

Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of the Interior, Finland

Act on Temporary Measures to Combat Instrumentalised Migration (482/2024)

By decision of Parliament, made as provided in section 73 of the Constitution, the following is enacted:

Section 1

Objective of the Act

The objective of this Act is to combat efforts by a foreign state to exert influence on Finland by exploiting migrants.

Section 2

Scope of application of the Act

This Act applies to an alien's entry into the country and removal from the country as well as to the reception of applications for international protection in a situation where a foreign state is seeking to exert influence on Finland by exploiting migrants.

Section 3

Restriction on the reception of applications for international protection

A government plenary session may decide to restrict the reception of applications for international protection in a limited part of Finland's national border and in its immediate vicinity for a maximum of one month at a time if the President of the Republic and the Government have concluded in cooperation that:

- 1) it is known, or reasonable grounds exist to suspect, that a foreign state is seeking to exert influence on Finland by exploiting migrants;
- 2) the efforts to exert influence seriously endanger the sovereignty or national security of Finland;

- 3) the restriction is essential for safeguarding the sovereignty or national security of Finland; and
- 4) other means are not sufficient to safeguard the sovereignty or national security of Finland.

The decision referred to in subsection 1 does not restrict the reception of applications for international protection beyond the area referred to in the decision.

The Government shall, without delay, submit a report on the decision referred to in subsection 1 to the Administration Committee, Foreign Affairs Committee and Defence Committee of Parliament. The Committees may issue a statement to the Government or the competent Ministry on the basis of the report. The Administration Committee may also prepare a report based on the Government's report for a plenary session of Parliament if the Committee considers it necessary because of the importance of the matter.

The reception of applications for international protection shall not be restricted to a larger extent or for a longer period than is essential for combating the serious endangerment of the sovereignty or national security of Finland. The Government shall, in cooperation with public authorities, regularly reassess the content and scope of the decision as the situation develops. The decision shall be rescinded when it is no longer essential for the purpose laid down in subsection 1. The Ministry of the Interior shall provide information on the decision referred to in this section to a sufficient extent.

Section 4

Preventing entry into the country, and removal from the country

If the Government has made a decision referred to in section 3, subsection 1, a migrant who is being exploited in efforts to exert influence and is present in the area referred to in the decision shall be prevented from entering the country.

A migrant who is being exploited in efforts to exert influence and has entered the country shall be removed from the country without delay and guided to move to a place where applications for international protection are received.

Derogations from the prevention of entry into the country and removal from the country are laid down in section 5.

A person to be removed from the country shall be provided with written information on the grounds for the measure, on their right to request reconsideration of the removal from the country, and on the place where the person may lodge an application for international protection. No review may be requested by way of appeal in respect of the removal from the country.

A person to be removed from the country may submit a written request for reconsideration of the removal to the Finnish Border Guard within 30 days of the removal from the country. However, the removal from the country shall be enforced regardless of the request for reconsideration. The request for reconsideration shall be considered urgently. The reconsideration may be carried out without hearing the person concerned, on the basis of the request for reconsideration and the written material appended to it as well as other relevant information held by the Finnish Border Guard. Information on the reconsideration shall be sent by letter by post or by electronic message to the address provided by the person. No review may be requested by way of appeal in respect of the reconsideration decision. The provisions of this Act shall be observed in the reconsideration instead of the provisions of the Administrative Procedure Act (434/2003) in its chapter 6 on examining a matter and hearing the views of parties, chapter 7 on deciding a matter, chapter 7a on procedure for requesting an administrative review, chapter 9 on general provisions on service, and chapter 10 on service procedures.

Section 5

Derogations

By derogation from the provisions of section 4, an application for international protection shall be received if, according to a case-by-case assessment made by a border guard trained and instructed for the task, this is essential for safeguarding the rights of a child, a person with disabilities or another person in a particularly vulnerable position. The assessment shall take into account the best interests of the child and whether the removal from the country would pose an immediate danger to the person's life or health. An application for international protection may also be received from a person on whom, during the assessment, a child, a person with disabilities or another person in a particularly vulnerable position has been found to be genuinely dependent.

A person's application for international protection shall also be received if the person has presented, or there have arisen, circumstances which, according to a case-by-case assessment made by a border guard trained and instructed for the task, make it evident that the person faces

a real risk of being subjected to the death penalty, torture or other treatment violating human dignity primarily in the state from which the person has arrived in Finland. In particular, the assessment shall take into account any documents and other circumstances presented by the person, the externally observable circumstances related to the person and up-to-date information obtained from various sources on the safety of the state under assessment for the person to be removed from the country.

The assessment referred to in subsections 1 and 2 shall be carried out in a manner that is necessary for safeguarding the rights of the person, for ensuring border security or national security or due to other circumstances. When making the assessment, the border guard shall ensure that the person is adequately understood and has an effective opportunity to present circumstances relevant to the assessment. Relevant information on the assessment, the person and their circumstances as well as the outcome of the assessment shall be adequately recorded and specified.

If an application for international protection is received in a case referred to in subsection 1 or 2 or due to reconsideration referred to in subsection 4 or 5, the Aliens Act (301/2004) shall be applied to the processing of the application.

Section 6

Exceptional situations

Forcible entry into the country by using violence or a large number of persons may be prevented immediately at the national border without carrying out a case-by-case assessment referred to in section 5, if this is essential to safeguard the lives and health of people and if the procedure can be deemed justifiable when assessed as a whole.

Section 7

Entry into force

This Act enters into force on 22 July 2024 and will remain in force for one year from the entry into force.