

Identification of victims of trafficking in human beings in the asylum procedure – National Study of Finland

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Berit Kiuru, LL.M. Senior Adviser
European Migration Network
NCP Finland

The asylum procedure

- The police (or the border control authority) receiving the application for international protection establishes the applicant's identity, entry into the country and travel route.
- If Finland is responsible for examining the application according to the Dublin II Regulation, the application will be examined in merits by the Finnish Immigration Service (FIS), who conducts the asylum interview.
 - The processing of the case is not transferred from one process to another nor from one authority to another in case the applicant is identified as a victim of trafficking in human beings.
 - The FIS establishes the grounds given by the applicant for the need for international protection (asylum, subsidiary protection).
 - The FIS also investigates, on the initiative of the authority and without a separate application, whether there are grounds for issuing the applicant a residence permit on compassionate grounds or a residence permit as a victim of trafficking in human beings according to the victims of trafficking directive (2004/81/EC).
- The police is responsible for the enforcement of a removal decision.

The Dublin process

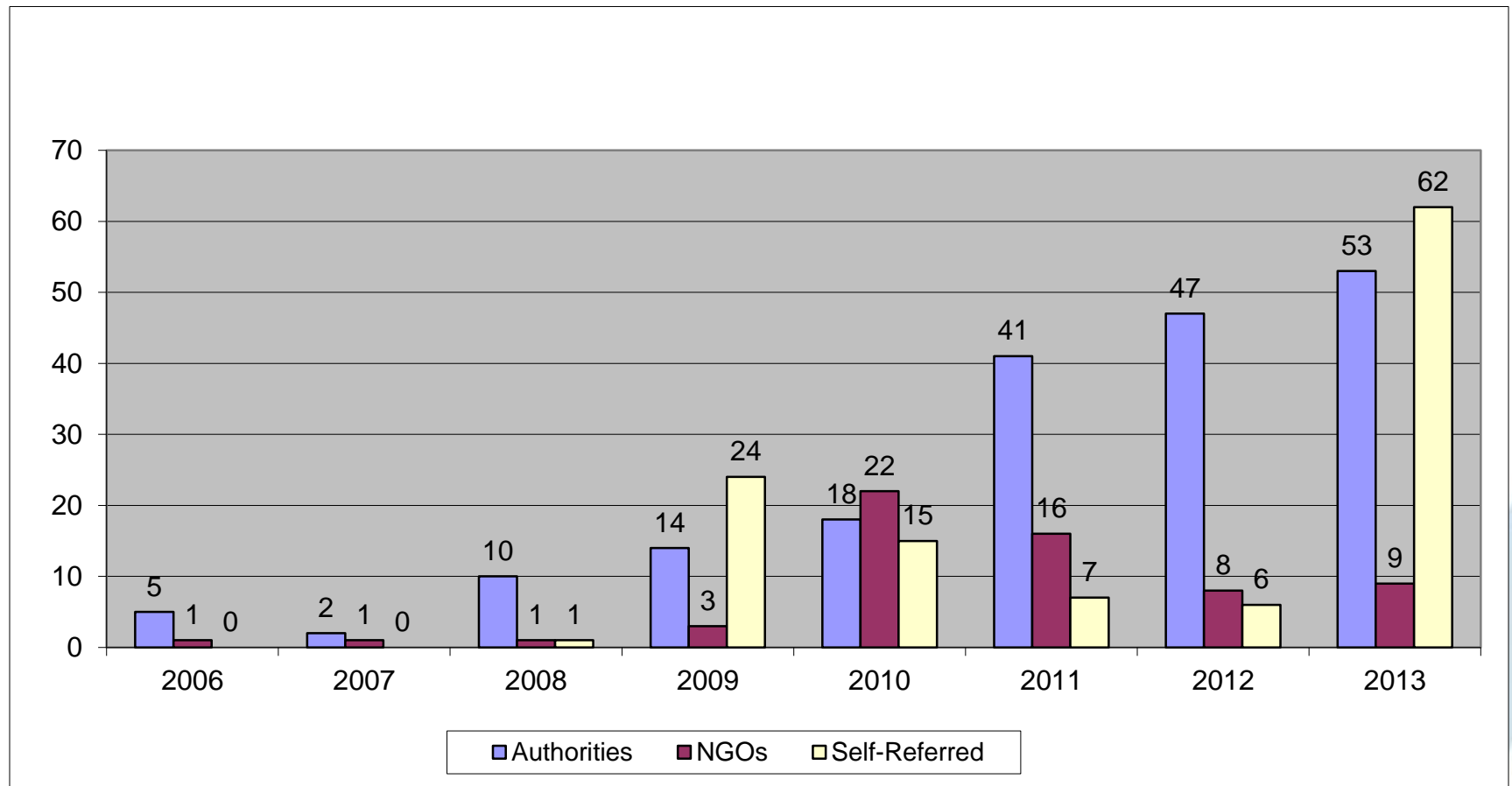
- Identification of victims is especially challenging in the Dublin process, as no asylum interview is carried out by the FIS. The police receiving applications for international protection plays a key role in the identification of potential victims.
- A suspicion of trafficking does not automatically mean that Finland accepts the responsibility for examining the application. The Dublin transfer is suspended to allow the matter to be investigated within the time limits defined in the Dublin II Regulation.
 - The starting point is that a (potential) victim is a person in a vulnerable position and the application of the Dublin procedure to this group is always based on case-specific consideration.
 - Minor asylum seekers who have potentially fallen victim to trafficking in human beings are not returned to another Member State in the Dublin procedure without a very weighty reason.
 - If there is no information indicating otherwise, the FIS and the police trust that the asylum seeker can receive assistance intended for victims of trafficking in human beings in other states that apply the Dublin II Regulation, too.

The identification and referral of victims

- The police and the FIS have prepared guidelines for facilitating the identification of victims. Attention is also paid to indicators of trafficking in human beings at the reception centres and the detention centre. Various indicator lists have been prepared and training provided.
- The possibility of trafficking in human beings is taken into account in all cases. If any indication of victimisation emerges, the (potential) victim will be referred to the National Assistance System for Victims of Trafficking.
- The Assistance System comprises operations of authorities that are coordinated by the Joutseno reception centre, maintained by the state.
- The aim is to keep the threshold to the Assistance System low:
 - A person who is merely suspected of being a victim can be admitted to the Assistance System.
 - Admittance to the Assistance System does not, for instance, require the police or the border control authority to have launched criminal investigation into the case nor the victim to cooperate with the law enforcement authorities.
- Victimisation can be invoked at any phase.

Referrals to the National Assistance System for Victims of Trafficking

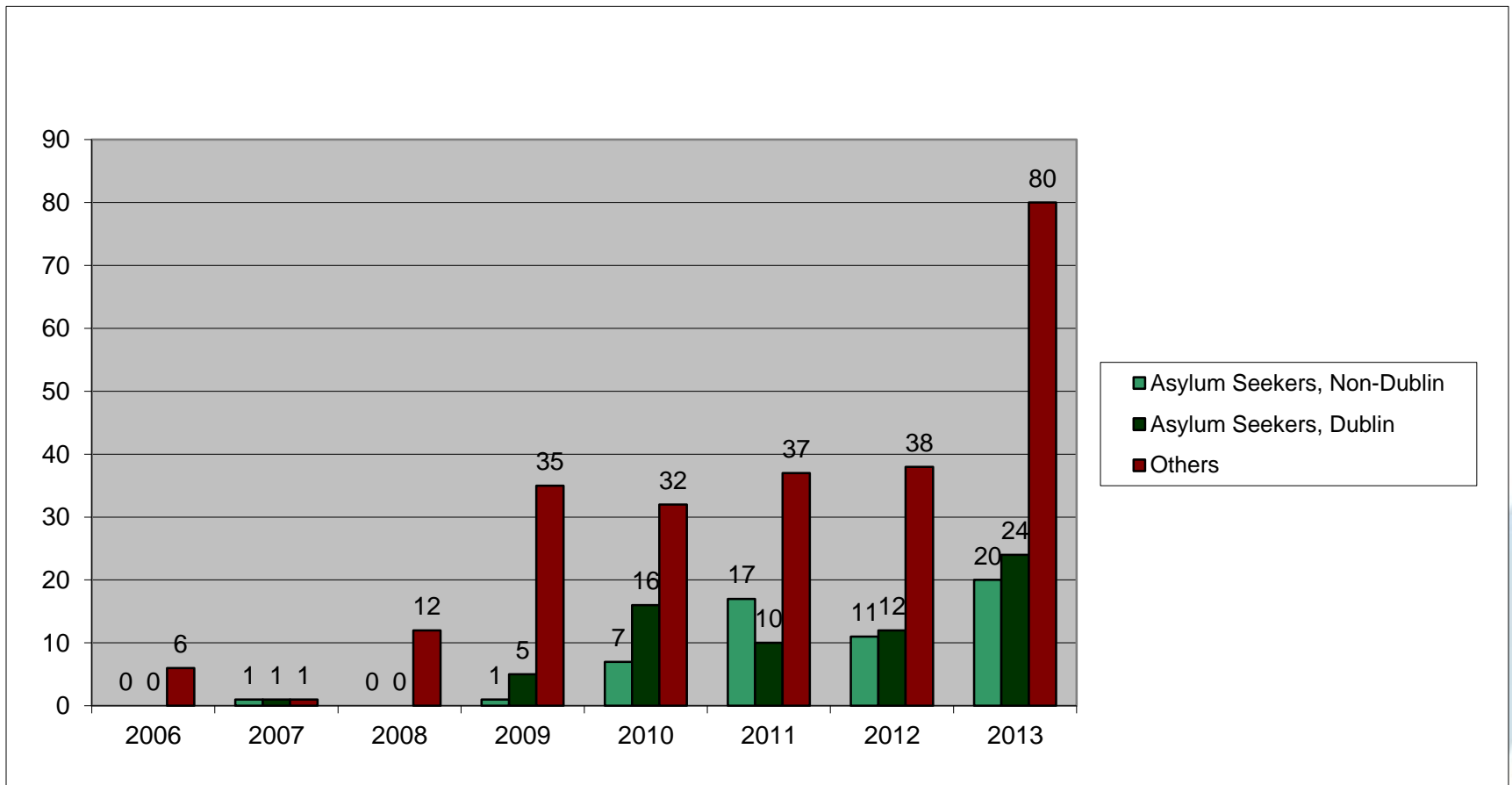
The referral can be made not only by an authority but also by the victim and his/her counsel or a non-governmental organisation.



Source: Joutseno reception center

Amount of asylum seekers among referred victims

The share of asylum seekers in the persons referred to the Assistance System has been increasing since late 2010.



Source: Joutseno reception center

Way forward

- The National Referral Mechanism should be established.
- The identification process and the authorities competent for the identification of victims of trafficking in human beings should be defined.
- The indicators for the identification of victims should be developed, to be used by all relevant public authorities and civil society.
- The requirements for the admittance to and removal from the Assistance System should be defined.
- Key NGOs should be appointed and their activities financed.
- Potential victimisation or the risk of victimisation of minor asylum seekers who have arrived in the country accompanied should be taken into consideration.

Thank you

For further information:

*Ms Berit Kiuru
LL.M Senior Adviser
European Migration Network*

*berit.kiuru@migri.fi
emn@migri.fi
www.emn.fi*

