit to tend and care for the children and adolescents, yet at least five workers in charge of the care and upbringing.

4. Reception arrangements for minor asylum seekers

4.1 Minors waiting for a residence permit

The reception of minor asylum seekers has been arranged in the same way as that of adult asylum seekers, by accommodating them at reception centres. For the minors, group homes have been established in connection with the reception centres. In these group homes the minors are waiting for the residence permit decision. At present there are three group homes located in different parts of Finland. A child waiting for a residence permit decision is always registered with a group home, since it has no home municipality in Finland. The child can be placed in a private family, usually a family stating that they are relatives, only after the situation of the family has been clarified. Adolescents almost grown up can also have a supported dwelling jointly with other asylum seekers at the reception centre.

4.2 Minors who have received residence permits

A minor who has received a residence permit is assigned a placement in a municipality. The decision concerning the placement of the minor in compliance with the minor’s interests is made jointly by the representative of the child and the Employment and Economic Development Centre in cooperation with the municipality and the possible dwelling unit.

The family group homes are usually units placed under the municipal social affairs. At present, such homes exist in four municipalities. The family group homes were originally designed for short-term care and upbringing of children while they were waiting for family reunion. The care
periods are longer than planned when creating the system. A child may live in a family group home till it is 18 years of age. Should the family reunion be delayed or should the child be an orphan, the primary placement alternative should be to find family placement for small children.

Three of the units (2 of group homes and 1 of family group homes) are so called united units. A minor can live in these units when waiting for the residence permit and also after having residence permit. In the united units there are no unnecessary separations for a minor.

4.3 Placement in a family of relatives
Minors often have a family of relatives in Finland, who wants to take care of the children or who has perhaps promised the parents to do so.

Before placing the child in the family, the following is to be clarified:
• how well the family and the child know each other
• the family members
• the housing conditions of the family
• the possibilities of the family to take care of the child and bring it up
• the capability of the family to support and guide the child in the integration process

4.4 The administrative status and direction of institutions intended for minors
The Ministry of Labour is responsible for the general development, planning, direction, monitoring and coordination of the integration of immigrants and the reception of asylum seekers. The Employment and Economic Development Centres (T&E Centres), as subordinate to the Ministry, are assigned with the task of planning, directing and monitoring the reception of asylum seekers and the integration of immigrants into society and working life. It shall also plan, direct and monitor other tasks separately defined. Together with the municipalities, the T&E Centres make an agreement on the reception of refugees, on the production of services for reception centres, group homes and family group homes, and on the compensation of costs. The T&E Centres also place refugees in the municipalities.

5. Important objectives in the reception of minors

The need of the inhabitants of the group and family group homes as well as the methods and principles of the units can be compared with the activities of child welfare. For this reason, it is advisable to observe the same quality requirements as those recommended in child welfare. Other principles observed in the care and upbringing are those presented by the organisations “Save the Children” and the UNHCR in their joint statement on the treatment of children separated from their parents.

1) The best interests of the child. When caring for children who are separated from their parents, the priority of the child’s best interests is an important principle.
Arrangements in compliance with the interests of the child are those which secure:
- good care and upbringing
- supervision and care necessary with regard to the child’s age
- training and education matching the inclinations of the child
- a growth environment providing security and stimuli

2) **Equality:** Immigrants’ children should have the same right and treatment as Finnish children.

3) **The right to be heard:** The opinion and wishes of the minor have to be heard taking his or her age and level of development into consideration.

4) **Multiculturalism:** It is important that the child is allowed to keep up its own mother tongue, practise its religion and preserve the characteristics of its own culture.

5) **Language services:** The minor should be given a chance to discussions via an interpreter when his or her affairs are being studied.

6) **Networks:** The authorities tending the affairs of minors who are separated from their parents should aim at creating networks between different authorities and networks of child’s relatives as well as peers.

7) **Continuity:** The decisions regarding the residence of a minor should be such as to prevent unnecessary transfers from one place to another.

8) **Staff training:** The staff working with minors who are separated from their parents should be competent and should, if necessary, get additional training related to refugeeism and the care and upbringing of minors.

6. **Representatives**

To minors coming without a guardian no immediate guardian is assigned, since the minors are not considered to live permanently in Finland. Usually, the guardianship is not determined until the residence permit or asylum has been granted.

According to the Integration Act (sections 26 – 33), a representative may be assigned to a refugee child or a child applying for a residence permit or seeking asylum who is in Finland without a guardian or other legal representative. The representative exercises a guardian’s right to be heard in matters pertaining to the child’s person and assets. On the other hand, the representative is not responsible for the immediate daily care of the child, the child’s upbringing or other care, nor is he financially responsible for arranging the welfare and care of the child. These things are administered by the group home, family group home or family where the child has been placed. The representative decides on the child’s living arrangements. The functions of the representative are discontinued without a separate application when the child becomes of age, moves permanently out of Finland or when the child is assigned a guardian or other legal representative in Finland.
The representative shall protect the child’s interests, taking its ethnic, linguistic, religious and educational background into account. The representative shall be appointed by a district court. The application for the appointment of the representative can be made by the reception centre or an organ in the child’s residential municipality. If the child’s guardian moves to Finland, the representative must be released from said functions unless such release is not in the child’s interests.

A fee or reimbursement of costs and expenses shall be paid for the functions of the representative (Regulation M/4/99/TM given by the Ministry of Labour). The Ministry of Labour arranges training for new representatives and further training for those who are representatives already.

The functions of the representative are meant to be temporary. After the child has been granted a residence permit, the permanent residence of the child in Finland makes the assignment of a guardian for the child possible in accordance with the Child Custody and Right of Access Act. Thus the municipality is obliged to take measures for assigning a guardian or supplementary guardian. If a suitable person is not found, the preamble to the bill considers it a better alternative for the child if the representative continues in his work. In practice, the functions of the representative may thus be prolonged.