



# Model European Union Conference

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## Simulation of the Council of the European Union 2016



### The Republic of Finland

# Position Paper

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With regard to

- the Proposal for a Regulation on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010, COM(2016) 271
- the reformation of the European Asylum Support Office (EASO), established in Regulation (EU) No 439/2010
- a reform of the European Asylum system, including the amendment of the EU's Asylum Agency, as it was stated in COM(2016) 197

The Republic of Finland expresses its deepest concern towards current developments of the present migration and asylum situation. We are convinced that, faced with one of the most challenging and severe crises the European Union has experienced until this very day, the only effective approach to balance out the effects of a massive and unequal influx of refugees is to strengthen solidarity between the Member States. Despite approving of the goals pursued by the Commission's proposal, aiming to eradicate existing weaknesses in the current asylum system, Finland cannot support the means provided by it; the competences accorded to the proposed Asylum Agency contravene the principle of Finnish sovereignty regarding crucial political issues and therefore cannot be supported by our representatives.



## **I. Dealing with the Asylum and Refugee Crisis**

First and foremost the Republic of Finland wants to emphasise that we recognize our responsibility towards people that feel the need to leave their home country, as they are persecuted because of their religion, political values or cultural origin or fear death and other dangers resulting from civil war, seeking refuge in places foreign to them.

The admission and registration of a large number of immigrants, an expected 30,000- 40,000 in 2016 in relation to 5.5 Mio residents, is challenging our national structures as well as European and international policies. In Finland, incoming groups wanting to file an application for asylum are placed into reception centres while their application is processed and are then transferred to municipalities if a residence permit is granted. If the outcome of the decision is negative, former applicants will be asked to leave our country and although voluntary return is encouraged and assisted, deportation will and must be enforced in order to maintain a viable asylum system. Adding to this, the security situation in third countries of origin must be continuously assessed, rated accordingly and taken into account when processing applications.

Finland is convinced that the European Asylum as well as international asylum policies must be based on the principle of solidarity. Due to particular geographical or demographic factors several countries are strained with disproportionate hardships. Consequently we have already agreed on the relocation of refugees from Mediterranean EU states and put these plans into action. Furthermore, Finland is taking in so-called quota refugees, proposed by the UNHCR. The currently established Dublin system unluckily involves several weaknesses, particularly aggravating existing imbalances between Member States. That is why Finland wants to encourage and support the overall reformation of EU asylum guidelines.

Nevertheless, Finland needs to clarify that its capacities with regard to the intake and in particular the integration of refugees are limited and can be assessed best on a national level. Applications cannot be processed any faster or more generously than in any other Member State. Moreover the concentration of applicants in reception centres has made the involvement of military forces necessary. However, a process of sensible coordination of national facilities and competences has led to a controllable state of affairs. As a result, Finland is very concerned, observing the proposed development of centralisation of the asylum process and facilities rather than the collection and provision of expertise and knowledge.

## **II. Concerning detailed suggestions of the Commission's proposal**

When taking a closer look at the content of the Commission's proposal, what concerns Finland most is the plan to develop the new so-called "fairness mechanism". This fairness mechanism, based on a common responsibility and solidarity, shall function as a correcting system to the allocation of people seeking refuge. Whenever a Member State is handling a disproportionate number of asylum applications compared to the total number of applications made in the EU, the new mechanism shall automatically be applied by the Agency and will then relocate the asylum claims to states that have unused capacities. The scale being adopted when deciding over the number of asylum applications that a state can handle shall be comprised of the size of the population and the total GDP of that state. In



case a Member State temporarily refuses to take part in the relocation process, it will be forced to pay a solidarity contribution of 250,00€ for each applicant to those Member States which are allocated responsibility for examining the application instead. While Finland without doubt supports measures to strengthen solidarity between the Member States, it cannot encourage the establishment of the fairness mechanism as it clearly contravenes the principle of Finnish sovereignty. By implementing the new system the Agency would be given the competence to solely decide over the allocation of asylum applications throughout the EU and would be able to claim solidarity contributions from states that are not willing to carry all the responsibilities requested. Finland is of course, as it has already shown, willing to greatly contribute in solving the new requirements the huge increase of asylum applications is asking for but nonetheless cannot take the responsibility for surrendering its national sovereignty.

In addition to this worry, there are several contents of the Commission's proposal that Finland is not able to support:

Concerning Chapter 2 Art.3; Chapter 3 Art. 10, 4: Finland will not disclaim that it is necessary to exchange information and work closely together to solve the current asylum situation but it does not believe that this can be most efficiently achieved by imposing on the Member States a duty to share this information. The Commission in its proposal should rather find measures that show the importance of a common coordination of asylum claims and that encourage the Member States to voluntarily share their information. Coming along with this concern is the worry towards the duty to monthly pass on detailed information to the Agency on asylum applications as it imposes on the states a further burden.

Concerning Chapter 5 Art. 13, Art.14: Those articles, further differentiating the content of the fairness mechanism, again evoke our deepest concerns towards the protection of Finnish sovereignty. Not only will the Agency be given long-ranging competences in monitoring the Member States' actions but will also be able to dispose on-site visits and case samplings at its discretion.

After these explanations of Finland's concerns towards the proposed changes in the European asylum system, our representatives have made it clear that Finland cannot support the Commission's proposal at its present state. While we are convinced that the EU has in view of the severe current situation a responsibility to quickly find measures that solve this crisis, those measures cannot require the Member States to surrender their sovereignty.