

VS: Research on Dublin cases - Iceland (Urgent)

MIG_VP_Tupa_OT <turvapaikkayksikko.ot@migri.fi>

Wed 5/7/2014 12:11

To: Claudie Ashonie Wilson <claudie08@ru.is>;

Dear Claudie,

We are glad to hear we could be of assistance. As for your current questions:

1. Can a person who has already received a negative decision in Finland prior to absconding, submit a fresh application upon return?

They can. In theory, the number of times that the asylum seeker can apply for international protection is not limited in any way and even third and fourth applications are relatively common. The application is always received by the Police or the Border Guard and forwarded to the Immigration Service's Asylum Unit. However, if the application is found to not contain new grounds to support the applicant's claim for international protection relative to the most recent application, it will be dealt with in the accelerated process in accordance with the Finnish Aliens Act sections 102 and 103. Should a negative decision be made, the corresponding decision to remove the person from country will be applicable immediately after the applicant is informed about that decision.

Finnish Aliens Act in English: <http://www.finlex.fi/fi/laki/kaannokset/2004/en20040301.pdf>

2. If yes, does Finland provide free legal assistance?

Yes.

3. Also, is the review whether by the either of the Courts or Appeals body with automatic suspensive effect? Thus, allowing the individual to remain in Finland pending the final outcome.

Yes and no. In certain situations as specified in section 201 of the Finnish Aliens Act, appealing the decision does not stop its lawful execution, unless otherwise ruled by an Administrative Court. If the appeal concerns decision on Dublin-transfer, Finland applies Article 27(3)c of Regulation 604/2013. The reasonable period of time to request suspension of transfer is considered to be seven days including five working days. There is no time limit for the Court to decide whether to suspend the implementation of the transfer but the decision is usually made within two days. However, there is an automatic suspensive effect when the decision appealed is made to a first application dealt with in the normal (as opposed to accelerated) process. On the other hand again, should the Administrative Court dismiss the appeal, applying for leave to appeal to the Superior Administrative Court no longer suspends the implementation.

4. Does Finland also require that only "systemic deficiency" can stop a transfer to another Dublin state?

Yes and no. According to Regulation 604/2013, only systematic deficiencies (flaws) in the asylum procedure

and in the reception conditions for applicants resulting in a risk of inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union are a reason not to transfer the person to that member state. However, a member state can always examine an application even if it is not its responsibility. This possibility does not require systematic deficiencies in the member state responsible.

We hope you will find these answers helpful.

Best regards,

Mikko Lehtikainen
Civilian Servant
Legal and Support Services
Asylum Unit

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Current information guaranteed – Migri.fi

Lähetäjä: Claudie Ashonie Wilson [mailto:claudie08@ru.is]

Lähetetty: 2. toukokuuta 2014 23:28

Vastaanottaja: MIG_VP_Tupa_OT

Aihe: RE: Research on Dublin cases - Iceland (Urgent)

Dear Sir/Madam,

Thank you for your recommendation, it was very helpful.

As my thesis progresses, I see that I will have to ask a few further questions, ones that are more suited for your department. I sincerely hope that this is not too much inconvenience. I will have to submit my paper very soon so I do hope, if you are able to assist me, that you will respond as soon as possible.

here below are my questions:

1. Can a person who has already received a negative decision in Finland prior to absconding, submit a fresh application upon return?
2. If yes, does Finland provide free legal assistance?
3. Also, is the review whether by the either of the Courts or Appeals body with automatic suspensive

effect? Thus, allowing the individual to remain in Finland pending the final outcome.

4. Does Finland also require that only "systemic deficiency" can stop a transfer to another Dublin state?

Once again, thank you very much for your assistance.

Claudie Ashonie Wilson

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From: MIG_VP_Tupa_OT <turvapaikkayksikko.ot@migri.fi>

Sent: Wednesday, February 12, 2014 08:16

To: Claudie Ashonie Wilson

Cc: MIG_VP_Tupa_OT

Subject: VS: Research on Dublin cases - Iceland

Dear Claudie,

Thank you for contacting Finnish Immigration Service. Unfortunately we don't have statistics on the amount of Dublin cases treated at the administrative courts. You could contact the administrative courts and pose your questions to them, hopefully they can provide you with the answers. The E-mail addresses are :

Helsinki Administrative Court Helsinki.hao@oikeus.fi

Superior Administrative Court korkein.hallinto-oikeus@oikeus.fi

With regards,

Finnish Immigration Service

Asylum Unit

Legal and Support Section

Lähetäjä: Claudie Ashonie Wilson [mailto:claudie08@ru.is]

Lähetetty: 12. helmikuuta 2014 3:03

Vastaanottaja: MIG_VP_Migri

Aihe: Research on Dublin cases - Iceland

Dear Sir/Madam,

My name is Claudie Ashonie Wilson and I am a 5th year law student at the Reykjavík University in Iceland.

I am currently working on my thesis regarding asylum issues, more specifically Dublin cases. For the purpose of a comparative analysis, I am hoping that you'll be willing to provide me with information

that I was unable to acquire from your website. There are only two questions:

First: Would it be possible to gain access to statistics on the number of Dublin cases that have been treated by either the Helsinki Supreme Administrative between the periods 2010 til to date?

Second: Aside case Hehao 12/0890/1 has there been any other Dublin cases before the Supreme Courts where the "Dublin returnee" contests his removal due to fears of a real risk of refoulement within the meaning of Article 3 ECHR in the country found by Finland to be responsible for examining his application?
If so, what were the outcome?

Thank you in advance. I anticipate your response.

Respectfully,

Claudie Ashonie Wilson

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