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7 May 2024

Notre/Our code: 045/RNB/2024

RE: UNHCR Observations on the proposal to amend the Citizenship Act

To the Members of the Administration Committee,

UNHCR appreciates the invitation to provide its written expert opinion on the law amending the Finnish Citizenship Act (Hallituksen esitys eduskunnalle laiksi kansalaisuuslain muuttamisesta), initially presented on 9 February 2024, hereafter referred to as the Proposal.

On 11 March 2024, UNHCR submitted its observations on the earlier draft of the Proposal and on 18 April 2024, UNHCR received the revised Proposal as presented to the Parliament. UNHCR notes that the Proposal has been amended to some extent, inter alia by including further explanations, though no substantive changes or changes to the actual legislative text have been made. UNHCR would therefore like to reiterate its observations of 11 March, which remain valid and are enclosed in full.

For your ease of reference, kindly also find below a summary extract of the recommendations.

- a. Retain the more favorable shorter residence requirements for refugees and stateless people to acquire citizenship.

UNHCR notes that according to Article 34 of the 1951 Convention, Contracting States have a duty to facilitate “as far as possible” the naturalization of refugees. In UNHCR’s experience, timely naturalization can have a significant positive impact on integration. A prolonged and uncertain wait for citizenship, on the other hand, can deter refugees from investing in skills specific to Finland, such as learning the Finnish language or pursuing vocational qualifications, thereby impeding their integration prospects. Coupled with the proposed amendments to the Aliens Act to shorten the length of the fixed-term residence permits and make them subject to regular review, these developments could have a negative impact on refugees’ sense of security and stability, which the international protection regime is intended to provide.

UNHCR is concerned that the integration prospects of stateless persons are hampered if the residency requirement for eligibility for citizenship for stateless people would be increased and the rules for counting the qualifying residency period is changed. Measures aimed at prolonging the naturalization of stateless persons set forth in the Proposal are inconsistent with Article 32 of the 1954 Convention relating to the Status of Stateless Persons, according to which States shall, as far as possible, facilitate the naturalization of stateless persons and make every effort to expedite naturalization proceedings.

- b. Continue to count the qualifying residency period from the date of submitting the application for international protection.

UNHCR notes that refugees would not only be subject to the same eight-year residence period as other foreign nationals in Finland, but would, in practice, be subject to a longer period of residence before acquiring citizenship than other foreign nationals due to lengthy processing of international protection applications, including potential appeal processes. UNHCR would like to emphasize that the duration of the asylum procedure is normally outside the control of the applicant and should not generally work to the applicant's disadvantage. UNHCR is concerned that this places beneficiaries of international protection in a disadvantaged position compared to other foreign nationals residing in Finland.

UNHCR recalls that asylum-seekers have the right to remain in the country of asylum pending the examination of the asylum application. They are thus considered to be lawfully in the country of asylum during this time. UNHCR therefore recommends that the time while in the asylum process should count towards eligibility for citizenship.

- c. Assess the impact of the proposed restrictions on acquiring citizenship on refugee integration and on stateless people for whom naturalization is the only durable solution.

UNHCR is concerned that the Proposal lacks adequate analysis of the impact the proposed amendments may have on beneficiaries of international protection and stateless people. As UNHCR understand it, the Proposal does also not incorporate into its analysis the other legal proposals which are underway. As the various elements of the reform of the Aliens Acts and related legislation are interconnected, UNHCR recommends that a further analysis be undertaken of the combined impact that these changes may have.

- d. Consider adding the term “under the operation of its law” to the definition of as stateless person.

UNHCR welcomes the removal of the distinction between voluntary and involuntary statelessness in Finnish law, bringing it closer to Article 1(1) of the 1954 Convention relating to the Status of Stateless Persons. However, to bring Finnish law fully into conformity with the Convention, UNHCR recommends adding "under the operation of

its law" to the definition. The reference to "under the operation of its law" covers situations where the written law is substantially modified when it comes to its implementation in practice. Applying an approach of examining an individual's position in practice may lead to a different conclusion than one derived solely from analysis of the nationality laws of a country in the individual's case.

UNHCR appreciates the constructive dialogue with the Parliament of Finland, and we thank you for your consideration of this important matter. We remain at your disposal for any clarification required.

Yours sincerely,

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Annika Sandlund
Representative