Comments by the United Nations High Commissioner for Refugees (UNHCR) Regional Representation for Northern Europe on the draft Law Proposal amending the Aliens Act of the Republic of Finland

I. Introduction

1. The UNHCR Regional Representation for Northern Europe (hereafter "RRNE") is grateful to the Ministry of the Interior of Finland for the invitation to comment on the draft Law Proposal of 27 January 2016 amending the Finnish Aliens Act,[1] (hereafter the "Proposal").

2. As the agency entrusted by the United Nations General Assembly with the mandate to provide international protection to refugees and, together with Governments, seek permanent solutions to the problems of refugees,[2] UNHCR has a direct interest in law and policy proposals in the field of asylum. According to its Statute, UNHCR fulfils its mandate *inter alia* by "[p]romoting the conclusion and ratification of international conventions for the protection of refugees, supervising their application and proposing amendments thereto[.]"[3] This supervisory responsibility is reiterated in the preamble as well as reflected in Article 35 of the 1951 Convention,[4] and in Article II of the 1967 Protocol relating to the Status of Refugees (hereafter collectively referred to as the "1951 Convention"). UNHCR's supervisory responsibility is exercised in part by the issuance of interpretative guidelines on the meaning of provisions and terms contained in the 1951 Convention,[5] as well as by providing comments on legislative and policy proposals impacting on the protection and durable solutions of its persons of concern.

3. UNHCR's supervisory responsibility extends to each EU Member State, all of whom are States Parties to the above mentioned instruments. UNHCR's supervisory responsibility is reflected in European Union law, including pursuant to Article 78 (1) of the Treaty of the Functioning of the European Union,[6] which

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1 Available (in Finnish) at: http://www.intermin.fi/download/65225_Perheenyhdistaminen_HE-luonnos_2701.pdf?3b37a7358b28d388.

2 UN General Assembly, *Statute of the Office of the United Nations High Commissioner for Refugees*, 14 December 1950, A/RES/428(V), available at: http://www.unhcr.org/cgibin/texis/vtx/refworld/rwmain?docid=3ae6b3628 (hereafter "UNHCR Statute").

3 *Ibid*, para. 8(a).

4 According to Article 35 (1) of the 1951 Convention, UNHCR has the "duty of supervising the application of the provisions of the 1951 Convention".

5 UNHCR, *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, December 2011, HCR/1P/4/ENG/REV. 3, available at: http://www.refworld.org/docid/4f33c8d92.html. (Hereafter "UNHCR Handbook").

6 European Union, *Consolidated version of the Treaty on the Functioning of the European Union*, 26 October 2012, OJ L. 326/47-326/390; 26.10.2012, available at: http://www.refworld.org/docid/52303e8d4.html.

stipulates that a common policy on asylum, subsidiary protection and temporary protection must be in accordance with the 1951 Convention. This role is reaffirmed in Declaration 17 to the Treaty of Amsterdam, providing that "consultations shall be established with the United Nations High Commissioner for Refugees … on matters relating to asylum policy."[7]

4. While the 1951 Convention is silent on the question on family reunification and family unity, the Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons recommends that Member States "take the necessary measures for the protection of the refugee's family, especially with a view to (…) [e]nsuring that the unity of the refugee's family is maintained particularly in cases where the head of the family has fulfilled the necessary conditions for admission to a particular country."[8] UNHCR's Executive Committee (hereafter "ExCom") has adopted a series of conclusions (which Finland – as a member of ExCom – has participated in drafting) that reiterate the fundamental importance of family unity and reunification and call for facilitated entry on the basis of liberal criteria of family members of persons recognized in need of international protection.[9] In addition, UNHCR has emphasized that family reunification is an important element for the integration of beneficiaries of international protection in their host societies. ExCom Conclusion No. 104[10] in particular notes the potential role of family members in promoting the smoother and more rapid integration of refugee families given that they can reinforce the social support system of refugees. UNHCR therefore has a direct interest in and competence to advise Member States and EU institutions in relation to policy issues which have a direct effect on the lives of its persons of concern including in relation to family unity and family reunification.[11]

II. The Proposal

5. UNHCR notes that the aim of the Proposal is to make rules for family reunification stricter. The stated objective of the Proposal is to make Finland appear less attractive for asylum-seekers compared to the other Nordic or EU countries. According to the Proposal, the changes are justified by the fact that other states are tightening their legislations due the increasing number of asylum-seekers, which would make it necessary for Finland to also do so within the limits of EU law. The Proposal thus contemplates different ways that the Council Directive 2003/86/EC on the right to family reunification (hereafter "the Directive")[12] would permit Finland to restrict its current rules on family reunification.

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7 European Union: Council of the European Union, *Treaty of Amsterdam Amending the Treaty on European Union, The Treaties Establishing the European Communities and Related Acts*, 10 November 1997, available at: http://www.refworld.org/docid/51c009ec4.html.

8 UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, *Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons*, 25 July 1951, A/CONF.2/108/Rev.1, available at: http://www.unhcr.org/refworld/docid/40a8a7394.html.

9 See in particular, ExCom Conclusions on Family Reunion, No. 9 (XXVIII), 1997 and No. 24 (XXXII), 1981; ExCom Conclusion on Refugee Children and Adolescents, No. 84 (XLVIII), 1997; and ExCom Conclusion on the Protection of the Refugee's Family, No. 88 (L), 1999. All ExCom Conclusions are compiled in UNHCR, *Thematic Compilation of Executive Committee Conclusions*, June 2011, Sixth edition, available at: http://www.unhcr.org/refworld/docid/4e8006a62.html.

10 *Conclusion on Local Integration*, 7 October 2005, No. 104 (LVI) - 2005, available at: http://www.refworld.org/docid/4357a91b2.html.

11 UNHCR, *Refugee Family Reunification. UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC)*, February 2012, p. 3, available at: http://www.refworld.org/docid/4f55e1cf2.html.

12 European Union: Council of the European Union, *Council Directive 2003/86/EC of 22 September 2003 on the Right to Family Reunification*, 3 October 2003, OJ L. 251/12-251/18; 3.10.2003, 2003/86/EC, available at: http://www.refworld.org/docid/3f8bb4a10.html.

6. The Finnish Government refers to Article 7 of the Directive, which permits States to require for eligibility for family reunification, *inter alia*, that the sponsor has "stable and regular resources which are sufficient to maintain himself/herself and the members of his/her family, without recourse to the social assistance system of the Member State concerned". The Proposal also refers to Article 12 of the Directive, which provides that refugees may be exempt from the conditions set out in Article 7, however, also that States may require them to meet these conditions under certain circumstances.

7. According to the Proposal, the Finnish Aliens Act will thus be amended to extend the requirement that the sponsor has sufficient resources as a condition for the granting of residence permit on the basis of family ties, to cover those groups currently exempted from this requirement.[13] With this amendment, beneficiaries of international protection[14] and temporary protection[15], as well as Finnish citizens and citizens of other Nordic States will need to fulfil the sufficient resources requirement to be eligible for family reunification.

8. According to the Proposal, the sufficient resources requirement will be applied also in cases where the sponsor has refugee status and the family reunification application is made after three (3) months from the granting of refugee status.[16] In UNHCR´s understanding, refugees will thus be exempt from the resources requirement if the application for family reunification is submitted within three months from the granting of refugee status. The sufficient resources requirement will, however, be applied also within the three month time-limit in family reunification situations when other relatives than a family member[17] of a refugee applies for family reunification or when family reunification could be possible in a third state, to which the sponsor or the family member has special ties.[18] Beneficiaries of subsidiary and temporary protection will not at all be exempted from the sufficient resources requirement. Furthermore, the new rules will be applied to beneficiaries of subsidiary and temporary protection if their application is still pending when the new legislation enters into force.

9. It is UNHCR's understanding that according to the current legislation, exceptions can be made to the sufficient resources requirement in individual cases if there are exceptional reasons ("poikkeuksellisen painava syy") or if it is necessary in order to fulfil the best interests of the child principle.

III. UNHCR Observations

General observations

10. UNHCR regrets that the family reunification mechanism, as a legal entry channel, will be restricted through the introduction of a resource requirement. Given the

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13 In UNHCR´s understanding, the Finnish Aliens Act currently exempts refugees and beneficiaries of subsidiary protection, from having to fulfil the sufficient resources requirement. Further, issuing a residence permit requires that the alien has secure means of support unless otherwise provided in the Aliens Act. Evidence that the sponsor has stable and regular resources sufficient to maintain him/herself and the members of his/her family is a requirement also for residence permits based on family ties.

14 As defined be Chapter 6 of the Aliens Act, comprising Asylum (corresponding to refugee status) (Section 87), Subsidiary Protection (Section 88) and Humanitarian Protection (Section 88a). A law proposal abolishing Humanitarian Protection is currently debated by the Parliament.

15 As defined by Section 109 of the Aliens Act.

16 Cf. Article 12 of the Directive.

17 Nucleus family as defined by Section 37 of the Finnish Aliens Act. Cf. Article 4.1 of the Directive, which enables a wider definition of eligible family members.

18 See Article 12.1(1,2) of the Directive

fact that most asylum-seekers are compelled to pay human smugglers large sums of money to reach Europe in order to exercise their right to seek asylum, many families are unable to travel together, and rely on legal family reunification procedures being available once a member of the family has been granted international protection. UNHCR is therefore concerned that the Proposal risks leading to more individuals, including women and children, having to resort to smugglers and risky journeys to Europe as the family reunification channel is restricted.

11. UNHCR wishes to point out that it is a generally agreed fact that the family is the fundamental unit of society entitled to protection by society and the State.[19] Following separation caused by forced displacement, such as from persecution and war, family reunification is often the only way to ensure respect for a refugee's right to family unity. Separation of family members during forced displacement and flight can have devastating consequences on peoples' well-being and ability to rebuild their lives. At the moment of flight, persons are forced to leave often without ensuring or knowing if their families are safe. Once in safety, refugees are in many cases unaware of the whereabouts of their family. Others have to make difficult decisions about leaving their family behind to find safety in another country.[20]

12. The family, however, plays an essential role in helping persons rebuild their lives and can provide critical support to adapt to new and challenging circumstances. Restoring families can also ease the sense of loss that accompanies many refugees who, in addition to family, have lost their country, network and life as they knew it. Family support in this sense goes beyond any traditional and cultural understanding of a family but will include those who rely and depend on each other. It is with this in mind that UNHCR advocates for family reunification mechanisms which are swift and efficient in order to bring families together as early as possible.[21]

13. Furthermore, family unity is a fundamental and important human right contained in a number of international and regional instruments to which Finland is a State party. These are the Universal Declaration of Human Rights, [22] (Article 16(3)); the International Covenant on Civil and Political Rights,[23] (Article 17); the International Covenant on Economic, Social and Cultural Rights,[24] (Article 10); the Convention on the Rights of the Child,[25] (Article 16) (hereafter "CRC"); as well

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19 See, UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), Article 16(3) available at: http://www.unhcr.org/refworld/docid/3ae6b3712c.html; and UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, Article 23(1), available at: http://www.unhcr.org/refworld/docid/3ae6b3aa0.html.

20 UNHCR, *Refugee Family Reunification. UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC)*, February 2012, p. 3, See footnote 11 above.

21 *Idem*. pp. 3 – 4.

22 UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: http://www.refworld.org/docid/3ae6b3712c.html.

23 UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: http://www.refworld.org/docid/3ae6b3aa0.html.

24 UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, available at: http://www.refworld.org/docid/3ae6b36c0.html.

25 UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: http://www.refworld.org/docid/3ae6b38f0.html.

as the European Convention for the Protection of Human Rights and Fundamental Freedoms[26] (Article 8).

14. UNHCR also wishes to draw attention to the case law of the European Court of Human Rights (hereafter "ECtHR"). The ECtHR has held that family unity is an essential right and a fundamental element in allowing persons who have fled persecution to resume a normal life, and that refugees should benefit from a family reunification procedure which is more favourable than other foreigners, due to their vulnerabilities. In this context, the Court finds it essential that the national authorities process the request for family reunification without undue delay.[27]

15. UNHCR is concerned that requiring sufficient resources for family reunification of refugees, where the application for family reunification is not submitted within three months after the granting of their status, does not take sufficiently into account the particularities of the situation of people who have had to flee, or the special circumstances that have led to the separation of their families. This may prove to be a serious obstacle to family reunification for them. People who have had to flee may not be aware if their family members are still alive, or of their whereabouts if they were separated during flight. Tracing of family members is a lengthy process which exceeds three months in many cases. They also face more difficulties in providing the documentation required for family reunification as documents may have been lost or destroyed during flight, and family members are unable to approach the authorities of their country of origin for documents due to risks of persecution.

Applying the sufficient resources requirement to refugees

16. UNHCR has observed that in practice only few Member States have so far used the possibility offered by Article 12(1) of the Directive to limit family reunification for refugees. UNHCR welcomes this approach by the majority of Member States in recognition of the specific circumstances of refugees, and has called on all Member States not to apply time limits to the more favourable conditions granted to refugees.[28]

17. As a minimum, time limits should only apply to the initial application for family reunification and should not require that the applicant and family member provide all the documents needed within the three month period.[29] In this respect, the European Commission considers that not applying article 12(1) third subparagraph is the most appropriate solution.[30] The Commission adds "if MSs opt to apply this provision, the Commission considers that they should take into account objective practical obstacles the applicant faces as one of the factors when assessing an individual application."[31]

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[26] Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14*, 4 November 1950, ETS 5, available at: http://www.refworld.org/docid/3ae6b3b04.html.

[27] *Tanda-Muzinga c. France*, Requête no 2260/10, Council of Europe: European Court of Human Rights, 10 July 2014, available at: http://www.refworld.org/docid/53be80094.html, para. 75.

[28] UNHCR, *Refugee Family Reunification. UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC)*, February 2012, p. 6, See footnote 11 above.

[29] *Ibid*

[30] European Commission, *Communication from the Commission to the European Parliament and the Council on guidance for application of Directive 2003/86/EC on the right to family reunification*, 3 April 2014, p. 23, available at: http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/legal-migration/family-reunification/docs/guidance_for_application_of_directive_on_the_right_to_family_reunification_en.pdf.

[31] *Ibid.*

Applying the sufficient resources requirement to beneficiaries of subsidiary protection

18. UNHCR is aware that according to Article 3.2(c) of the Directive, its provisions do not apply to beneficiaries of subsidiary protection. UNHCR however considers that the humanitarian needs of persons granted subsidiary protection are not different from those of refugees and differences in entitlements are therefore not justified in terms of the individual's flight experience and protection needs. There is also no reason to distinguish between the two as regards their right to family life and access to family reunification. There is thus no reason to treat beneficiaries of subsidiary and temporary protection less favourably and apply the new rules retroactively on them.

19. The European Commission also considers that the humanitarian protection needs of persons benefiting from subsidiary protection do not differ from those of refugees, and encourages MSs to adopt rules that grant similar rights to refugees and beneficiaries of temporary or subsidiary protection.[32] This is justified by the fact that the convergence of both protection statuses is also confirmed in the recast Qualification Directive 2011/95/EU.[33]

20. In this respect, UNHCR also wishes to refer to the ECtHR, which has held that a difference of treatment in "analogous, or relevantly similar, situations", is discriminatory if it has no objective and reasonable justification, "in other words, if it does not pursue a legitimate aim or if there is not a reasonable relationship of proportionality between the means employed and the aim sought to be realised."[34] The protection conferred by Article 14 of the ECHR (the prohibition of discrimination)[35] is not limited to different treatment based on characteristics which are personal in the sense that they are innate or inherent, but also relate to the individual´s immigration status.[36] The Council of Europe Committee of Ministers have also adopted a Recommendation on family reunion,[37] which equally applies to refugees and "other persons in need of international protection".

Applying the sufficient resources requirement where family reunification is possible in a third country

21. Regarding the possibility to apply conditions for family reunification where family reunification is possible in a third country, the European Commission clarifies that: "this option requires that the third country be a realistic alternative and, thus, a safe country for the sponsor and family members. The burden of proof on the possibility of family reunification in a third country lies on the MS, not the

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32 *Ibid*.

33 European Union: Council of the European Union, *Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)*, 20 December 2011, OJ L. 337/9-337/26; 20.12.2011, 2011/95/EU, p. 9, available at: http://www.refworld.org/docid/4f197df02.html

34 *Hode and Abdi v. The United Kingdom*, (Application no. 22341/09), European Court of Human Rights, 6 November 2012, para. 45, available at: http://www.refworld.org/docid/509b93792.html.

35 Article 14 states: "the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

36 *Hode and Abdi v. The United Kingdom*, (Application no. 22341/09), European Court of Human Rights, 6 November 2012, paras. 46–47, see footnote 35 above.

37 Council of Europe: Committee of Ministers, *Recommendation N° R (99) 23 of the Committee of Ministers to Member States on Family Reunion for Refugees and Other Persons in Need of International Protection*, 15 December 1999, Rec(99)23, available at: http://www.refworld.org/docid/3ae6b39110.html.

applicant. In particular, the relocation to such a third country should not pose a risk of persecution or of *refoulement* for the refugee and/or his family members and the refugee should have the possibility to receive protection there in accordance with the 1951 Convention relating to the Status of Refugees. The 'special links' imply the sponsor and/or family member have family, cultural and social ties with the third country."[38]

Exceptions for children and other individuals

22. UNHCR welcomes that the provision on exceptions to the sufficient resource requirement in individual cases if there are exceptional reasons will be retained. However, UNHCR notes that the current interpretation of the exception is strict, as defined by the Finnish Supreme Administrative Court.[39]

23. In respect of the possibility to make exceptions to the sufficient resource requirement, UNHCR would like to recall that according to Article 3 of the CRC, the best interests of the child shall be a primary consideration in all actions affecting children, and applies in all family reunification cases involving children, whether the child is in Finland, in the country of origin or in a third country. A child´s right to family life is specifically protected under Articles 9, 10 and 16 of the CRC, which, *inter alia*, provides that a family reunification application involving a child should be dealt with in a positive, humane and expeditious manner, and that the child has the right to maintain a regular and direct contact with both parents.

24. UNHCR also wishes to refer to the ECtHR, which has made the point that due consideration should be given to cases where a parent has achieved settled status in a country and wants to be reunited with his/her child who, for the time being, finds him/herself in the country of origin.[40] The ECtHR noted that it may be unreasonable to force the parent to choose between giving up the position which she has acquired in the country of settlement or to renounce the mutual enjoyment by parent and child of each other's company, which constitutes a fundamental element of family life.[41]

25. While UNHCR in principle advocates for the equal treatment with other third country nationals, the specific circumstances of refugees' flight and their vulnerability compared to other Third Country Nationals justifies a different treatment of those refugees and beneficiaries of subsidiary protection who may have suffered physical harm or traumatizing experiences, which may prevent them from meeting the sufficient resources requirement. This is recognized in Article 34 of the 1951 Refugee Convention, which calls on Contracting States to facilitate the integration of refugees.

Impact on integration

26. One of the stated objectives of the Proposal is to promote integration of third country citizens by increasing the sponsor's responsibility of his/her family's income. That would, according to the Proposal, support the integration of family members as the sponsor would be better prepared to support his/her family and

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38 European Commission, *Communication from the Commission to the European Parliament and the Council on guidance for application of Directive 2003/86/EC on the right to family reunification*, 3 April 2014, p. 23, see footnote 31 above.

39 KHO:2014:50, available (in Finnish) at: http://www.finlex.fi/fi/oikeus/kho/vuosikirjat/2014/201400803; KHO:2014:51, available (in Finnish) at: http://www.finlex.fi/fi/oikeus/kho/vuosikirjat/2014/201400804.

40 *Ebrahim and Ebrahim v. the Netherlands*, European Court of Human Rights, 18 March 2003.

41 *Abdulaziz, Cabales and Balkandali v. the United Kingdom*, European Court of Human Rights, Judgment of 28 May 1985, Series A no. 94, para. 68.

thus support their integration into society. UNHCR further notes that the Proposal recognizes the importance of promoting employment and integration of persons recognized as beneficiaries of international protection.

27. In UNHCR's view, the ability to reunify with one's family supports the integration process, which States are requested to facilitate as far as possible, pursuant to Article 34 of the 1951 Convention. Separation of family members during forced displacement and flight can have devastating consequences on peoples' well-being, as well as on their ability to rehabilitate from traumatic experiences of persecution and war and inhibit their ability to learn a new language, search for a job and adapt to their country of asylum. As mentioned above, the UNHCR ExCom Conclusion No. 104 on local integration[42], notes the potential role of family members in promoting the smoother and more rapid integration of refugee families given that they can reinforce the social support system of refugees. Research consequently shows that, in most cases, family reunification is the first priority for refugees upon receiving status.[43]

28. In a study on the integration of refugees in Europe, UNHCR documented that family reunification was a cross-cutting issue which impacted on other integration indicators, including employment, due to the stress, distraction and anxiety family separation causes.[44] Facilitating family reunification will therefore have a positive effect on integration in all its aspects, including employment.

29. UNHCR, however, notes with concern that refugees and others beneficiaries of international protection may not be able to fulfil the sufficient resources requirement in the initial years. As a result, family reunification would be delayed. Since family reunification impacts positively on integration, UNHCR considers that the proposed measures could hamper integration, whereas the stated aim of the Proposal is to support integration.

Information on rules and procedures

30. UNHCR wishes to refer to Recital 13 of the Directive, which calls on States to develop a set of rules for the procedure for examination of applications for family reunification which should be effective and manageable, as well as transparent and fair, to offer appropriate legal certainty to those concerned. As noted by the European Commission, to meet these criteria, MSs should develop practical guides with detailed, accurate, clear information for applicants, and to communicate any new developments in a timely and clear manner. Such practical guides should be made widely available, including online and in places where applications are made, whether in consulates or elsewhere. The Commission recommends making these guides available in the language of the MS, in the local language in the place of application, and in English.[45] In the context of applying the three months time-limit, the Commission also urges Member States to provide clear information on family reunification for refugees in a timely and understandable way (for instance, when their refugee status is granted).[46]

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42 *Conclusion on Local Integration*, 7 October 2005, No. 104 (LVI) - 2005, see footnote 10 above.

43 UNHCR, *A New Beginning: Refugee Integration in Europe, September 2013*, available at: http://www.refworld.org/docid/522980604.html.

44 *Ibid*.

45 European Commission*, Communication from the Commission to the European Parliament and the Council on guidance for application of Directive 2003/86/EC on the right to family reunification*, 3 April 2014, 7.1, p. 25, see footnote 31 above.

46 European Commission*, Communication from the Commission to the European Parliament and the Council on guidance for application of Directive 2003/86/EC on the right to family reunification*, 3 April 2014, 6.1.3, p. 29, see footnote 31 above.

IV. Conclusion and recommendations

31. UNHCR is of the view that both refugees and other beneficiaries of international protection should benefit from more favourable rules for family reunification without time-limits or conditions restricting this right.

32. UNCR's comments concerns the Proposal as it is presented. If substantial changes is made to the proposal, UNHCR trusts it will be invited to comment on those changes.

UNHCR's recommendation
UNHCR recommends the Government of Finland

- Not to apply the sufficient resources requirement to refugees and other beneficiaries of international protection;

- To apply the exceptions to the sufficient resource requirement flexibly to refugees and other beneficiaries of international protection with specific needs, including to children in compliance with Finland´s obligations according to the Convention on the Rights of the Child;

- To ensure that beneficiaries of international protection receive appropriate information on family reunification in a timely manner and in a way that they understand, including on the favourable conditions enumerated.

UNHCR Regional Representation for Northern Europe
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