



Last updated: September 2009

Finland Detention Profile

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Although the number of foreign nationals residing in Finland has risen over the past two decades, Finland attracts relatively few immigrants and asylum seekers compared to other European countries. Officials at the country's sole detention unit estimate that the number of irregular immigrants in the country is in the hundreds (Nuutinen & Mäkinen 2009). Perhaps due to the low numbers of immigrants, the country's detention policies and infrastructure are of fairly recent origin. Legislation specifying the conditions for detention was passed in 2002 (*Laki säilöön otettujen ulkomaalaisten kohtelusta ja säilöönottoyksiköistä* 2002), followed by the establishment of the country's first immigration detention unit in 2003 (Nuutinen & Mäkinen 2009). Prior to 2003, foreign nationals apprehended under aliens legislation were held in police facilities (CPT 1999, p.53).

Detention policies. The principle piece of legislation relating to immigration detention policy in Finland is the 2004 *Aliens Act* which, *inter alia*, determines the grounds for detention. A person may be placed in administrative detention when authorities consider this necessary to establish their identity, to ensure the fulfilment of a deportation order, or to prevent that person from committing a crime (*Aliens Act* 2004, §121). In practice, this means that detained persons include both asylum seekers whose identity is unclear and irregular immigrants subject to a deportation order, with the latter constituting the overwhelming majority (approximately 90 percent) of detained persons. Deportation rates are high: in 2007, 85 percent of detained persons were deported (Nuutinen & Mäkinen 2009). Unaccompanied minors may not be held in police facilities, but may be detained in the specialised migrant detention unit (*Aliens Act* 2004, §122,123).

Police and border guards are authorized to apprehend irregular immigrants. Detainees may be held in border guard facilities for a maximum of 48 hours and in police facilities for a maximum of 4 days, after which they are to be transferred to a detention unit. However, detention in police facilities may be extended in cases where the detention unit is full (*Aliens Act* §123). It is unclear how long the waiting lists for the detention unit are, but with Metsälä Detention Unit operating continuously at close to full capacity, officials at the detention unit speculate that there is reason to suspect that foreign nationals are often held in police detention facilities for periods exceeding four days (Nuutinen & Mäkinen 2009).

Once placed in detention, a district court must hear the case of the foreign national within four days (*Aliens Act* §124). The district court then decides whether to release the person or to continue his/her detention (*Aliens Act* §126). A district court reviews cases every two weeks (*Aliens Act* §128).

Although the European Parliament's 2008 "**Return Directive**" requires that member states set a limited period of detention, Finland had not, as of September 2009, set such a limit (EU 2008, § 15; CPT 2009, p. 22; Nuutinen 2009). In practice, judges have adopted the practice of releasing a person after three months of continuous detention if deportation has not been possible. As of September 2009, the longest period of detention at Finland's sole detention unit had been 124 days. However, irregular immigrants have at times been detained on several separate instances (Nuutinen & Mäkinen 2009). Furthermore, with the average length of detention rising from 10.3 days in 2003 to 29 days of detention during January-April 2009 (Nuutinen & Mäkinen 2009), the average length of detention in Finland is notably higher than that of other European countries. For example, in **France** the average length of detention was 10.17 days in 2007 and the legal maximum length of detention is set at 32 days (Cimade 2008). The lack of legal safeguards regarding the length of detention has been criticised, in particular by detainees themselves. In early 2008, several detainees participated in a hunger strike, protesting their long periods of detention (HS 2008).

Detention Infrastructure. As of September 2009, Finland maintained only one dedicated facility for holding irregular immigrants in administrative detention, the Metsälä Detention Unit for Aliens. In addition, the Finnish government and the Finnish Red Cross separately operate several non-secure reception centres for asylum seekers (Ministry of the Interior 2009). Residents at these centres are free to

come and go as they please (Nuutinen & Mäkinen 2009).

The Metsälä Detention Unit operates in the same building as the Metsälä Reception Centre, although the two facilities operate under separate management (Nuutinen & Mäkinen 2009). The detention unit at Metsälä was established in 2005 and replaced an earlier detention unit located at the former Katajanokka prison (operational 2003-2004), also in Helsinki (Nuutinen & Mäkinen 2009). The 2002 *Act on the Treatment of Aliens Placed in Detention and Detention Units* (*Laki säilöön otettujen ulkomaalaisten kohtelusta ja säilöönottoyksiköistä*) regulates the conditions of detention. The total detention capacity in Metsälä is 40 (Nuutinen & Mäkinen 2009).

The Metsälä detention centre is run by the Helsinki City Social Sector, whose staff are social workers. This management arrangement contrasts sharply with that of many other countries, where detention centres are generally run by some form of security personnel. The Metsälä unit contracts catering, cleaning, and security services to a for-profit company called **Palmia** that is owned by the city of Helsinki (Nuutinen & Mäkinen).

The detention unit employs one guard from Palmia during evening hours. Finland's ombudsman has questioned the legality of the use of an external security service (YLE 2009). The *Act on the Treatment of Aliens Placed in Detention and Detention Units* specifies that security and monitoring tasks in detention units are the responsibility of government officials (*Laki säilöön otettujen ulkomaalaisten kohtelusta ja säilöönottoyksiköistä* 2002, §36). However, because the service provider is owned by the city, the same authority that manages the detention unit, the detention unit management has proposed to change the nature of the security guard's employment contract to make the security personnel government officials and to thus fulfil this legal criterion (Nuutinen & Mäkinen 2009).

Provisions for dealing with unrest among detainees include the isolation of detainees in a separate room or, when this is not sufficient to guarantee the safety of other detainees as well as facility staff, to temporarily transfer adult detainees to police holding facilities (*Laki säilöön otettujen ulkomaalaisten kohtelusta ja säilöönottoyksiköistä* 2002, § 8, 9).

Asylum claimants detained at Metsälä are provided interpretation and legal services by the NGO **Refugee Advice Centre**, which is under contract with the detention facility (*Laki säilöön otettujen ulkomaalaisten kohtelusta ja säilöönottoyksiköistä* 2002, §30; Rummakko 2009). The detention unit provides basic services, including four daily meals, medical services as needed, and laundry facilities (Nuutinen & Mäkinen 2009). Additionally, detainees who have no means are entitled to two Euros per day for other expenses. Men and women are regularly segregated, but segregation of minors is done on an ad hoc basis (Nuutinen & Mäkinen 2009).

A human rights body has found that that the infrastructure for the practice of apprehending and detaining immigrants in Finland is relatively humane. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), in their 2009 report, stated that "many detainees interviewed spoke positively about the staff" of the detention unit and that "it is ... noteworthy that none of the foreign nationals interviewed made any allegations concerning ill-treatment by the police and Border Guard staff" (CPT 2009, 23). The CPT report concluded that "the regime of activities [offered by the facility] appeared attuned to the varied needs of the detainees, including being sensitive to the requirements of women and families" (CPT 2009, 24). In a discussion with a researcher from the Global Detention Project, the detention unit personnel emphasised a commitment to transparency and were extremely forthcoming with requests for information.

On the other hand, the CPT has raised concerns about problems stemming from the limited capacity of Finland's detention infrastructure: detained persons are apprehended by the police or border guards and detained in their facilities until they can be transferred to a detention unit. With a capacity of only 40 persons in the detention unit and the unit consistently operating at close to maximum capacity, the CPT urged the Finnish authorities to consider opening another detention unit (CPT 2009, 22).

Facts and figures. Finland attracts relatively few immigrants and asylum seekers compared to its European neighbours (Finnish Immigration Service 2009). For example, while Sweden has a net migration rate of 1.66 persons per 1,000; Finland's net migration rate is 0.68 (2009 estimates, CIA 2009).

In 2008, 5,404 unauthorized immigrants were apprehended within Finland and at the Finnish border (EMN 2009, p.22). Officials estimate that the number of unauthorized residents in Finland is in the hundreds (Nuutinen & Mäkinen 2009). Seventy-five deportation orders were issued in 2008; immigration authorities do not release data on the actual number of deportations (Finnish Immigration Service 2009). At the end of 2008, 2,742 asylum cases were pending (UNHCR 2009).

Detention statistics acquired by the Global Detention Project are based on detention in the specialised units in Helsinki, and do not include detention in police or border guard facilities. Statistics between 2003 and 2004 refer to the Katajanokka detention unit (now closed) and statistics from 2005 on refer to the Metsälä detention unit.

Finland has a detention capacity of 40 persons at the Metsälä detention center, which is the country's only detention unit specialising in administrative detention of foreign nationals. Additionally, foreign nationals may be detained in police and border guard facilities (Nuutinen & Mäkinen 2009).

The number of persons detained annually in the Helsinki detention unit has ranged from 648 in 2003 to 488 in 2007. In 2008, a total of 541 persons were detained. Of these persons, the percentage of women has ranged from 29.1 in 2003 to 11.6 in 2008. Out of the total population of detained persons, between 3 percent (2007) and 11.5 percent (2003) have been minors. Three unaccompanied minors were detained in 2003, and 15 in 2005.

The average number of detainees held at the detention unit at any one time ranged from 30.2 in 2005 to 36.7 in 2008. Between January and April 2009, 160 persons were detained in total. Of these, 149 were men and 11 women. Eight minors, five of whom were unaccompanied, were detained during this period. The principle nationalities of detained persons between January and April 2009 were Iraqi, Somali, Nigerian, Kosovar, and Russian (Nuutinen & Mäkinen 2009).

The average length of detention rose from 10.3 days in 2003 to 24.2 days in 2008. Between January and April 2009, the average length of detention was 29 days, the median 17 days, and the longest period of detention was 118 days. As of September 2009, the longest period of detention recorded at the Metsälä detention center was 124 days (Nuutinen & Mäkinen 2009).

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Finland Detention Profile

List of Detention Sites

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Name	Status (Year)	Location	Facility Type	Security	Authority	Management	Capacity	Reported Population on a Single Day	Demographics & Segregation
Metsäli Detention Unit for Aliens	In use (2009)	Metsäli, Helsinki	Migrant detention centre	Secure	Ministry of the Interior	Helsinki Municipal Department for Social Affairs	40 (2009)	38 (08.09.2009)	Adult males & females, minors
Helsinki Custody Unit for Aliens	Closed (2004)	Katajanokka, Helsinki	Migrant detention centre	Secure	Ministry of Labour		30 (2003)	24 (September 2003)	Adult males & females, minors

Sources

(This is only a partial list. More detailed information is available upon request.)

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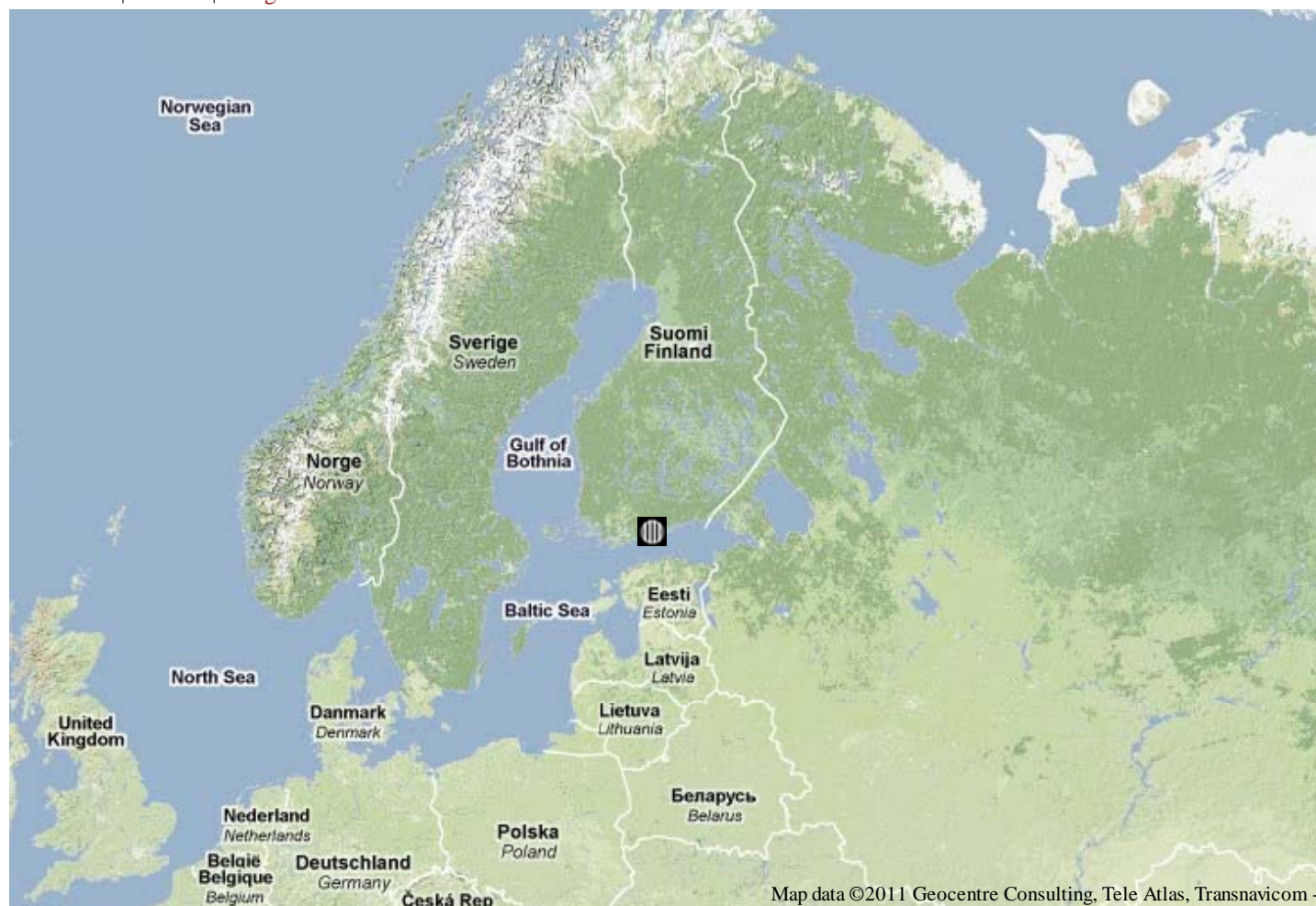
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Map of "In Use" Detention Sites

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Country View

1. [Metsälä Detention Unit for Aliens](#)

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- » International Organizations
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Government Agencies

The Finnish Border Guard

http://www.raja.fi/rvl/home.nsf/pages/index_eng

Finnish Immigration Service

www.migri.fi

Finnish Police

http://www.poliisi.fi/poliisi/home.nsf/pages/index_eng

Helsinki City Social Services Department – Metsälä Detention Unit (in Finnish)

http://www.hel.fi/wps/portal/Sosiaalivirasto/Artikkeli?WCM_GLOBAL_CONTEXT=/Sosv/fi/Aikuisten+palvelut/Maahanmuuttajien+palvelut/Mets_1_n+vastaanottokeskus/sailoonottoyksikko

Ministry of the Interior, Finland

http://www.intermin.fi/intermin/home.nsf/pages/index_eng

International Organizations

International Organization for Migration – Country Information Finland

<http://www.iom.int/jahia/Jahia/activities/europe/nordic-and-baltic-countries/finland>

United Nations High Commissioner for Refugees – Country Information Finland

<http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e48e4f6>

NGOs and Research Institutions

Amnesty International Finland

<http://www.amnesty.fi/mita-teemme/tietoa-amnestysta/in-english>

Finnish League for Human Rights

<http://www.ihmisoikeusliitto.fi/tausta/introduction>

Finnish Refugee Council

<http://www.pakolaisapu.fi/en/>

Refugee Advice Centre

http://www.pakolaisneuvonta.fi/index_html?lang=eng

Media

Aamulehti (Finnish)

<http://www.aamulehti.fi/>

Finnish News Agency – Suomen Tietotoimisto (STT)

<http://www.stt.fi/en/>

Helsingin Sanomat

<http://www.hs.fi/english/>

Hufvudstadsbladet (Swedish)

<http://www.hbl.fi/>

Turun Sanomat

<http://www.ts.fi/inenglish/index.html>

Yleisradio (YLE)

<http://www.yle.fi/uutiset/news//>

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