

**Two Studies on Asylum Seekers  
and Other Immigrations in Finland**

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The two papers in this issue, looking at migration situation in Finland, are result of study visits by two Winter Course Participants to Finland in February-March 2009. Sahana Basavapatna's research studies Finland's asylum policy, especially in the context of the Finnish Alien's Act 2004. This paper further seeks to see if the Finnish asylum policy is any different from the overall attitude portrayed by the European Union, and if so, why? Geetisha Dasgupta's article researches the skilled migrants in Finland, separated from the asylum seekers by capacity of work. This study researches how Finland performs as a new destination for the skilled migrants in the traditional atlas of labour migration.

# The Finnish Alien's Act, 2004

Sahana Basavapatna

## Introduction

Traditionally, Finland is an “emigrant country”, with the main destination being Sweden and the United States of America<sup>1</sup>. It was only towards the beginning of the 1990s, where the country grappled with high unemployment, as a result of, among others, 'changes in the composition of Finnish Industry', a large ageing population which has led to labour shortages, the integration of the Finnish economy at the global level and its participation in the European integration<sup>2</sup>, that it witnessed the migration of foreigners. Sagne, Saksela and Wilhelmsson, for instance, note that “the main reasons for increased immigration to Finland are to be found in allowing return migration, in having larger refugee quotas and in increased labour migration especially from neighboring countries. We can assume that two of the drivers for increased immigration are the dissolution of the Soviet Union and Finland's joining the EU in 1995”<sup>3</sup>. The total number of foreigners at the end of 2008, according to available statistics is 1,43,256<sup>4</sup>. The number of refugees forms a small percentage of this category. For instance the total number of asylum applications in 2008 was 4035<sup>5</sup> and those granted protection of one form or the other was 1995<sup>6</sup>.

An attempt to answer two central questions is made in this essay. The first is to understand the implementation of the provisions of the Finnish Alien's Act, 2004 to asylum seekers, the framework of rights enshrined therein and the ongoing discussions and proposal to amend certain provisions as applicable to asylum seekers. In doing so, the Finnish law is contextualized within the larger European Common Asylum System (or CEAS as it is normally referred to), the process for which goes back to the 1990s and earlier, when European countries began the process of harmonizing policies towards a single market economy. While the first phase of the CEAS, which concluded in 2004 involved the adoption of minimum standards of

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1 Salmenhaara, Perttu, Finland, in Neissen, Jan, Seibel, Yongmi and Thompson, Cressida, Eds, *Current Immigration Debates in Europe: A Publication of the European Migration Dialogue, Migration Policy Group, 2005*,

[www.migpolgroup.org/public/docs/141.EMD\\_Finland\\_2005.pdf](http://www.migpolgroup.org/public/docs/141.EMD_Finland_2005.pdf)

2 Finnish Immigration Policy Faces New Challenges, The Research Institute of the Finnish Economy, [www.etla.fi/files/936\\_FES\\_01\\_2\\_immigration.pdf](http://www.etla.fi/files/936_FES_01_2_immigration.pdf) (accessed 18 January 2009).

3 Sagne, Silvain, Saksela, Sanna and Wilhelmsson, Niklas, Finland, in Triandafyllidou, Anna and Gropas, Ruby, *European Immigration: A Source Book*, Ashgate, 2007, pg.99.

4 [http://www.stat.fi/tup/suoluk/suoluk\\_vaesto\\_en.html](http://www.stat.fi/tup/suoluk/suoluk_vaesto_en.html) (accessed 25 November 2009)

5 Finnish Immigration Service, 2008, <http://www.migri.fi/netcomm/content.asp?path=8,2476>

6 Ibid.

refugee protection throughout Europe, countries are expected to harmonize their domestic policies with this common asylum policy in the second phase, which is currently underway and is set to conclude by 2010.

The second question seeks to understand the extent of relevance of the 1951 UN Convention on the Status of Refugees in the European context considering that historical and political developments have changed not only the context in which we witness population flows, but also the European response to it. Seen in this context, to what extent does the Finnish asylum policy keep up with the spirit of the 1951 UN Convention on the Status of Refugees, a document considered to be one of the pillars of international refugee law?

For convenience, the Somali refugee community is taken as an example for two reasons. It is not only the second largest refugee community in Finland after Iraqis but the fact that Somali nationals claim refugee status in India is also an opportunity to look at the protection situations in these two countries as a comparative study.

### **The Common European Asylum System**

The 1990s proved to be a decisive time that shaped the European response to asylum. While prior to this decade, Europeans considered the refugee phenomenon as a Third World problem to be resolved within the Third World with their involvement being the giving of aid<sup>7</sup>, it was soon realized that refugees no longer were confined to refugee camps in Asia and Africa but easy air travel and the chain effect of labour migration among others, was making it easier for people to claim refuge in Europe<sup>8</sup>. Thus, the realization that refugees could no longer be kept away from reaching Europe lead to a complete rethink of refugee admission policy in many European countries.

European integration in the field of asylum is also related to the establishment of Single Market without borders. The abolition of internal borders for free movement of persons, goods and capital would at the same time require control of external borders to prevent the undesired freedom of movement of specific categories of persons and goods<sup>9</sup>. A gradual harmonisation of national policies on the admission of refugees was thus effectuated. Major policies that were drawn up to achieve this include the Dublin Convention of 1990 (now called the Dublin Regulation), carrier sanctions, concepts like 'safe third country of asylum' and

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7 Robinson, Vaughan, *Defining the 'problem'*, in Robinson Vaughan, Andersson, Roger and Musterd, Sako, *Spreading the 'Burden'? A Review of Policies to Disperse Asylum Seekers and Refugees*, The Policy Press, 2003, pg. 3.

8 Ibid. pg 4.

9 Gil-Bazo, Maria Teresa, *The Protection of Refugees under the Common European Asylum System. The Establishment of a European Jurisdiction for Asylum Purposes and Compliance with International Refugee and Human Rights Law*, ISSN:1130-8354, Num, 36/2007, Bilbao, pags. 153-182 at pg. 156.

arrangements to share intelligence and strengthen border controls, especially in Southern Europe<sup>10</sup>.

The Treaty of Amsterdam<sup>11</sup> that entered into force in 1999 amended, among others the Treaty Establishing the European Community (hereafter TEC) by including Title IV on Visas, asylum, immigration and other policies related to free movement of persons'. The Treaty in turn, provided the legal basis for a pan-European asylum policy by adopting legally binding minimum standards in many of the asylum related areas. Article 63 of TEC calls for the adoption of, in accordance with the procedure referred to in Article 67, “measures on asylum, within a period of five years after the entry into force of the Treaty of Amsterdam, in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and other relevant treaties, within the following areas:

- (a) criteria and mechanisms for determining which Member State is responsible for considering an application for asylum submitted by a national of a third country in one of the Member States (eventually The Dublin II Regulation<sup>12</sup>)
- (b) minimum standards on the reception of asylum seekers in Member States<sup>13</sup>,
- (c) minimum standards with respect to the qualification of nationals of third countries as refugees<sup>14</sup>,
- (d) minimum standards on procedures in Member States for granting or withdrawing refugee status<sup>15</sup>,”

The Tampere Summit<sup>16</sup> held in 1999 and the Hague programme in 2004 were responsible for concretizing these objectives. In October 1999, the European Council met in Tampere, Finland agreed to “work towards establishing a Common European Asylum System, based on the full and inclusive application of the Geneva Convention, thus ensuring that nobody is sent back to persecution, i.e. maintaining

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10 Ibid. Pg 5.

11 The Treaty of Amsterdam, amending the Treaty on European Union, The Treaties Establishing Communities and certain related Acts, October 1997.  
[www.eurotreaties.com/amsterdamtreaty.pdf](http://www.eurotreaties.com/amsterdamtreaty.pdf)

12. [http://eur-lex.europa.eu/Result.do?RechType=RECH\\_celex&lang=en&ihmlang=en&code=52001PC0447](http://eur-lex.europa.eu/Result.do?RechType=RECH_celex&lang=en&ihmlang=en&code=52001PC0447).

The Dublin Regulation sought to put an end to “asylum shopping” □ minimum standards on the reception of asylum seekers in Member States, minimum standards with respect to the qualification of nationals of third countries as refugees, minimum standards on procedures in Member States for granting or withdrawing refugee status.

13 Council Directive 9/E /2003/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers.

14 EU Council Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons, as refugees or as persons who otherwise need international protection, together with the content of the protection granted.

15 Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status;

16 Presidency Conclusions, Tampere European Council, 15 and 16 October 1999,  
[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/ec/00200-r1.en9.htm](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/00200-r1.en9.htm)

the principle of non-refoulement”<sup>17</sup>. Done in consultation with UNHCR and international organizations, this would involve, “...in the short term, a clear and workable determination of the State responsible for the examination of an asylum application, common standards for a fair and efficient asylum procedure, common minimum conditions of reception of asylum seekers, and the approximation of rules on the recognition and content of the refugee status. It should also be completed with measures on subsidiary forms of protection offering an appropriate status to any person in need of such protection. To that end, the Council is urged to adopt, on the basis of Commission proposals, the necessary decisions according to the timetable set in the Treaty of Amsterdam and the Vienna Action Plan”<sup>18</sup>. The first phase of CEAS eventually adopted the minimum standards as noted above.

The Hague Programme<sup>19</sup> committed itself to the second phase of the development of CEAS before the end of 2010. This would involve measures that “seek to establish a common procedure and uniform status for persons benefiting from asylum or subsidiary protection, in accordance with the Union’s values and humanitarian tradition” and additionally “concurrently assist countries in regions where asylum seekers come from and countries of transit in order to enable them to provide adequate refugee protection in line with international standards”. This presupposes that “enhancing the protection capacity of regions of origin will diminish the need for refugees to search protection elsewhere and reduce the dangers that asylum seekers have regularly to face while attempting to reach a safe country”. The second phase thus involves the transposition of the minimum standards into the national law of member states insofar as the minimum standards they establish are not already in place<sup>20</sup>.

## **Finland – Somali Refugees and the Law**

Finland has only recently had to grapple with “migration”; it has traditionally been an emigrant country than one which has witnessed migration on a huge scale. The number of asylum seekers in Finland is said to be one of the lowest in Europe and with those who have been granted protection under the recognized categories of legal protection lower. The reasons include the low number of applications and strict

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17 Presidency Conclusions, Tampere European Council, 15 and 16 October 1999, [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/ec/00200-r1.en9.htm](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/00200-r1.en9.htm), paragraph A (II) (13).

18 Ibid, paragraph A (II) (14).

19 The Hague Programme: Ten priorities for the next five years, A partnership for European renewal, 2004, [http://ec.europa.eu/justice\\_home/news/information\\_dossiers/the\\_hague\\_priorities/doc/05\\_asylum\\_en.pdf](http://ec.europa.eu/justice_home/news/information_dossiers/the_hague_priorities/doc/05_asylum_en.pdf)

20 Nicholson, Frances, Chapter 17, Challenges to Forging a Common European Asylum System in Line with International Obligations, in Peers, Steve, and Rogers, Nicola (eds.), *EU Immigration and Asylum Law, Text and Commentary*, Martinus Nijhoff Publishers, 2006, pg 505.



government policies<sup>21</sup>. With the changes in the economy and the social structure over the last decade, Finland has adopted policies and legislations that focus on skilled migration as well as those seeking asylum.

The Somali refugees have been arriving in Finland since the 1990s. They form the largest refugee group with 1181 applications lodged in all of 2008. They have arrived since the 1990s when the civil war broke out to this day due to continuing conflict. While most Somalis have fled to countries in the neighbourhood, some have fled to countries in Europe and Asia. Thus, their numbers are relatively low, but in the Finnish context, they form the largest of the refugee groups, arriving as quota refugees, asylum seekers and via family reunification<sup>22</sup>.

## **The Finnish Asylum Policy**

The Migration Policy Program of 2006<sup>23</sup> was a response to the changing Finnish economy and the external changes that would impact several of its sectors. In this policy, the Government sought to frame its immigration policy plan and implementation with respect to immigration from outside the European Union and the European Economic Area. The aim of 'humanitarian immigration'<sup>24</sup> "is to employ interantional and national means to strengthen the refugee protection system. The key focus of refugee policy is to impact on the basic causes of refugeeism, which include the infringement of human rights, poverty and political crises. Finland supports three permanent solutions to refugee issues: the voluntary return of refugees, local integration and the resettlement of refugees"<sup>25</sup>. In relation to the national legislation on asylum and in the context of the European Common Asylum System, the Policy programme lists the following guidelines:

1. The quota policy shall be improved by more flexible allocatin of the refugee quota and quota refugee selection procedure.
2. A functioning asylum procedure is a key part of refugee this protection.
3. Harmonization of asylum policies in the EU shall be supported in a bid to eliminate the reasons why asylum claimants move on. The principal solution is to highlight the provisions of effective protection for those in need and teh significance of effective returns.
4. The child's best interests shall be taken into account as a cross-cutting

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21 Salmenhaara, Perttu, Finland, Centre for Research on Ethnic Relations and Nationalism, University of Helsinki, (CEREN) in Niessen, Jan, Schibel, Yongmi and Thompson, Cressida (Eds), Current Immigration Debates in Europe: A Publication of the European Migration Dialogue, Migration Policy Group, 2005,

[www.migpolgroup.org/public/docs/141.EMD\\_Finland\\_2005.pdf](http://www.migpolgroup.org/public/docs/141.EMD_Finland_2005.pdf)

22 See Asylum Applications: Total Figures by Nationality, Finnish Immigration Service, <http://www.migri.fi/netcomm/content.asp?article=3129>

23 Finnish Government Migration Policy Programme, 2006, [www.mol.fi/mol/en/99\\_pdf/en/.../migration\\_programme2006.pdf](http://www.mol.fi/mol/en/99_pdf/en/.../migration_programme2006.pdf)

24 Ibid, See the Section on 'The development of humanitarian immigration'.

25 Ibid. pg. 29.

- principle in asylum and refugee policy.
5. Development shall be promoted of harmonization of the EU's return policy and procedures emphasising cooperation with other member states to implement and coordinate return in practice. Voluntary and independent return shall be promoted on a national level, ensuring that foreigners without the right to reside in Finland are effectively removed from the country and that repatriation is effected humanely and fairly with full respect for human rights.
  6. Taking into account the special needs of different groups shall be improved when arranging reception facilities for asylum-seekers.
  7. The settlement of refugees in municipalities shall be developed so that settlement takes place quickly and actions to foster integration are commenced immediately after settlement.

### **Seeking Asylum in Finland: The Law and Procedures**

The Constitution of Finland, Aliens Act (301/2004), Nationality Act (359/2003), Act on the Integration of Immigrants and Reception of Asylum Seekers (493/1999) (The Integration Act), Non-Discrimination Act (21/2004), Administrative Procedure Act (434/2003) and Administrative Judicial Procedure Act (586/1996) are among the major legislations that regulate the entry, stay and exit of asylum seekers in Finland. Some of the policies and directives adopted at the EU level have also been adopted in Finnish law by way incorporating those provisions under national laws under Sections 94 and 95 of the Constitution.

While the Ministry of Interiors (The Finnish Immigration Service or MIGRI, which was until 31 December 2007 the Directorate of Immigration under the Ministry) is primarily responsible for adopting and implementing the asylum policies and laws, the Ministry of Labour, the Ministry of Education, the Ministry of Employment and Economy, Ministry of Foreign Affairs and the Ministry of Social Affairs and Health also play a significant role in implementing the asylum policies. Decrees and Directives are also issued by the concerned Ministries on asylum matters.

Finland's joining the EU in 1995, the adaptation of the new Finnish Constitution in 2000 have been responsible for wide-ranging changes to the organizational and legal system of immigration generally as well as issues of asylum in particular<sup>26</sup>. The Aliens Act was amended in 2004 in response to the changes at the level of the European Union. The Annual Report for Finland for 2008 of the European Migration Network notes that "all the directives of EU Council related to migration are implemented or included in the Finnish legislation.

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26 For a brief historical view on the changes brought about in matters of asylum and in particular the changes one can notice in the last few years, The Organisation of Asylum and Migration Policies in Finland, Finnish Immigration Service, 2008.  
<http://www.migri.fi/download.aspx?id=The+Organisation+of+Asylum+and+Migration+Policies+;1466;%7B0C07F4B4-856C-4F11-8662-79F1467DF8A3%7D>

## The Categories of Protection

The Finnish Aliens Act has the objective of promoting “managed immigration and provision of international protection with respect for human rights and basic rights and in consideration of interantional agreements binding on Finland<sup>27</sup>”. It has gone through a number of amendments from the time it was passed in 1983<sup>28</sup>. Finland's joining the EU in 1995, the adaptation of the new Finnish Constitution in 2000 have been responsible for wide-ranging changes to the organizational and legal system of immigration generally as well as issues of asylum in particular<sup>29</sup>. The Aliens Act was amended in 2004 in response to the changes at the level of the European Union. The Annual Report for Finland for 2008 of the European Migration Network notes that “all the directives of EU Council related to migration are implemented or included in the Finnish legislation.

Three categories of legal protection are recognized in the Act. An application for international protection is processed either via a normal or accelerated procedure<sup>30</sup> in the Asylum Unit of the Finnish Immigration Service. All asylum applications are assessed in the Asylum Unit.

Chapter 6 of the Act deals with asylum<sup>31</sup>, spelling out the requirements for providing international protection. Section 87 defines the conditions under which an

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27 Section 1, Aliens Act.

28 Sagne, Silvain, Saksela, Sanna and Wilhelmsson, Niklas, Finland, *in* Triandayfyllidou, Anna and Gropas, Ruby, *European Immigration: A Source Book*, Ashgate, 2007, pg. 100.

29 For a brief historical view on the changes brought about in matters of asylum and in particular the changes one can notice in the last few years, The Organisation of Asylum and Migration Policies in Finland, *Finnish Immigration Service, 2008*.

<http://www.migri.fi/download.aspid=The+Organisation+of+Asylum+and+Migration+Policies+;1466;%7B0C07F4B4-856C-4F11-8662-79F1467DF8A3%7D>

30 Alien's Act, Section 98(1).

31 An application for asylum always includes an application for a residence permit. The Finnish Immigration service grants a continuous residence permit to an alien who has been granted international protection i.e. asylum or a residence permit on the basis of the refugee quota or need for protection. If the requirements for granting asylum are not met, an applicant for international protection can be issued a residence permit on the basis of need for protection. During the asylum interview, other possible grounds for granting a residence permit are also examined. A residence permit may for example be granted on compassionate grounds or on the basis of family ties or employment. A temporary residence permit will be granted if the applicant cannot be returned to his or her home country or country of permanent residence for health reasons or if his or her deportation is not possible in practice. A foreigner who has been granted a temporary residence permit will be granted a continuous residence permit after staying three years continuously in the country, if the grounds for granting the permit are still met. A continuous residence permit (which is more common than the temporary residence permit) will be granted if rejecting the application is clearly unreasonable considering the applicant's health, ties established to Finland, or some other individual, humane reasons. In this case, the circumstances under which the applicant would find him or

alien may be granted asylum and follows the definition of refugee under Article 1A of the 1951 Convention on the Status of Refugees. It also spells out the circumstances under which an alien is excluded from asylum under sub-sections 2 and 3<sup>32</sup>.

A second category of protection is envisaged under Section 88, which takes into account situations where an applicant may not qualify for refugee status under Section 87, but may still be in need of protection against threat of death penalty, torture or other inhuman treatment or treatment violating human dignity, or if they are unable to return to their countries of origin or residence because of an armed conflict or environmental disaster.

A third category, that of “temporary protection” is spelt out in Section 109 which applies in situation of massive displacement of people as a result of “armed conflict, [or] some other violent situation or an environmental disaster”. Under this provision, asylum is granted for a maximum of three years in all<sup>33</sup>. A Residence Permit is granted for those who qualify for protection under both Sections 87 and 88. Two categories of Residence Permits are spelt out under Chapter 4 of the Act; 'fixed-term' and 'permanent'<sup>34</sup>. The fixed term Residence Permits can be either temporary in nature (commonly called B-Permit) or continuous (commonly called A-Permit)<sup>35</sup>. Refugees in Finland are usually given B-Permit. “The residence permit is important, since it gives access to Finnish social security. Social benefits and social services are based on residency and not citizenship”<sup>36</sup>.

Finally, the Act on the Integration of Immigrants and Reception of Asylum Seekers, 1999<sup>37</sup> (Integration Act) has been enacted to 'integrate' refugees in Finland. The reception of asylum seekers is the responsibility of the Ministry of Labour, which has contracts with the administrators of 15 reception centres all across Finland. The reception centres provide housing, medical care, the services of a social worker, primary school for children and language training and activities for the adults and social assistance<sup>38</sup>.

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herself in the home country or his or her vulnerable position are taken into special consideration.

32 Aliens Act, Section 87(2) and 87(3).

33 Ibid. Section 109(1).

34 Section 33(1), Alien's Act.

35 Section 33(1)(2), Alien's Act.

36 Sagne, Silvain, Saksela, Sanna and Wilhelmsson, Niklas, Finland, *in* Triandafyllidou, Anna and Gropas, Ruby, *European Immigration: A Source Book*, Ashgate, 2007, pg. 101.

37 Section 2 defines integration and notes that its purpose is to “the personal development of immigrants, aimed at participation in work life and the functioning of society while preserving their language and culture”. Section 3 notes that it covers asylum seekers who have applied for asylum in Finland under Section 87 and 88 of the Alien's Act, until they have been granted a residence permit or a legally valid decision on their deportation has been made and enforced.

38 Stenman, Kristina, National Report done by the Odysseus Network for the European Commission on the Implementation of the Directive on Reception Conditions for Asylum Seekers in Finland, 2007,

[http://ec.europa.eu/justice\\_home/doc\\_centre/asylum/studies/docs/finland\\_2007\\_en.pdf](http://ec.europa.eu/justice_home/doc_centre/asylum/studies/docs/finland_2007_en.pdf)

## The Asylum Procedure

An application for asylum is to be submitted at the Finnish border or on entering the country, as soon as possible, at the police station<sup>39</sup>. An application can be made at a later stage if the circumstances in the country of origin or residence have changed during the applicant's stay in Finland<sup>40</sup>. The identity, entry and travel route of the applicant is investigated either by the border guard or the police<sup>41</sup>, a photograph and fingerprints<sup>42</sup> are taken for identification and the applicant is housed in a reception centre until a decision is made on the applicant. Investigation also involves an enquiry of whether the applicant has applied for asylum in some other EU member state that applies the Dublin II Regulation whether any of the applicant's family members is a refugee in those countries, whether the applicant has a visa issued by those countries or whether the applicant has entered Finland illegally via any of those countries<sup>43</sup>. If an applicant does not meet the conditions laid down in the Dublin II Regulation her application is processed for the need of international protection by the Finnish Immigration Service<sup>44</sup>. Of a total of 1181<sup>45</sup> cases for asylum submitted in 2008 covering January to December 2008, 156 applications<sup>46</sup> attracted the Dublin II Regulation<sup>47</sup>.

Under Section 97, the Security Police can also enquire from the applicant the effect of a decision made by the authorities to remove the person concerned either to a safe country of asylum or a safe country of origin and reasons why this should not be done. immigration or police authorities A positive decision entails granting of either asylum under Section 87 or Section 88. If, on the other hand, these conditions are met, the application is not processed and an Order is passed to return the applicant to the State responsible for deciding the asylum claim<sup>48</sup>. An appeal against a negative decision can be made to the Administrative Court of Helsinki. A further leave to appeal can be made against the decision of the Administrative Court with the

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39 Ibid, Section 95(1).

40 Ibid, Section 95(2).

41 Ibid, Section 97(1).

42 With the recent changes made by the Ministry of Interiors, fingerprints would included in all passports, including those given to refugees. This rule is in force beginning June 2009.  
<http://www.intermin.fi/intermin/home.nsf/pages/6A31B3BF5D584C5DC22575E100489C0D?OpenDocument>

43 Ibid, Section 103(1)(2).

44 Ibid, Section 116(1).

45 Asylum Applicants 2008, Total Figures by Nationality, Finnish Immigration Service,  
<http://www.migri.fi/netcomm/content.asp?article=3129>

46 Decisions on Asylum 2008, Total Figures by Nationality, Finnish Immigration Service,  
<http://www.migri.fi/netcomm/content.asp?article=3129>

47 Ibid.

48 Ibid, Section 117(4).

Supreme Administrative Court. Interestingly even a positive decision can be appealed. For instance, a decision under Section 88 (granting of residence permit based on the need for protection), may be appealed for not being granted asylum.

Immigration, including the asylum policy has been a widely debated topic in Finland<sup>49</sup>. Some of the provisions of the Alien's Act for instance, that has come under scrutiny include the B-Permits, the resettlement quota. Before noting these debates and the changes, it would be useful to recap the nature of asylum granted to understand the trends. In reference to Somali asylum seekers, of a total of 1181<sup>50</sup> cases for asylum submitted in 2008 covering January to December 2008, 148 persons received protection under Section 88, 4 were rejected, applications in case of 156 applications were not considered as they came under Dublin II Regulation, 8 were rejected for being “manifestly unfounded” and 5 were annulled. None was granted asylum under Section 87. Most Somalis, as the Finnish Refugee Advice Centre informs, are given protection under the 'humanitarian protection'<sup>51</sup>.

### **The Changes to the Aliens Act and the Debates**

A number of changes are currently being proposed to the Aliens Act<sup>52</sup>. Some aspects of the Aliens Act, for instance the time taken for interview, the accelerated asylum procedure, the granting of B-Permits to asylum seekers who do not qualify either under Section 87 or 88 but cannot be deported for some reason, the Subsidiary protection have not been implemented without their share of debates and critiques. The Finnish Refugee Advice Centre<sup>53</sup>, for instance noted some of the concerns with the existing law and procedures. For instance, they note the preoccupation with screening and security and the lengthy interviews characterize the asylum procedures in most of Europe. Perhaps the fact that Finland is considered as an attractive destination for many<sup>54</sup> and the fact that unaccompanied minors easily get residence permits have lead to this tightening of the procedures. They note that a new policy of

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49. European Migration Network, EMN Study 2009, Annual Policy Report 2008, The Finnish Contact Point for the European Migration Network, Helsinki, Finland, 2009, pg 11.

[http://www.emn.fi/files/46/Finland\\_EMN\\_Annual\\_Policy\\_Report\\_2008.pdf](http://www.emn.fi/files/46/Finland_EMN_Annual_Policy_Report_2008.pdf)

50 Asylum Applicants 2008, Total Figures by Nationality, Finnish Immigration Service, <http://www.migri.fi/netcomm/content.asp?article=3129>

51 Interview with Finnish Refugee Advice Centre, Helsinki, Finland, 26 February 2009.

52 The European Migration Network notes that the amendments to the Alien's Act proposed by current Minister of Migration and European Affairs was criticised and was not passed. See European Migration Network, Annual Policy Report for Finland, 2009, The Finnish Contact point for European Migration Network, Helsinki, Finland, [http://www.emn.fi/files/46/Finland\\_EMN\\_Annual\\_Policy\\_Report\\_2008.pdf](http://www.emn.fi/files/46/Finland_EMN_Annual_Policy_Report_2008.pdf), pg. 12.

53 Interview with Sanna Rummakko, Information and Media Officer and Eva Lindberg, Executive Director, Finnish Refugee Advice Centre, 26 February 2008, Helsinki, Finland.

54 See also Minister of Migration says Finland could face pressures to accept more refugees, Helsingin Sanomat, 22 September 2009,

<http://www.hs.fi/english/article/Minister+of+Migration+says+Finland+could+face+pressures+to+accept+more+refugees/1135249499170>

identifying the age of the applicant by measuring the wrist bone is also under consideration. This new policy needs to be seen in the context of a 700% rise in the number of applications from unaccompanied minors from 165 in 2007 to 706 in 2008<sup>55</sup>. The Annual Report for 2008 by the European Migration Network notes that this can be attributed to the “natural consequence of the increased number of adult asylum seekers, a group which has witnessed steady growth since May 2008”<sup>56</sup>.

At the time of interview with the Finnish Refugee Advice Centre, the debate surrounding B-permits was also discussed. B-permits have been criticised in several quarters. The Finnish Red Cross notes that permits under this category to asylum seekers does not give individuals the right to work, education or settlement in a municipality. It goes on to note that “in practice, persons with temporary residence permits are to stay at a reception centre, although they are no longer considered to be asylum seekers. In some ways the legal status of the B-permit holders is even worse than that of asylum seekers. They are not entitled to social security in Finland, and all they are granted is a basic allowance along with necessary health care”<sup>57</sup>. Similar views were echoed by the Refugee Advice Centre. Since then changes have been made to the B-permits.

The category of 'subsidiary protection' under Section 88 of the Aliens Act is also not without its share of controversies. Thus, for instance, Leena Kaisa-Aberg of the Finnish Red Cross notes<sup>58</sup> that the conception of 'subsidiary protection' in Finland has had to conform to the EU Directive on Subsidiary protection which is narrower. Echoing this point, the Annual Report 2008 for Finland by the European Migration Network notes that “the fact that the scope of the current national legal provision for granting subsidiary protection is narrowed to meet the definition of subsidiary protection of the directive caused discussion among the NGO’s”<sup>59</sup>

## **Harmonizing Laws with the Common European Asylum System**

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55 Supra note 55, pg, 16

56 Ibid. It notes that a “typical unaccompanied minor seeking asylum in Finland is a boy of 15 to 17 years from Somalia, Iraq or Afghanistan”. It further notes “In 2008 a total of 228 decisions were issued for unaccompanied minors seeking asylum, of which 157 were positive. A total of 50 Dublin decisions were made concerning unaccompanied minors. These Dublin decisions chiefly concerned applicants posing as minors in Finland while they had actually registered as adults in another Member State. In April 2008, the management group of the migration issues within the Ministry of the Interior made a decision that in Dublin cases the unaccompanied minors will not be returned to Greece. This decision confirms the already established practice of the Finnish Immigration Service that has been in use for almost a year.”

57 Country Update 2006 for Finland, Platform for European Red Cross Cooperation on Refugees, Asylum Seekers and Migrants, <http://www.ifrc.org/docs/pubs/perco/perco-update-finland.pdf>

58 Interview with Leena Kaisa-Aberg, Finnish Red Cross, 3 March 2009, Helsinki, Finland.

59 Supra note 53, pg. 27.

Considering that member states of EU are expected to harmonize and thus incorporate the basic asylum policies that have been adopted at the EU level, to what extent has that been possible in the Finnish context? Finland is a party to all the main international conventions dealing with human rights and refugees, and also follows the EU migration regulations and its migration policy is said to have always gone hand in hand with the general policy of its time<sup>60</sup>. According to the Finnish Immigration Service Report of 2008, in relation to asylum, “the Government Proposal (86/2008) for implementation of the Council Directive 2005/85/EC of 1 December 2005 on 'Minimum Standards on Procedures in Member states for granting and withdrawing refugee status' was given in 2008” but the law itself will come into force in 2009<sup>61</sup>.

The Common European Asylum System may be said to be at best, aspirational, with national politics impacting the nature of the policy that is eventually adopted. The journey towards a common European asylum system from the Finnish context has not been without its share of debates. Doubts have been raised of creating a Common European Asylum System by 2012. The Finnish Minister of Migration and European Affairs Astrid Thors opines that doing so could lead to increasing pressures to accept more refugees to Finland<sup>62</sup>. Stating that Finland was already one of the few countries that accepted quota refugees, there is reluctance to accept more refugees<sup>63</sup>.

### **The 1951 UN Convention on the Status of Refugees – Losing Relevance?**

Very few applications for asylum are granted under Section 87 of the Aliens Act. In case of Somali asylum seekers, none in 2008 received protection under this provision. Most of the Somali refugees fall under the category of “humanitarian protection”. As the example of Finland suggests, asylum is granted under various categories, such as subsidiary protection, temporary protection and humanitarian protection<sup>64</sup>. Interestingly the ground of “environmental reasons” is also included in the temporary protection and humanitarian protection, which, in the ongoing debates

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60 European Migration Network, Annual Policy Report for Finland, 2009, The Finnish Contact point for European Migration Network, Helsinki, Finland, [http://www.emn.fi/files/46/Finland\\_EMN\\_Annual\\_Policy\\_Report\\_2008.pdf](http://www.emn.fi/files/46/Finland_EMN_Annual_Policy_Report_2008.pdf)

61. *Infra* note 46.

62 Minister of Migration says Finland could face pressures to accept more refugees, 22 September 2009, Helsingin Sanomat, <http://www.hs.fi/english/article/Minister+of+Migration+says+Finland+could+face+pressures+to+accept+more+refugees/1135249499170>

63 *Ibid*.

64 The introduction of 'humanitarian protection' is also being debated in Finland, although this has not been discussed much in this essay. The Refugee Advice Centre notes that Somali refugees in Finland get residence permits on this ground, which entitles them to health care, education, family reunification and the right to work. However, as the European Migration Network Annual Report for Finland 2008 note, this is also a highly debated provision.



on “environmental refugees” is worthy of more study. What does the fact that grounds for asylum is granted less on Convention grounds say about seeking asylum in countries in Europe and about the 1951 Refugee Convention itself? Does it signify the fact that the 1951 Convention is outdated because of the changes in the nature of refugee flows that we witness today or that Europe is unwilling accept refugees under the 1951 Convention in order to keep as many people as possible from entering their territory?

The Refugee Advice Centre note in this regard that while the 1951 Convention is the basis for asylum, at the European level, it is difficult for a person to justify grounds and these attract high degree of proof and the requirement, among other things, of documentary proof and objective grounds<sup>65</sup>. The way asylum is understood is also clearly changing with civil war and the resulting displacement not considered a ground good enough context against which a person claim of fear of persecution is to be assessed.

Leena Kaisa Aberg of the Finnish Red Cross notes that it cannot be said that the 1951 Refugee Convention is watered down but is used only in few cases<sup>66</sup>. While the Refugee Convention, which is considered to be a landmark Convention on protection of refugees worldwide, is considered the basis for formulating asylum policies in the EU level, the debates have also shifted in the last few decades, with many<sup>67</sup> suggesting that other international human rights instruments such as ICCPR, CAT have also to be taken into account in formulating national asylum policies.

## **Conclusion**

Finland although not a country that is flooded by asylum seekers as other parts of Europe brings out the complexities of refugee protection, and a bird's eye view of the nature of debates in Europe on asylum and migration. Integration of Somali asylum seekers is not a seamless process, considering that Somali refugees, it is said, find it difficult to find employment and those who do work in the low-skilled workforce. Discrimination continues although it needs to be mentioned that in comparison to countries like India where there is no legal basis for protection of Somali refugees, state support is practically non existent and UNHCR is unable to fulfill its protection mandate effectively and efficiently.

Detailed analysis of the tensions between the common policies at the EU level and the legislation at the national level have not been attempted here. However, the interviews, the secondary literature as well as media reports in the Finnish context indicate that a common policy throughout Europe on asylum is not as easy as it seems and that an “eternal balancing act” between the national electorate and the

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65 Interview with Finnish Refugee Advice Centre, Helsinki, Finland, 26 February 2009.

66 Interview with Finnish Red Cross, 3 March 2009, Helsinki, Finland.

67 See for example, Gil-Bazo, Maria Teresa, *The Protection of Refugees under the Common European Asylum System. The Establishment of a European Jurisdiction for Asylum Purposes and Compliance with International Refugee and Human Rights Law*, ISSN:1130-8354, Num, 36/2007, Bilbao, pags. 153-182

European Commission<sup>68</sup> is witnessed on harmonizing its asylum policy with the European standards.

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68 Salmenhaara, Perttu, Finland, Centre for Research on Ethnic Relations and Nationalism, University of Helsinki, (CEREN) in Niessen, Jan, Schibel, Yongmi and Thompson, Cressida (Eds), Current Immigration Debates in Europe: A Publication of the European Migration Dialogue, Migration Policy Group, 2005, [www.migpolgroup.org/public/docs/141.EMD\\_Finland\\_2005.pdf](http://www.migpolgroup.org/public/docs/141.EMD_Finland_2005.pdf) pg 3.

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# Skilled Migrants in Finland

Geetisha Dasgupta

## Introduction

Finland as a recipient of immigrants does not have a very long record. Historically, mass immigration to Finland is a novel phenomenon. The question of formulating an active immigration policy is also therefore new to Finland, as the flow of foreigners into the country has been restricted in many ways<sup>1</sup>. Migration in to Finland has been to a great extent been encouraged by its being one of the Nordic welfare states; and has therefore attracted asylum seekers and other people who sought jobs on Finland. Thomas Janoski<sup>2</sup> comments that immigrants have become Achilles heel of Nordic welfare states and in this regard, the limit of inclusion of such a state comes into question.

The principle of selection becomes apparent in the immigration policy followed and work becomes the ready reckoner for the category of immigrants wanted by Finland and more importantly, detecting the people that are not so welcome. The socio economic and political conditions at any given moment therefore, contribute towards the decision making of the authorities who have the power to welcome people across the borders. Entry is restricted therefore on two grounds: entry will have to be followed by gainful employment so that the entrant can take care of his/her living; entry must also mean inclusion into the welfare framework that the Government promises to follow without discrimination<sup>3</sup>.

## Finland as a Non-Traditional Destination

In the international register of highly skilled labour migration, juxtaposed with the traditional destinations like the Commonwealth countries and the other developed countries like the USA and Western Europe, Finland is a new entrant. This is more applicable in the case of migrants from South Asia (see Annexure 1). The total number of South Asians in 2008 stood at 2 736 Indians and 2 189 Afghans. This was a steep growth from 270 Indians and 3 Afghans in 1990. Finland is also a newly emerging destination for India and figures only among the category of “Other European Countries” which together host only four per cent of the migrant labourers from India (see Table 1).

**Table 1: Percentage Distribution of Non Resident Indians and Persons of Indian Origin by Region**

<b>Name of the Destination</b>	<b>Percentage</b>
Latin America & Caribbean	7
Canada	5
US	10
Other Europe	4
UK	7
Israel	0.03
East Africa	1
South Africa	6
Mauritius & Reunion	6
Gulf	19
Central Asia and Maldives	0.01
Asia Pacific	4
South East Asia	31

*Source: ICWA, Report of the High Level Committee on the Indian Diaspora, New Delhi: Indian Council of World Affairs, 2001<sup>4</sup>*

For this inquiry I took up the case of Indian skilled migrants in Finland and studied the impact of linguistic unfamiliarity as a factor for not considering Finland as a possible land of immigration following endeavour on part of Finnish authorities to make the country attractive for immigrant labour community, especially people seeking employment in certain blue collar and white collar jobs. I enquire the rationale for this change in attitude on behalf of the administration and contrast this to the general disposition of the Finnish community towards the inflow of non Finnish labourers. I map the attitude perceived by the highly skilled immigrants from India employed as engineers, care workers and students pursuing doctoral or similar education in Finland. I view the problematic from the standpoint of linguistic familiarity as a mark of Finnishness and the consequent problems faced by the immigrant highly skilled. The principal question I ask is whether 'Finnishness' and language become key qualification in entering the Finnish labour market for these professionals and members of the academia if they wish to continue to live in Finland? What are the differences between integration of asylum seekers and unskilled immigrants and the highly skilled migrants once the latter decide to stay behind in Finland beyond work term with the first employer? This category of immigrants resembles the 'managerial elites' that Castells<sup>5</sup> refers to and says this is the "technocratic-financial managerial elite that occupies the leading positions in our societies". The method followed was a convenient pattern of interviewing some of the highly skilled migrants living in the Helsinki metropolitan area, especially

working in the technical firms or as care workers, including doctors and nurses. Due to paucity of time on site, the number of the interviewees has been somewhat restricted and stands at five altogether. In order to establish the interviews, I have compared and contrasted them to similar interviews obtained by other researchers in already published research works. In many cases, the interviewees have requested anonymity or change of name to which I had to oblige. In addition to the immigrant employees, I interviewed personnel from the umbrella trade union organizations like the Finnish Confederation of Professionals (STTK), the Confederation of Unions for Professional and Managerial Staff in Finland (AKAVA) and the Central Organization of Finnish Trade Unions (SAK).

Adding to the concern whether the incoming people will be consonant with the attribute of Finnishness, which the Finns have been quite conservative about throughout their history; there is the continuous pressure of supplementing for the retiring workers belonging to the baby boomer generation in Europe. On the other hand, inclusion into the society has been scant and the immigrant has often had to measure up to the marks of expectation of the native population. It has repeatedly been emphasized that the immigrant must know the Finnish language fluently and must also be conversant with the Finnish culture. In this regard, identifying the incoming people as 'non Finnish' has been easier for the authorities than proving them to be 'enough Finnish'. This inquiry looks at the recent change in official thinking about the need of immigrant highly skilled professionals in Finland in the context of the retirement of the 'baby boom generation' and juxtaposes this to the actual increase in number of highly skilled immigrants and some of their experiences. The study was conducted in the Helsinki metropolitan area, keeping in mind the fact that the concentration of immigrants to Finland is the highest in this area. Nine per cent of the population of Helsinki is of foreign origin<sup>6</sup>. Diverse employment opportunities and services attract immigrants to the southern coastal areas of Finland, including the capital area of Helsinki. In the year 2000, the immigrant population was 3.4 % of the total population in the county of Uusimaa, a percentage nearly double of the average for the entire country. Half of Finland's immigrants live in Uusimaa. During the 1990s in particular, immigrants heading for Finland settled first and foremost in Helsinki. Later, they moved to the outskirts of the Helsinki conurbation. Turku is the second largest area of immigrant concentration after the Helsinki conurbation proportion, which comprises Helsinki, Vantaa, Espoo and Kauniainen. Turku has the third largest amount of immigrants when looking all Finland's municipalities; only Helsinki and Espoo exceed in immigrant numbers<sup>7</sup>.

## **The Demographic Desperation**

- **The Baby Boomers' Retirement**

Finland's look east policy is born out of some kind of demographic desperation. The country is ageing faster than any other country in Europe, other than Italy. Worldwide, only Japan is ageing faster. The Finnish labour force is expected to begin



declining by 2010. It is projected that in 2015, about 20% of Finns will be aged 65 or older, that is, past the age for retirement from jobs. "By 2025, we would need 1.8 million immigrants if we want to solve the labour market problem...but everyone knows that is not going to happen. There are language and geographical issues. It is hard to attract immigrants", Finland's Finance Minister Jyrki Katainen said this to the Times of India.<sup>8</sup>

Officially, Finland is now attempting to attract highly skilled migrants, who can fill up the positions to be vacated by the thousands to retire soon. 'In an extraordinary attempt to lure immigrants to their rapidly-ageing country, Finnish universities have government approval to hawk their wares to Indian and Chinese students. On offer is a world-class education in one of Europe's most wired and well-developed economies and the chance of a good job afterwards.'<sup>9</sup> This is why the Finnish government changed the law a couple of years ago, making it possible for immigrant students to move straight from university into jobs without needing to return to their home countries to apply for work permits. "Now it's very easy to stay on," said Katainen, "and that is why Finnish universities are trying to market themselves in India, to encourage students to come".<sup>10</sup>

But however welcoming that sounds, there is an unacknowledged sense here that droves of badly-needed foreign workers may change Finland too fast and in ways it may not like. Were Finland to let in 1.8 million immigrant workers by 2025, it would have added nearly half its current population of 5.2 million. So far, it has been attracting just about 12,000 mainly Russian, Baltic and African immigrants a year. Katainen says that number would have to jump at least tenfold if Finland is to replace its dying population. The time for the baby boomer generation of employees is approaching fast and Finnish labour market is unsure of the results of such a phenomenon. The easiest way out will be to employ skilled labourers from outside.

In Finland, in the first post-World War II summer the birth rate more than doubled compared with previous years' general figures. This was in great part due to the end of the war and demobilization of the troops. The rate had never been as high before nor has been since. It reached its peak just after mid-August 1945, with August 24 being the most common Finnish birth-day of all time<sup>11</sup>. The birth rate again dropped with the advent of the 1950s.<sup>12</sup> An equivalent boom took place across a range of countries following World War II, but the Finnish baby boomer phenomenon was somewhat exceptional.<sup>13</sup> A second aspect concerns the size of the cohorts. Nowhere else the relative size of these birth cohorts differs as much from the prior and succeeding age groups<sup>14</sup>. The third special characteristic in Finland is the lack of "an echo generation" i.e. the absence of new baby boomers. All these have considerable significance for the labour market, where the size of the cohorts leaving employment already greatly exceeds that of those entering. Significant differences between cohorts also indicate fluctuations in service needs and in the funding of pensions.

The baby boomer generation had certain characteristic features which made them unique in the map of employment. Since their youth, boomers have developed an image of themselves as an avant-garde generation of transition managing and

developing new social experiences. They may be seen as living in a post-industrial consumer society with many of them working in positions associated with that of the information society. They still, however, have a life-historical connection to the more traditional ethos of rural society. “We see in them a secretary of the executive group (...) or a Nokia engineer...”<sup>15</sup> The following table corroborates the fact that this generation occupied a very big section of such professions which require skill and training. At the turn of the century, over 40 per cent of the top members of administration, media, and industry and commerce belonged to the baby boomers.

**Table 2: The Percentage of the Baby Boomers (Born between 1945-50) Belonging to Various Elite Groups in 1991 and 2001 Group**

<b>Occupation</b>	<b>Year</b>	<b>Year</b>
	1991	2001
Politics	29	26
Administration	10	41
Industry and commerce	15	41
Civil organizations	19	51
Media	26	45
Science	19	37
Culture	25	25
The entire power elite	18	38

Source: Borg, & Ruostetsaari, (2002).<sup>16</sup>

In order to combat the issue of retirement of the baby boomer generation, the Finnish government sought to increase the age of retirement by two years. This would also defer the minimum age for receiving old age pensions to 65 from 63. But there has been sizeable opposition on behalf of the STTK, AKAVA and SAK to this decision. The trade union organizations collectively conducted a survey in which 20 per cent of the respondents said that they do not endorse this decision. The survey indicates further that a total of 83 per cent of manual and skilled labourers are opposed to the planned raise, while some 76 per cent of salaried employees disapprove of the government’s decision. When it comes to professional and managerial employees, some 73 per cent of managers and 66 per cent of professionals oppose the plan to raise the minimum retirement age.<sup>17</sup>

- **The Interviews: Language as a Mark of Efficiency in Highly Skilled Professions**

The community of immigrant technology workers has been somewhat new to Finland and started migrating with globalization of the Finnish as well as their native economy. The migration of trained engineers was also encouraged at a point of time when the threat of not having enough Finnish engineers to fulfill the vacant posts at

big corporations like the Nokia and the Siemens became palpable. “Finland’s problem is that its population is ageing, and yet the country does not have an immigration policy programme that would bring in people with the required know-how, or that would encourage capable people to stay”, says Silverang, the CEO of Technopolis. He further tells the country needs capable engineers, sales personnel, and entrepreneurs: diligent individuals who produce the drive required by society, and individuals who know what people in the world want and need.<sup>18</sup> In Silverang’s opinion, from the point of view of the future nothing is as important as developing a coherent immigration policy programme to reel in workforce from abroad. He further adds, “Finland needs to set up a committee, the task of which is to invite students from abroad and to persuade them to stay. The committee needs to identify what kind of know-how is needed, and how such individuals can be attracted to come to Finland. And the objectives have to be presented numerically.”

“The task of attracting workers from abroad has been left to the companies. The stints by such foreign workers typically last for three years, but this is not permanent immigration. These people will not stay here and settle for good...” says Outi Tornainen, Senior Vice President of Communication and Marketing at FinPro.<sup>19</sup> Silverang and Tornainen echo the thought of many other similar employers at the corporations selling technology.

Despite all the effort on behalf of the Finnish Government to welcome highly skilled foreign labour force to the Finnish labour market well in advance, immigrant unemployment (more than 20 per cent among the immigrant community)<sup>20</sup> is also very high in Finland. But such figures include the asylum seekers too. However, the programme for integrating the asylum seekers and the unskilled immigrant into the labour market has a clear cut policy of training the latter in the basic linguistic necessity and the other requisites of surviving in a thoroughly new<sup>21</sup> social set up. The highly skilled migrants face a slightly different kind of problem. The point of employment for these people is in most cases decided before they arrive in Finland. This is also the set of people who are most welcome in the present state of affairs in the Finnish labour market. But these are also jobs that require the employee to be continuously in touch with the client, who is Finnish, and therefore emerges the question of language proficiency which compounds into the measure of Finnishness. Jobs for highly skilled occupational groups like the care workers, including doctors and auxiliary nurses and people seeking employment in the academia face this issue the most.

Interviewing two Indian doctoral students<sup>22</sup> registered at the Helsinki University of Technology throws some light over the problem. Excerpts from the interviews with Jayanta Sarkar (J) and Prashant Raj (P) are cited below:

**1.**

Q. Can you recollect any incident of social discrimination for being an immigrant here? Say, at your work space, any medical facility or the market?

J. No, not as such.

Q. Have you ever been to any hospital or clinic for treatment?

J. Yes, very recently, to fix a broken finger.

Q. And you were treated by...?

J. Doctor...Finnish... and a nurse.

P: The nurse was also Finnish...Jayant.

J. No, I thought she was Estonian. My finger was in a little bad shape and she treated it perfect.

2.

Q. Prashant, you are doing your doctoral degree in technology...have you ever thought of staying back here?

P. Yes, a number of times.

J. Not a bad idea actually..I have also thought about this..in fact, would like to..but I do not think it is feasible!

Q. Then is there anything that stops you? Say if you wish to stay back and teach at the University?

J. Nothing stops me as such, but it is going to be problematic. I am not going to get the visa extension.

Q. Why do you think visa extension is going to be a problem?

P: Why would they increase the number of immigrants? And besides, I have to know Finnish; otherwise I would not have access to the jobs at all. Moreover, the jobs that we will generally apply for, like university teaching, will involve direct interaction with the Finnish people here and therefore will call for super proficiency in the languages of the land. It is not that in my two years of stay in Helsinki I did not learn any of the language. But my abilities simply do not match the Finnish people.

Q. Did you ever try learning Finnish? Formally?

J. There are courses, but we never took them. If you are under the aegis of the university, you get it for free, but there is nothing compulsory about such courses.

P. When I came here it faced the typical problem faced by most non Finnish immigrants. Even the shop listings would be in Finnish and Swedish languages only. One would need to ask the food vendor what are the contents of a particular dish, especially because I am a vegetarian by choice and had to be careful about what I eat. In majority of the meals, I would not understand what I am buying when I went for prepared dishes in the food courts. Later I started cooking myself.

In an interview with officials from the Ministry of Interior, Government of Finland however, it seems, "...attracting workforce from abroad is not topical right now"<sup>23</sup> The administrative authority says, "...in the planning of the pulling power strategy we are not in the campaign stage yet. First we will have to establish in which fields additional workforce is required and conversely where it is not needed." Therefore there develops a gap between market requirement, immigrant pressure and administrative readiness to recognize the need and perform accordingly. However, the conservative attitude on behalf of the administrative body could also be a reflection of the popular attitude towards immigrants as a category, especially when the latter come from outside Europe altogether.

Migrant care workers however have had a longer history in Finland. There is a serious shortage of health centre doctors in various parts of Finland.<sup>24</sup> The Ministry of Labour hopes to supplement for this by allowing immigrant doctors to set up practice in Finland. However, hundreds of doctors who have received training outside Finland remain unemployed here while a similarly large number of public health professional posts remain vacant. Physicians from non-EU countries face more stringent tests before receiving a licence to practise. Courses are held at Tampere University to provide extra education on administration, legislation and clinical medicine, as well as practical training. Doctors from within the EU, on the other hand, do not even have to take a language test before being licensed, although 'health care professionals should possess the language skills required for the performance of their duties,' according to the National Authority for Medicolegal Affairs. Perhaps unsurprisingly, the language issue has the greatest potential to cause difficulties for those who do not have a good grasp of Finnish. "Many doctors get stressed about learning Finnish well enough to work," says Viitamäki, "it partly depends on the speciality of the doctor. An anaesthetist might only speak to other professionals who speak English, while a general practitioner will need to use Finnish on a much more regular basis."<sup>25</sup>

Below is an excerpt from the advertisement of an orientation programme for foreign medical doctors in Tampere, Finland held in March 2003:

To remedy the problem of familiarising foreign doctors with the Finnish health service, the University of Tampere Institute for Extension Studies is organising support training for doctors awaiting accreditation in Finland. The fifth such training programme is due to begin in March 2003. This training is aimed at doctors who have completed their medical degrees outside of the European Economic Area, who are either out of work or at risk of unemployment, and who are completing the further studies required for private practice licensing in Finland by the National Board of Medicolegal Affairs. 20 students will be selected for the course.

The training will focus particularly on the work of a health centre physician. A one-month period of theoretical training will be followed by one month of in-service training, which will then be analysed at feedback sessions arranged at the beginning of May. During the studies the medical degree obtained abroad will be updated with a grounding in Finnish health care practices and with a broader awareness of relevant legislative aspects, patient rights and health service operations.

"This training programme provides a broad review of working conditions in Finland and helps the participant to develop a system of values and attitudes that can serve as a framework for interpreting subsequent snippets of information derived from practical experience and private study."<sup>26</sup>

The profession of medical doctors suffers a greater amount of integration deficit than the other highly skilled professional categories discussed in this study because this practice requires the maximum amount of contact with the native population. An interview with a doctor trained in India practicing in the Uusimaa County explains a little more. Dr. Anant Bhosale (name changed on request) has done a post graduate medical degree in radiation oncology from India. He had 12 years of experience before he immigrated to Helsinki. Initially he enrolled into the foreign doctors' orientation at Tampere. On completion of the orientation he got a job

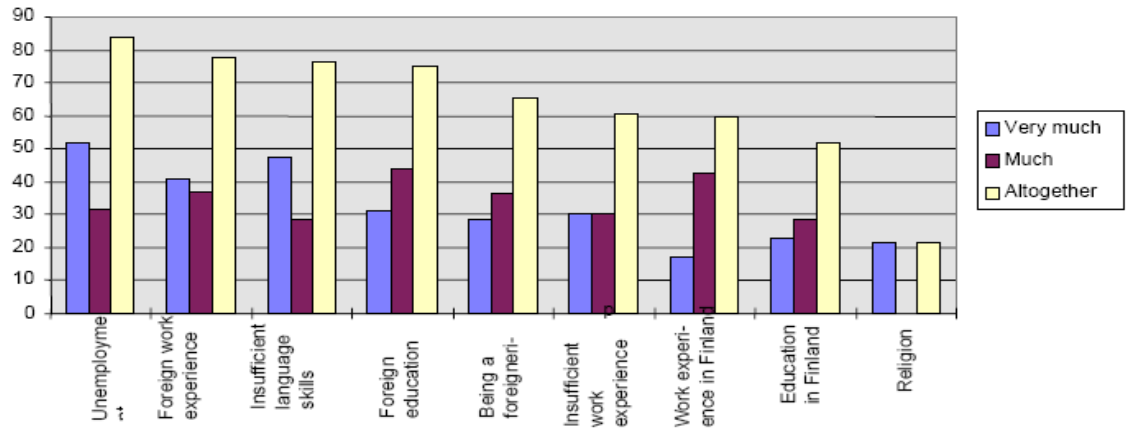
as a General Physician at a hospital. “I’ve taken some Finnish and some Swedish courses, but it can lead to some difficult situations. In the hospital I would say that around 80 per cent of the patients and nurses speak Swedish as their mother tongue, but the doctors tend to speak Finnish amongst themselves and notes are usually in the patient’s language,” he explains. “On the other hand, diagnoses are in Latin”. He adds, “...at one point during a two-week practicum at the hospital, I was treating a Swedish-speaking patient with one Finnish and one Estonian doctor. “Four languages at once!”<sup>27</sup> Apart from the task of re establishing oneself as a doctor in a foreign land, the linguistic unfamiliarity plays a vital role in this context. Due to absence of proficiency in Finnish language and other major languages spoken by the patients like Swedish or Estonian, they often have to serve as assistant doctors.

My final set of interviews corresponds to the community of immigrant auxiliary nurses. This occupation is not considered to be highly skilled in normal parlance. However, the case is tweaked when the auxiliary nurse is an immigrant. Immigrant specialized nurses are in many cases employed as auxiliary or junior nurses in the host economy. To begin with, the immigrant is considered to be unequal as a job seeker. Such inequality imposes the need for further training and a series of certifications before the skilled immigrant nurse enters the job market in the new land. My interviewee is a 48 year old Keralite nurse Jayathi T (name changed on request). ‘In India, I was a highly regarded nurse. But here, I had to begin from zero. I had to undergo nursing education once more in this country when I arrived.’<sup>28</sup> She adds, ‘...the patients at the hospital take an extra look or five when they see me here. My complexion attracts extra attention. Earlier my pronunciation also used to be marked, but now I have lived for almost fifteen years in this country and have grown to speak better Finnish with a more proper accent.’ To begin with, she had to go back to her days of practical nursing that reminded her of days when she began her career in Bangalore. Practical nursing has come to be increasingly viewed as an occupation to which it is considered to be not only possible but desirable to recruit large number of workers among recently arrived immigrants.<sup>29</sup> “Usually I am telling the wondering patient, that I am a brown angel, who just landed to take care of them. It normally works. Actually, some patients need some time to get used to me, but is has never developed in to big problems. The language is the biggest challenge, especially in the craft”, Jayathi takes the unfamiliar gaze in a lighter vein. She says she never managed to learn writing the Finnish language, nor Swedish. “All the papers I have to fill out. Oh my dear, don’t talk about it”, she says with a big smile. She got a very negative surprise upon her arrival to Finland. “It was not a nice feeling to be told, that my five year long education, and my experiences as a nurse, in one of the biggest hospitals in Bangalore, had absolutely no value at all”, says Jayathi, who had promised herself, that she would never go back to a classroom. But at the end of the day, she got tired about the low salary, she could earn as an unskilled hospital worker.

Auxiliary nursing is considered as an entrance job for refugees and asylum seekers to the Finnish labour market. In the same labour market, trained specialized nurses are reduced to ground zero and begin from the scratch, thus creating an

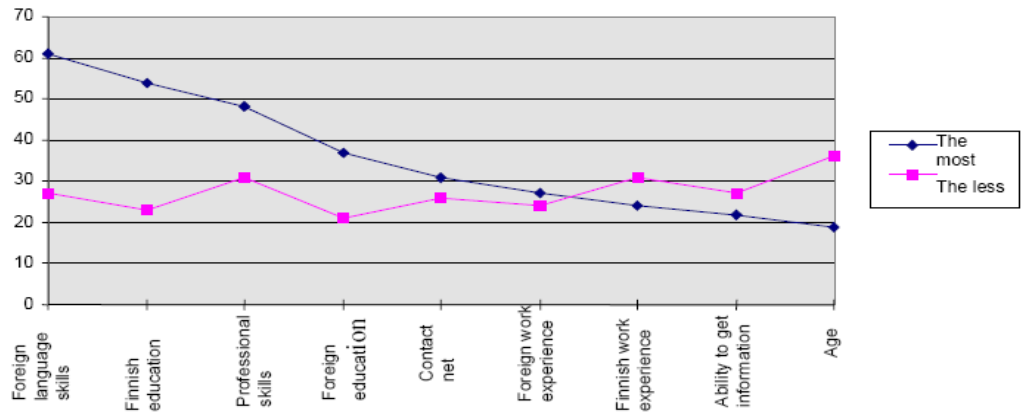
overlap between the skilled and the unskilled. At the very same time, Finland needs trained foreign nurses. Lauren and Wrede<sup>30</sup> say, a likely outcome of this is a segmentation of the care work industry according to ethnicity. A counter specialization in 'dirty work' for the immigrant skilled nurses would follow. Therefore, Finland still cannot assure the skilled immigrant of an equal opportunity.

**Figure 1: Reasons for Unsuccessful Recruitment as Perceived by Labour Migrants in Finland**



Source: Immigrants and their position in the Finnish Labour Market<sup>31</sup>

**Figure 2: Factors Determining Recruitment of Immigrants in Finland**



Source: Immigrants and their position in the Finnish Labour Market<sup>32</sup>

As Eli Heikkilä<sup>33</sup> deciphers it from her study of Russian and Estonian migrants' integration into the Finnish labour market, the major barriers to recruitment are lack of language skills and the low estimation of foreign work experience by Finnish employers. Russian respondents perceive the lack of language skills as the major barrier to recruitment. 39 % of the Russians wish for more language training and 24.7 % for further training in their field of profession. A point of comparison is provided by the Estonians, of whom only 12.2 % wish for more language training and 28.6 % for further training. Foreign training is largely not valued in Finland, particularly technical training given in Russia with the exception of tele-informatics. Some respondents wish to update their training as nurses to correspond the conditions in Finnish hospitals. In Heikkilä's study on skilled immigrants' choice of work in Finland and the perceived barriers to such work, "...77.7 % of the respondents consider it very hard or fairly hard to get recruited because their foreign work experience is not valued in Finland. 76.1 % consider that they lack the Finnish skills required by the employers and 47.8 % of them perceive this as a major cause of their lack of employment."

## **Conclusion**

A concrete immigration policy is conspicuous by its absence in Finland. The newly emergent situation in the employment market forces immigration authorities to think about the labour migration situation now.<sup>34</sup> The problem gets compounded by the concern of recruiting new employees to take the places of the pensioning age groups, when the age structure has dramatically changed. Apart from the pressure to formulate an active social policy of integrating the immigrant labourers, there remains also the issue to unemployment among the native Finns.

The number of immigrant highly skilled workers is still very low in Finland. Finland's present crisis of retirement of large number of people by 2015 could lie unattended if the clauses of cultural and linguistic knowhow are not diminished. From the immigrants' perspective, the increased importance of such cultural and social knowhow is problematic. By claiming lack of cultural or social competence, it is possible to exclude from the labour market those who are different, are skilled but deviate from the social norms of the majority. The logic that sees immigrants as deficient is problematic in the project to make an immigrant a full citizen and thereby make available to the immigrant the equal opportunity in the job market. When does an immigrant graduate to being sufficiently inside the society? As Annika Forsander points out<sup>35</sup>, studies of young, second-generation immigrants have shown that the goal of inclusion tends to get farther and farther the closer it seems to be. For example, many of the young people with immigrant backgrounds living in Sweden had invested in 'becoming Swedish' and reached out to fulfill the formal requirements for social competence that have been set forth by the labour market gate keepers—immaculate language skills and sufficient education. Fulfilling these requirements did not guarantee inclusion into the Swedish sphere: name, hair colour,



the wrong accent or the way one dressed were enough to reveal a ‘deficit in Swedishness’.

The same could happen to skilled immigrants travelling to Finland as well. Eli Heikkilä comments, when the pluralistic principles of the Finnish integration policy were constructed, the models came mainly from countries that have long experience dealing with cultural diversity<sup>36</sup> (Britain, Sweden, e.g.), that is the traditional destinations for labour migrants. However, in Finland, the mainstream population was expected to adapt to the ideology of cultural pluralism in a very short period of time, when it was obvious that the changes in societal structures and on the attitudinal level lagged behind the ideological development or the political need of the hour.<sup>37</sup>

## Notes

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<sup>1</sup> Pirkko Pitkanen, 2008. “Ethnic and Cultural Diversity in Public Sector Work in Finland”, in Finnish Journal of Ethnicity and Migration. Vol 3, No. 3/2008, Pg 32-41.

<sup>2</sup> Janoski, Thomas. 1998. *Citizenship and Civil Society: A Framework of Rights and Obligations in Liberal Traditional and Social Democratic Regimes*. Cambridge University Press.

<sup>3</sup> Non-Discrimination Act (2004/21), passed 20 January 2004. Available at <http://www.finlex.fi> (access date 05.01.2010)

<sup>4</sup> <http://meme.phpwebhosting.com/~migracion/modules/ve7/2.pdf> access date 02.01.2009

<sup>5</sup> Castells, M. (1996). *The rise of the network society*. 556 p. Blackwell, Cambridge, Massachusetts

<sup>6</sup> Jeannette Lauren and Sirpa Wrede, 2008. “Immigrants in Care Work: Ethnic Hierarchies and Work Distribution, in Finnish Journal of Ethnicity and Migration. Vol 3, No. 3/2008, Pg 20.

<sup>7</sup> Heikkilä, Elli & Taru Järvinen (2002). Migration and Employment of Immigrants in the Finnish Local Labour Markets. Paper presented in Focusing on Ethnicity: Finnish-Estonian Demographic Seminar, 3-4.10.2002, Tallinn, Estonia.

<sup>8</sup> <http://timesofindia.indiatimes.com/World/articleshow/3118520.cms> access date 07.07.2009

<sup>9</sup> Ibid

<sup>10</sup> Ibid

<sup>11</sup> Karisto, A. (2005). Suuret ikäluokat kuvastimessa [Baby boomers in the mirror]. In A. Karisto (ed.), *Suuret ikäluokat* (pp. 17–58). Tampere: Vastapaino.

<sup>12</sup> <http://www.ep.liu.se/ej/ijal/2007/v2/i2/a6/ijal07v2i2a6.pdf> access date 09.07.2009

<sup>13</sup> Ibid

<sup>14</sup> Valkonen, T. (1990). Väestönkehitys [Population development]. In O. Riihinen (ed.), *Suomi 2017* (pp. 227–246). Helsinki: Keskinäinen henki-vakuutusyhtiö Suomi & Gummerus Kustannus Oy.

<sup>15</sup> <http://www.ep.liu.se/ej/ijal/2007/v2/i2/a6/ijal07v2i2a6.pdf> access date 09.07.2009

<sup>16</sup> Borg, S. & Ruostetsaari, I. (2002). Baby boomers and power. *Hyvinvointikatsaus* 2: 51–58.

<sup>17</sup>

<http://www.hs.fi/english/article/Gallup+Two+in+three+Finns+demand+cancelling+government+decision+on+old-age+pensions/1135244150089> access date 05.03.2009

<sup>18</sup> <http://www.hs.fi/english/article/American-born+Technopolis+CEO+Keith+Silverang+challenges+Finland+to+take+risks+with+regard+to+immigration+/1135255778346> access date 05.03.2009

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<sup>19</sup> Interview with researcher dated 03.03.2009

<sup>20</sup> “Whose fault is high immigrant unemployment in Finland” from <http://nemoo.wordpress.com/2009/11/18/whose-fault-is-high-immigrant-unemployment-in-finland/> accessed on 02.03.2010

<sup>21</sup> Here ‘new’ connotes the attribute of being different from the usual traditional destinations of highly skilled migrants.

<sup>22</sup> Interviews with Jayanta Sarkar and Prashant Raj, dated 26.02.2009, 28.02.2009, 02.03.2009

<sup>23</sup> Interview with Tapani Kojonsaari, Ministry of Interior, Migration Department dated 27.02.2009. Kojonsaari heads a support project for the migration programmes.

<sup>24</sup> [http://www.mol.fi/mol/en/01\\_ministry/08\\_publications/02\\_monitori/05\\_backissues/MONITORI2002\\_4/MON2002\\_4\\_4\\_EN.jsp](http://www.mol.fi/mol/en/01_ministry/08_publications/02_monitori/05_backissues/MONITORI2002_4/MON2002_4_4_EN.jsp) access date 02.03.2009

<sup>25</sup> <http://www.helsinkitimes.fi/htimes/domestic-news/general/7014-immigrant-doctors-fill-a-gap-in-the-market.html> access date 10.07.2009

<sup>26</sup> [http://www.mol.fi/mol/en/01\\_ministry/08\\_publications/02\\_monitori/05\\_backissues/MONITORI2002\\_4/MON2002\\_4\\_4\\_EN.jsp](http://www.mol.fi/mol/en/01_ministry/08_publications/02_monitori/05_backissues/MONITORI2002_4/MON2002_4_4_EN.jsp) access date 02.03.2009

<sup>27</sup> Interview with Dr Anant Bhosale, dated 03.03.2009

<sup>28</sup> Interview with Jayathi T (name changed on request), an auxiliary nurse employed in a hospital in the Helsinki Metropolitan area, dated 27.02.2009

<sup>29</sup> Jeannette Lauren and Sirpa Wrede. 2008. “Immigrants in Care Work: Ethnic Hierarchies and Work Distribution, in Finnish Journal of Ethnicity and Migration. Vol 3, No. 3/2008, Pg 20

<sup>30</sup> Ibid. pg 21

<sup>31</sup> Report by Eli Heikkila, Input II, Workshop on Why do they always take the Local Candidate? Immigrants should be Employed – Why are they not? Available at <http://www.baltic-migration.com/documentation/documentation2.pdf> access date 04.09.2009

<sup>32</sup> Ibid

<sup>33</sup> Ibid

<sup>34</sup> Peltonen, Selen, ‘Equality and Integration in Finnish Immigration Policy: The New Integration Law on Focus’, Input II, Workshop on “How can we push the intercultural opening of our institutions?” available at <http://www.baltic-migration.com/documentation/documentation2.pdf> , pg 40, access date 04.09.2009

<sup>35</sup> <http://www.amid.dk/ocs/viewpaper.php?id=140&cf=1> access date 22.01.2009

<sup>36</sup> <http://www.baltic-migration.com/documentation/documentation2.pdf> , pg 49-50, access date 04.09.2009

<sup>37</sup> Pitkänen, P. & Kouki, S. (2002) Meeting foreign cultures: a survey of the attitudes of Finnish authorities towards immigrants and immigration. In: Journal of Ethnic and Migration Studies, Vol. 28, No 1, 103-118.