

Central Union for Child Welfare (CUCW)

To UN Committee on the Rights of the Child

Central Union for Child Welfare supplements information regarding the issue of **1) protection of the children in alternative care and 2) asylum-seeking children**, both of which were asked about in the pre-session in 29th of September/Finland.

Protection of the children in alternative care

- More than 20 % of children placed in alternative care experience abuse from other children in child welfare institutions. This problem could be solved if the employee resources of child welfare institutions were stronger, and adults could be more present in the children's everyday life.
- The CUCW wants to emphasize that this is not solely a question of personnel shortage. The availability of employees is directly related to the safety experienced in the workplace and the possibilities of doing work. Workplaces where the employee feels safe and has the opportunity to do ethically high-level work are far more attractive than workplaces where employees must persevere in a threatening atmosphere with weak human resources.
- The municipality or wellbeing services county responsible for organizing the care must therefore grant the necessary resources to ensure safe conditions at the child welfare institutions. It is not unheard of that social workers face difficulties when trying to advocate for resources for children who are placed in alternative care and that resources, when granted, are only granted for a short period of time.

Asylum-seeking children

1. *Family reunification (paragraphs 88-92 in the supplementary report of CUCW):*
 - The income requirement as a precondition for family reunification is a major problem for many families trying to live together in Finland. Among people who have got international protection, the

share of those whose negative decisions to family reunification applications are based on insufficient level of income, has risen in recent years. It was 80 % among children who submitted their applications abroad, 70 % among spouses and 40 % among parents/caregivers.¹

- In this context it is important that the government remove the unreasonable income requirement from children. However, the Non-Discrimination Ombudsman studied decisions to family reunification applications parents submitted in 2018–2019² and did not find a single negative decision made only because of insufficient level of income. There are other reasons why the decisions made to parents of separated children are often negative (see more in the paragraphs 90–92 of the CUCW report).
 - It is also extremely difficult for many people to even submit an application in Finnish embassies abroad. More than 3000 separated children applied for asylum in 2005, and 630 of them got international protection. Many of them were close to 18 years old, of course, but still there were many young people who should have been able to start the process of family reunification. However, there were only 371 applications of their parents/caregivers altogether. And only 186 parents/caregivers got a positive decision.
 - To get information about the level of the income that is required see The Finnish Immigration Service <https://migri.fi/en/income-requirement-for-family-members-of-a-person-who-has-been-granted-international-protection>. For example, a family of two adults and two children under 18 years of age needs a total of EUR 2,600 per month to have secure means of support (a net sum). A median gross monthly income in Finland is about 3000 euros and few refugees can reach that level soon after arriving in Finland.
- 2. Restricting the possibility to submit application for asylum on the eastern board of Finland (paragraph 54)*
- The government has made changes that can jeopardize the fundamental right of applying international protection. It is possible that Finland breaks the non-refoulement principle in the future.
- 2a) An amendment to revise the mandate of the Border Guard:*
- An amendment was prepared in a short time and was also approved very quickly in the Parliament in June. The amendment allows the government to restrict the movement of people on the borders and to even close border crossing points totally, if there are lots of people crossing the border or if

¹ According to the Ministry of Interior in a government proposal (HE 100/2022 vp) that is now in the Parliament.

² Non-Discrimination Ombudsman (2020 b). Children without families – the family reunification of children getting international protection. (only in Finnish) [Lapset+ilman+perhettä+Kansainvälistä+suojelua+saaneiden+alaikäisten+perheenyhdistäminen+\(PDF\).pdf \(syrijinta.fi\)](#)

there is a foreign state that is causing the situation. The government can also decide that asylum applications can only be submitted in a certain border crossing point.

- The amendment leaves many questions open. It does not clarify how many people should be trying to cross the border before this kind of decision can be made (e.g., is it 100, 1000 or 100 000).
- It is unclear, how the actual right to apply could be guaranteed in these circumstances. E.g., the whole eastern border could be closed, and asylum applications only accepted in the western border.

2 b) The amendment to the Aliens Act to adopt the border procedure allowed by the EU Asylum Procedures Directive

- The Parliament is working on an amendment to implement the border procedure formed in the Asylum Directive. In the case of large-scale influxes of migrants, asylum applications could be handled very quickly, and people could be kept in detention. This would be applied also to children, also separated children.
- Asylum proceedings would be dealt on the border and decisions should be made in 4 weeks. There is a reason to believe that legal protection of applicants would be threatened: how to identify vulnerable persons in these situations? How to offer sufficient and quality legal aid? How the individual handling of applications could be guaranteed? How to even get enough qualified interpreters?
- Also, the freedom of movement would be restricted. After a negative decision the procedure of deportation must be initiated in 14 days after the decision of deportation. The text in the amendment avoids using the term detention, but in practice people would be kept in detention – fences and access control would be built around reception facilities.