



## **FINLAND'S RESPONSES TO THE QUESTIONS POSED IN THE COMMISSION'S GREEN PAPER ON THE FUTURE COMMON EUROPEAN ASYLUM SYSTEM**

### **Aspects to the Green Paper on the future Common European Asylum System**

The Commission's Green Paper provides an excellent basis for an extensive, in-depth consideration of the objectives and values of the Common European Asylum System. Finland aims to actively promote this system and places emphasis on cooperation with the UNHCR and other international organisations and academia, considering it important that the harmonisation process is as open and transparent as possible.

Finland stresses the importance of the determination of a genuinely common harmonisation target, supports harmonisation that is as extensive as possible and is prepared to reassess its national solutions in order to create a Common European Asylum System. The Common European Asylum System must be something other than the sum of the Member States' national refugee and asylum policies and related legislation.

A Common European Asylum System requires a sufficiently harmonised legislation and its application. Finland supports the approach adopted in the draft Reform Treaty on the amendment of the Treaty on the European Union and the Treaty establishing the European Community, according to which the jurisdiction of the Court of Justice of the European Communities in asylum issues will be harmonised with other fields of law.

The European Union's common asylum system must be regarded as a part of a comprehensive approach to immigration pursued by the Union. The approach in the first stage of the Common European Asylum System was incoherent because of the separate legislative instruments. The second stage calls for a more comprehensive approach and better harmonisation of the refugee and asylum policies with the EU's other policy sectors.

Harmonisation must be based on the Geneva 1951 Convention on the Status of Refugees (the Geneva Refugee Convention), which is the cornerstone of the protection of refugees. The Union reaffirmed its commitment to the full and inclusive application of the Geneva Refugee Convention at the Tampere Summit in 1999, when the asylum issues were coupled with the principles of international protection and non-discrimination. This kind of a wide perspective continues to be essential.

Finland aims at a Common European Asylum System in which

- the right to seek asylum is fully respected;
- a fair asylum system that guarantees a high level of legal certainty is based on the individual processing and examination of all applications for international protection;
- the reception conditions are sufficiently uniform;
- the beneficiaries of international protection and other persons are integrated in the same manner that is as uniform as possible, and the rights granted and services provided to them

are mainly in line with the rights granted and services provided to other residents of the country.

The promotion of resettlement in the Union is Finland's priority. The asylum procedure based on spontaneous arrival in the Union must be complemented with resettlement of a more controlled nature. However, it is important that resettlement is not confused with situations in which the responsibility for the examination of asylum applications is shared within the EU or in which costs are distributed between Member States in the name of solidarity.

## **Responses to the questions presented by the Commission in the Green Paper**

### *Processing of asylum applications*

#### **(1) How might a common asylum procedure be achieved? Which aspects should be considered for further law approximation?**

The attainment of a Common European Asylum System requires increasingly common, directly applicable legislation and its uniform application guided by the case law of the Court of Justice of the European Communities. The current fragmented system based on directives does not guarantee a sufficiently uniform common asylum system.

The development of a Common European Asylum System must be based on the Geneva Refugee Convention and other key human rights conventions, as well as the jurisprudence of the European Court of Human Rights.

The establishment of a common asylum system requires the confirmation of a common perspective on asylum issues at the EU level and the improvement of the mutual knowledge base. Information is needed not only on the details of the Member States' systems but also on their administrative and legal systems in general. There are significant disparities in the Member States' national systems, and ignoring them may lead to the failure of the regulations because their actual applicability may remain poor or appear different in different Member States. Therefore, law approximation aimed at the creation of a common asylum procedure cannot be attained merely through legislative techniques by removing matters that are left to the discretion of Member States from the current legislative instruments and/or by making these matters binding on the Member States.

#### **(2) How might the effectiveness of access to the asylum procedure be further enhanced? More generally, what aspects of the asylum process as currently regulated should be improved, in terms of both efficiency and protection guarantees?**

The cornerstone of international refugee law is non-refoulement, which is based on the Geneva Refugee Convention. The key element to the realisation of this principle is the opportunity to file an asylum application and to have it appropriately examined.

Finland does not support procedures (e.g. border procedures) that form advance obstacles to effective processing, such as procedures aimed at the shortlisting of applications or fast-track procedures applied at the border. In these cases, responsibility for examining the application and evaluating the grounds for persecution may lie with a party other than the nationally defined asylum authority (the determining authority). Finland considers that, from the perspective of legal certainty

for the applicants, the processing of asylum applications must always be centralised to the determining authority irrespective of the procedure according to which the application will be processed or whether the application will be completely dismissed.

In Finland's opinion, situations in which asylum is applied for in international zones or in the transit zones of airports should be studied and clarified. Finland considers it important to determine the concept of a transit zone.

The expertise of the authorities is of key importance not only for access to the asylum procedure but also for the improvement of the procedure and securing protection guarantees. Finland considers that it is appropriate to strengthen EU-level training in asylum issues and to establish a training system for persons who process and decide asylum issues in Member States. The expertise of the UNHCR could be relied on in matters related to training.

### **(3) Which, if any, existing notions and procedural devices should be reconsidered?**

At the moment, a key problem is that different Member States use different notions and use their own administrative cultures and legal traditions as the standard. All common notions should be defined precisely, and efforts should be made to clarify existing notions. The opportunity to decrease the number of different categories both with respect to protection statuses and asylum procedures should be considered, thus striving to simplify structures that are currently unnecessarily complex.

The first-stage regulations include notions and procedural devices that, in Finland's opinion, should be reassessed. Certain notions also require a common interpretation to avoid ending up in a situation in which Member States apply them differently.

Finland is not in favour of lists of safe countries included in the Asylum Procedure Directive. In Finland's opinion, the notions and procedural devices used in the Directive should unambiguously express the requirement of individual processing and examination.

### **(4) How should a mandatory single procedure be designed?**

A mandatory single procedure should ensure legal certainty and equal treatment for applicants throughout the EU. It must safeguard the individual examination of all applications and be as clear and simple as possible. This is in both the authorities' and the applicants' interests.

On the basis of what has been said above, Finland supports the introduction of a single procedure as the basis of a common procedure. A single procedure will enable in-depth overall discretion in individual cases and simplify the procedures of different countries. Finland considers it very important that the procedure starts by examining whether the applicant is in need of international protection, i.e. first by examining thoroughly the claims under the Geneva Refugee Convention and only thereafter the claims referring to subsidiary protection. In addition, the single procedure should examine and resolve the granting of the right of residence on other possible grounds. If the application is rejected, the procedure should also include making the decision to remove the person from the country. A single asylum procedure would also be reflected in appeals, to which a single appeals procedure would be applied as well.

**(5) What might be possible models for the joint processing of asylum applications? Under what circumstances could a mechanism for joint processing be used by Member States?**

Finland considers that the first and most important prerequisite for the joint processing of applications is a sufficient level of harmonisation. Joint processing requires harmonised and sufficiently simple material regulations that are applicable in a uniform manner. The challenges of joint processing are related, among other things, to the transfer of applicants from one place to another, the applicable legislation, securing access to legal advice and the appeals procedure.

The joint processing of asylum applications could initially be considered experimentally in individual cases of a temporary nature, in which the situation in a Member State could otherwise become critical. In this case, the applications could be processed in the Member State in question, and the framework for joint processing would be determined under the legislation of that Member State.

*Reception conditions for asylum seekers*

**(6) In what areas should the current wide margin of discretion allowed by the Directive's provisions be limited in order to achieve a meaningful level-playing field, at an appropriate standard of treatment?**

Finland considers it important to improve the status and handling of minors. When pursuing this objective, the margin of discretion left to Member States should be limited in matters related to the determination of minors and the right of unaccompanied minors to have a representative. Irrespective of national legislation, persons under the age of 18 should be considered minors without exception. Unaccompanied minor asylum seekers should always have a clear right to a representative.

**(7) In particular, should the form and the level of the material reception conditions granted to asylum seekers be further harmonised?**

Sufficient commensurability in both the asylum procedure and reception conditions is important, so that variance in the conditions would not affect the handling or rights of asylum seekers or contribute to asylum shopping and overloading the Dublin system.

In addition to legislative harmonisation, all asylum seekers should, in practice, also be provided with material reception conditions, including accommodation. The implementation of this aspect in Member States should be monitored systematically in a manner other than nationally. Special attention must also be paid to opportunities to exchange good practices relating to reception conditions and mutual development work between Member States with support from the European Refugee Fund, for instance. It should not be possible to adopt detailed rules for material reception conditions that deviate from those provided for in the Directive, not even for a reasonable and as short a period of time as possible as referred to in Article 14.

**(8) Should national rules on access to the labour market be further approximated? If yes, in which aspects?**

Finland has a favourable attitude towards the approximation of national rules on access to the labour market. Member States should allow working at the latest when no decision has been made in the first stage of the decision-making procedure within three months of filing the asylum

application, provided that the delay is not attributable to the applicant. More favourable conditions that can be regulated nationally must also be possible. Long waiting periods would probably increase illegal working.

**(9) Should the grounds for detention, in compliance with the jurisprudence of the European Court of Human Rights, be clarified and the related conditions and its length be more precisely regulated?**

Finland considers it necessary to regulate detention and considers that the jurisprudence of the European Court of Human Rights provides a good basis for more precise regulation of detention in the Union. The legal basis for the regulation should be clarified. In addition, detention should not be the primary means for restricting the applicant's freedom of movement; instead, primary considerations should be the imposition on the applicant of the duty to register or other possible supervisory methods.

Finland considers it important that the grounds for detention are clearly determined. Taking into consideration the criticism by non-governmental organisations towards certain Member States, the need to regulate detention in cases relating to the Dublin procedure should be considered. The Commission's amended proposal for the Asylum Procedure Directive included a similar provision.

It is important that a court of law re-examine the grounds for detention at regular, reasonable intervals. In Finland's opinion, on-going reassessment of the grounds for detention is a better alternative from the perspective of the applicant's legal certainty than laying down provisions on the maximum duration of detention.

*Granting of protection*

**(10) In what areas should further law approximation be pursued or standards raised regarding**

- **the criteria for granting protection**
- **the rights and benefits attached to protection status(es)?**

Finland considers that the objective should be as uniform treatment as possible of persons seeking international protection on the basis of the full application of the Geneva Refugee Convention and the individual examination of all applications. This objective should be reflected in the entire asylum procedure, starting from the opportunity to file an application and having access to the procedure and ending in settlement in a Member State or returning back to the country of origin. Attention should also be paid to the means of how best to ensure that the realisation of equal treatment is monitored.

Finland considers that the first-stage regulations should be reassessed insofar as they exclude, either completely or partly, persons eligible to the subsidiary protection status under the Qualification Directive and the benefits and rights related to this status. EU regulations should guarantee benefits and rights that are equal or as equal as possible to persons eligible to the refugee status and the subsidiary protection status. In addition, these benefits and rights should not substantially differ from the corresponding benefits and rights of the residents of the country.

**(11) What models could be envisaged for the creation of a "uniform status"?**

**Might one uniform status for refugees and another for beneficiaries of subsidiary protection be envisaged? How might they be designed?**

**(12) Might a single uniform status for all persons eligible for international protection be envisaged? How might it be designed?**

As stated previously, Finland considers that the benefits and rights related to the refugee status and the subsidiary protection status should be as uniform as possible. If the benefits and rights are made uniform and harmonised, there will probably no longer be a need for two separate statuses in practice. Finland aims at a simpler, harmonised procedure in the long run, and a single uniform status would support this aim. However, Finland considers it important not to decrease the level of protection if a single uniform status is designed.

**(13) Should further categories of non-removable persons be brought within the scope of Community legislation? Under what conditions?**

Finland considers that, in addition to the refugee status and the subsidiary protection status, it would be appropriate to consider other groups of persons who are allowed to remain in the country under some permit criterion or who are not granted any kind of permit but who cannot be removed from the country. The discussion of this apparently very heterogeneous group of different permit categories (permits granted on humanitarian or humane grounds, permits granted on the basis of reasonableness, etc.) should start by looking at the Member States' current procedures and permit categories.

It must be recognised that comparing the practices of Member States is challenging because the practices change relatively quickly as Member States continuously strive to identify solutions that are best applicable to each situation. Finland considers that the opportunity to apply a single uniform permit category to this very heterogeneous group of persons should also be clarified in order to simplify the system. Finland considers it important that residence permits are granted to persons who cannot be removed from the country within a period of time that can be regarded as reasonable for reasons beyond their control.

As stated above in connection with the response to question 4, all different permit criteria should be examined in a single procedure.

**(14) Should an EU mechanism be established for the mutual recognition of national asylum decisions and the possibility of transfer of responsibility for protection? Under what conditions might it be a viable option? How might it operate?**

Finland supports the idea of the mutual recognition of national asylum decisions and the transfer of responsibility for protection. However, this requires that the rights and benefits (e.g. the realisation of family connections) related to the refugee status and the subsidiary protection status are harmonised and taken into account. National security aspects must also be sufficiently taken into consideration.

*Appropriate response to situations of vulnerability*

**(15) How could the provisions obliging Member States to identify, take into account and respond to the needs of the most vulnerable asylum seekers be improved and become more tailored to their real needs? In what areas should standards be further developed?**

**(16) What measures should be implemented with a view to increasing national capacities to respond effectively to situations of vulnerability?**

Finland considers it important that the Dublin system be developed on the basis of the Commission's evaluation, particularly in relation to the application of the sovereignty and humanitarian clauses of the Dublin Regulation so that humanitarian reasons and family unity are taken into consideration in a better and more uniform manner.

In accordance with Article 3 of the UN Convention of the Rights of the Child, the best interests of the child shall be the primary consideration in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies. In Finland's opinion, a concrete method of promoting the realisation of the interests of minor asylum seekers is the harmonisation of their registration in Member States also in terms of personal identification marks. This could contribute to the prevention of children's movement against their will.

Finland considers that in developing resettlement in the Union, attention should be paid to the reception of the most vulnerable persons in the framework of the quota. As resettlement is by nature a more controlled activity than the asylum procedure, national capacities to respond to the special needs of vulnerable persons should be increased and developed through resettlement. It would also be interesting to know the extent to which funding for the resettlement of vulnerable persons has been applied from the European Refugee Fund (ERF).

Finland considers that the forms of child- and gender-specific persecution should be determined in more detail.

*Integration*

**(17) What further legal measures could be taken to further enhance the integration of asylum seekers and beneficiaries of international protection, including their integration into the labour market?**

Integration must be realised as uniformly as possible between persons belonging to different categories of protection. The rights granted and services provided must generally be similar to the rights granted and services provided to the residents of the country, with the exception of restrictions based on nationality that are determined separately in a uniform manner.

Other legal measures could include:

- retention of the right to work irrespective of changes in the circumstances;
- realisation of the children's right to go to school without exception;

- determination of the restrictions concerning the right to study;
- retention of the right of residence and the right to work also when the grounds for legal residence change when the asylum application phase ends and thereafter.

From Finland's perspective, the benefit gained from harmonisation would be insignificant, so national legislation can be considered sufficient. Instead of harmonisation, attention could be paid to other measures, such as the utilisation of the European Refugee Fund and the dissemination of good practices.

In connection with the minimum requirements for the conditions of asylum seekers and the monitoring of their realisation, attention should also be paid to work and studies that maintain functional ability and support possible later integration or return, as well as to the right to work, the recognition of qualifications and professional skills already at this phase and the provision of leisure-related opportunities for participation outside the reception for asylum seekers. An appropriate approach would be the provision of sufficiently extensive measures to all.

### *Ensuring second stage instruments are comprehensive*

#### **(18) In what further areas would harmonization be useful or necessary with a view to achieving a truly comprehensive approach towards the asylum process and its outcomes?**

Finland considers it necessary to concentrate primarily on ensuring the uniform application of the regulations that have already been approved. In Finland's opinion, future work should be directed at the identification of the key elements of the system, which will then be further harmonised, at the same time simplifying the regulations. The objective must be a simpler, clearer, faster and more open asylum procedure.

Finland considers it important that the Union's common return policy be developed as a part of the common European asylum policy. In Finland's opinion, a consistent asylum policy requires that residents of third countries who have received a negative decision and reside in the Union illegally must leave the territory of the Union and can be removed therefrom against their will, if necessary.

### *Practical cooperation and the European support office*

#### **(19) In what other areas could practical cooperation activities be usefully expanded and how could their impact be maximised? How could more stakeholders be usefully involved? How could innovation and good practice in the area of practical cooperation be diffused and mainstreamed?**

Finland considers that the development of practical cooperation is necessary when striving towards a common European asylum system. Familiarisation with the asylum systems of other Member States can be increased and the preparation of common legislation and the adoption of good practices can be facilitated by increasing direct contacts between the asylum authorities of Member States.

Cooperation could further be developed in the field of information sharing relating to countries of origin and decision policies. Practical cooperation would also bring added value to the promotion of joint training, translation and interpretation services, application guidelines and the EU's resettlement activities.

Finland warmly welcomes the idea of the increased involvement of both transnational and non-governmental organisations in practical cooperation. Organisations may have a lot to offer across a wide area in matters relating to asylum and refugees (e.g. UNHCR, the Red Cross, IOM, different refugee organisations) or from the perspective of their own special expertise (e.g. children's rights organisations). The organisations' contribution could be increased, for example, in the gathering of information on countries of origin, the development of asylum interviews, training, and the development of activities in specific pressure or crisis situations.

**(20) In particular, how might practical cooperation help to develop common approaches to issues such as the concepts of gender- or child-specific persecution, the application of exclusion clauses or the prevention of fraud?**

A common approach should be based on common legislation and its uniform application guided by the case law of the Court of Justice of the European Communities.

In addition, it is necessary to further develop the opportunities of the Member States' asylum authorities to easily and quickly exchange opinions on different topical matters in order to attain common approaches and an application practice that is as uniform as possible. Contacts could be maintained through an electronic contact network between experts specialising in different matters or by developing the activities of Eurasil through discussion and information-sharing meetings. The opportunity to establish a permanent expert forum could also be considered, to which all Member States would send a contact person who is familiar with asylum-related matters.

**(21) What options could be envisaged to structurally support a wide range of practical cooperation activities and ensure their sustainability? Would the creation of a European support office be a valid option? If so, what tasks could be assigned to it?**

Finland considers it important that a permanent structure be established in order to support practical cooperation and that the need to establish a European support office for this purpose be examined. At the same time it must, of course, be checked that the structure to be established would not overlap with existing structures.

A permanent structure would provide a framework for practical cooperation. It could maintain a portal for the exchange of information on countries of origin, provide training, coordinate cooperation in translation and interpretation services and support countries whose asylum or reception systems have been subject to special pressure (the organisation would coordinate, for example, the activities of groups of protection experts in connection with extensive arrivals in the country or situations in which a larger than normal group of asylum seekers enters a Member State). The organisation could support the EU's resettlement activities, monitor the Member States' practices relating to the application of EU legislation and prepare common approaches. The organisation could also support cooperation in order to harmonise the reception conditions of different countries.

**(22) What would be the most appropriate operational and institutional design for such an office to successfully carry out its tasks?**

Finland considers that the structures of practical cooperation could develop into a European support office that would provide a more efficient alternative for carrying out practical cooperation than a cooperation network. The support office should be provided with sufficient resources and an independent position to carry out its tasks.

*Solidarity and burden sharing***(23) Should the Dublin system be complemented by measures enhancing a fair burden-sharing?**

The primary objective of the Dublin system is to determine the state responsible for processing the asylum application, and the Dublin system should be developed on the basis of the Commission's report on the evaluation of the Dublin system. The Dublin system is not a tool for burden sharing.

**(24) What other mechanisms could be devised to provide for a more equitable distribution of asylum seekers and/or beneficiaries of international protection between Member States?**

It is important that the burden is shared fairly between Member States, and the opportunity to complement the asylum system with a specifically designed procedure should be examined for this purpose.

**(25) How might the ERF's effectiveness, complementarity with national resources and its multiplier effect be enhanced? Would the creation of information-sharing mechanisms such as those mentioned above be an appropriate means? What other means could be envisaged?**

The effectiveness of the European Refugee Fund, its complementarity with national resources and its multiplier effect could be enhanced by improving the efficiency of information sharing and mutual learning between Member States, as well as by disseminating good practices and experiences relating to the asylum procedure and the organisation of reception. This would have a positive effect on the harmonisation of activities and the uniform realisation of the rights of asylum seekers in different Member States. The simplification of the refugee fund system and the allocation of funding would facilitate the activities. At the level of principle, it is also easier for the functioning of the systems to transfer money between Member States (which can also be considered to be one form of burden sharing) than to transfer asylum seekers. It must, however, be taken into account that in some situations it may be necessary to transfer people between Member States, so this opportunity must not be excluded from the regulations.

Information sharing and mutual learning relating to resettlement would also have a positive effect on the establishment of common European procedures. This would not have to apply merely to Regional Protection Programmes, but also to the Member States' direct cooperation with the UNHCR and to national resettlement schemes. Increased contacts between asylum seekers, refugee reception and development cooperation both at national and EU level, as well as more active discussion between areas of origin, transit areas and target areas in development-related matters will promote information sharing and learning related to the Refugee Fund.

**(26) Are there any specific financing needs which are not adequately addressed by the existing funds?**

Different groups that take up temporary residence may remain outside the scope of application of the funds. In addition, Europe is the target of many types of migration, for example migration

related to development issues, which are not addressed by the funds. These migrants include persons who need international protection and whom the system must be able to identify. Cooperation with third countries in connection with this is important. Solutions to these questions must be sought through multilateral discussions between areas of origin, transit areas and target areas, referred to in the previous item, and through other funding channels.

### *Supporting third countries to strengthen protection*

**(27) If evaluated necessary, how might the effectiveness and sustainability of Regional Protection Programmes be enhanced? Should the concept of Regional Protection Programmes be further developed and, if so, how?**

Further development must be based on an evaluation of the results of the ongoing projects (Tanzania, Belarus, Moldova, Ukraine). The programmes should be developed by coherently taking into consideration the development issues and humanitarian aid granted to the countries in question at an extensive level.

**(28) How might the EU best support third countries to deal with asylum and refugees issues more effectively?**

The countries in question should be supported in their efforts to build national protection capacities. Several countries have ratified the Geneva Refugee Convention but are unable to fulfil its obligations for different reasons. The provision of aid to certain third countries for the development of subsidiary protection could also be considered.

In addition to protection issues, the provision of humanitarian aid to refugees through the UNHCR is of key importance.

**(29) How might the Community's overall strategies vis-à-vis third countries be made more consistent in the fields of refugee assistance and be enhanced?**

Strategies should take into consideration country-specific disparities in the refugee situation. The UNHCR has a global mandate in refugee situations. Refugee issues should be integrated into strategies, particularly where persisting refugee problems affect the economic and social development of the countries in question. Refugee and asylum issues should be addressed in bilateral dialogue. Intensified bilateral dialogue should be conducted with countries from which a large number of asylum seekers and illegal immigrants arrive in the EU territory, as is already the case with some African countries.

### *Resettlement*

**(30) How might a substantial and sustained EU commitment to resettlement be attained?**

Finland supports resettlement carried out jointly in the European Union and based on voluntary action by the Member States. Increasing the number of Member States participating in resettlement is an important goal. The extent to which the European Refugee Fund has been utilised in resettlement should be examined, as should whether this new opportunity has attracted new Member States to commit themselves to resettlement.

It is important to determine the concept of resettlement. Resettlement does mean the sharing of responsibility for examining asylum applications within the EU, nor does it refer to the distribution of costs between Member States in the name of solidarity.

**(31) What avenues could be explored to achieve a coordinated approach to resettlement at EU level? What would be required at the financial, operational and institutional level?**

The EU should integrate resettlement as part of a comprehensive approach to third countries; viable examples of this can be found in Member States that carry out resettlement activities.

A common EU resettlement scheme requires a positive European and national approach, information sharing on good practices and action models, as well as practical cooperation between Member States with the UNHCR and other organisations. Finland has extremely good experiences of project cooperation in resettlement activities with other Member States. The MORE and MOST projects implemented by the Ministry of Labour of Finland aimed at expanding the resettlement scheme: project cooperation (of which Finland has experience with Ireland and Spain, among others) creates good opportunities for mutual learning between Member States that is required by the expansion of resettlement activities. Finland is also prepared to carry out bilateral cooperation in order to develop resettlement in the future.

If a European support office is established in the future, this could be the right actor for coordinating common EU resettlement activities.

**(32) In what other situations could a common EU resettlement commitment be envisaged? Under what conditions?**

Resettlement is a means with which the EU can participate in resolving prolonged refugee situations in cooperation with the international community and the UNHCR. The EU can also participate in the international sharing of responsibility in special crisis situations through resettlement. Of course, taking into account the dimensions of the Iraqi crisis, for example, resettlement does not provide the solution to the crisis. In these cases, however, the EU could participate in the sharing of responsibility by resettling particularly vulnerable persons.

*Addressing mixed flows at the external borders*

**(33) What further measures could be taken to ensure that protection obligations arising out of the EU acquis and international refugee and human rights law form an integral part of external border management? In particular, what further measures could be taken to ensure that the implementation in practice of measures aimed at combating illegal migration does not affect the access of asylum seekers to protection?**

Finland considers that intensified EU action to combat illegal migration must not prevent access to international protection. It is, therefore, appropriate to extend the discussion of a common asylum system to cover the opportunity to legally enter the territory of the EU and file an application for international protection.

Finland considers it essential that experts of international protection (e.g. expert groups dealing with asylum issues) are present at the Union's external borders, carrying out expert evaluations on the needs of individuals to receive international protection. The opportunities of the UNHCR and other organisations to support experts in this activity should be examined.

Efforts should also be made to take protection obligations better into consideration by further intensifying the cooperation of Member States and Frontex, particularly with the UNHCR. The development of cooperation must be aimed at a harmonised approach to border control, including interception measures, the return dimension, and the right to apply for international protection. In connection with this, Finland considers it important to determine the concept of interception in the Union.

Finland considers it important that the aspects of the Commission's report on international maritime law that dealt with refugee and asylum issues be appropriately taken into consideration also in the Union's practical activities.

**(34) How might national capacities to establish effective protection-sensitive entry management systems be increased, in particular in cases of mass arrivals at the borders?**

An External Borders Fund was recently established in the EU for monitoring external border control; support from the fund may be obtained for the development of national migration management systems. Member States can receive support for the improvement of their national migration systems also from other funds of the Framework Programme on Solidarity and Management of Migration Flows, whereas rapid border intervention teams (RABIT) can support Member States in cases of mass arrivals at their borders. Finland considers that it would be viable to examine the Member States' experiences of utilising these instruments in cases of mass arrivals in Member States.

The Commission has proposed that asylum expert groups be established in the Union. These groups would act as a counterbalance to the rapid border intervention teams, focusing on issues relating to international protection. From the perspective of protection sensitivity, different forms of cooperation between RABIT teams and asylum expert groups (as well as between the support office, if established, and Frontex and Europol) should be examined.

In Finland's opinion, the development of solidarity within the EU should be continued, for example by studying the opportunities to support Member States facing mass arrivals at their borders.

*The role of the EU as a global player in refugee issues*

**(35) How could European asylum policy develop into a policy shared by the EU Member States to address refugee issues at the international level? What models could the EU use to develop into a global player in refugee issues?**

The EU could strengthen its international role in refugee issues if it is able to develop its common asylum system. At the international level, the EU should aim at closer, more coordinated cooperation, for example, with the UNHCR to be able to play a more active role in the direction of the organisation's activities and priority areas. The EU should also develop its ability to respond to unexpected refugee situations and to identify permanent solutions in close cooperation with other actors.