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Lessons from solidarity work with migrants to the post-2015 asylum and migration debate

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The lack of proper legal assistance for asylum seekers and other foreigners with a precarious legal status has led to much of the migration activism in Finland taking the form of unofficial legal counselling. Actors in this field include the Free Movement Network, other small non-governmental organisations or activist groups and engaged individuals. In the seminar Politics of Migration in Tampere 22.–23.10.2018 several key questions around migration and migration policies were discussed. For instance, how well do fundamental categories of migration policy such as refugee or migrant worker match to the real world? Using the lens of practical work with asylum seekers and other precarious migrant groups in Finland, we connect this question to three experiences: the contradiction between bureaucratic categories and the real lives of migrants; internal contradictions of Finnish migration policy and thirdly, global inequalities which the current migration regime tries to respond to and which it partly reproduces. To create sound political solutions to the current “crisis” would require paying attention to how the labels and categories are produced by the bureaucratic system shaping the lives of persons on the move.

People behind the labels

Hamid, an Iranian man has lived in Finland almost ten years struggling with different legal processes. He first came to Finland as he

was persecuted for his political activities in his home country and had a relative in Finland. Hamid has worked in his relative's successful company, speaks fluent Finnish, has no relatives or family back in Iran. He has very little chances of applying any other kind of permit than asylum, since he doesn't have a passport. Hamid has never had one and he cannot rely on his country of origin to get one, even though the Finnish Immigration Service says he can, since it does not believe that he is in danger. He cannot marry his long-time spouse, since he cannot prove that he is not married in Iran or prove his identity. Neither is Hamid able to get a work permit because of the lack of the passport, but also because the sector in which he works is not in the need of foreign workforce according to the guidelines of the local employment officials. The police has not managed to deport anyone to Iran for a few years, but now they are trying hard and testing the approach on people who have stayed in Finland for years.

Both international and the Finnish law is dividing people into groups and categories with different legal statuses and rights to cross borders. While the current public and political discussion has mostly concentrated on refugees and asylum seekers, it has ignored the fact that the categories in use are not natural or essential: People end up in one category or another depending on the

circumstances, policies and what migration routes are available at the particular time and situation.

Self-deportation or residence permits?

On the one hand, Hamid's situation shows how the removal of failed asylum seekers constitutes a central problem for the Finnish immigration bureaucracy. Volunteers and activists working with asylum seekers have noticed that to compensate inefficient deportation policies the government aims to make life difficult for failed asylum seekers until the point that they will agree to "voluntary return". In December 2016 the government announced an action plan for preventing and managing irregular stay. The key measures included enhancing surveillance; increasing security measures, such as detention or reporting obligations; and the intensification of sanctions for irregular stays.

On the other hand, Hamid had several possible grounds to get a residence permit: marriage, work, asylum and other ties to Finland. The asylum system in Finland has some pragmatic and reasonable features: an undocumented person or asylum seeker may – at least in principle – also apply for a residence permit for other reasons. Work, study and family-based permits are the most important means for failed asylum seekers to regularise their status. Currently, counsellors at the Free Movement Network often encounter problems regarding regularisation which are similar to Hamid's experiences.

Firstly, the Finnish Immigration Service (Migri) enforces very strict passport requirements. For example, work or marriage permits are generally not granted to people who do not have a passport. People seeking international protection often do not have a passport. They could legally be granted an alien's passport, but this has not been practiced in the recent years. Even obtaining the national passport after entering Finland, for instance by buying it back from the smugglers, has been interpreted as an attempt to circumvent immigration provisions by Migri. It is also often very difficult to submit an application for a residence permit safely. Migri informs the police about undocumented persons when these are in the process of trying to regularise their status and thereby identifying themselves. This leads the undocumented persons being afraid of attempting to legalise their status, even if they have a right to residence through for example an employment contract. Thirdly, Migri often interprets requests for residence permits by asylum seekers as attempts to circumvent immigration

provisions. Even if the requirements for a marriage, work or study based permit would otherwise be fulfilled, the applicant will be rejected because the authorities suspect that their real purpose is not to work, study, or be with their family in Finland.

The Ministry of the Interior has implied that current problems can be resolved by increasing deportations and encouraging "voluntary" return. Instead of promoting inhumane and ineffective practices, there are more just and more practical solutions available that do not even require legal changes – Migri would only need to change its decision-making practices. Migri could grant alien's passports, reduce the use of the circumvention clause, and allow people to safely submit applications for regular status. A larger amount of labour based residence permits could be issued if current regulations on access to Finnish labour market would be applied in a more liberal fashion.

The policy options concerning the situation of failed asylum seekers do not constitute a choice between idealistic and realistic solutions. The most humane answer, issuing residence permits, would also be the most practical and economical one. This would not correct the distortions in the asylum policy but it would give access for failed asylum seekers to fundamental rights and grant them a possibility to rebuild their lives interrupted by the Finnish bureaucracy.

Universal solutions for global problems

Thirdly, the case of Hamid also indicates the vast social inequalities that form the context of the conflicts around migration. Many of the seemingly local problems which make people move, such as conflicts, poverty, hunger and environmental disasters, are not created only by or within one nation state, but are often global in nature, have far-reaching historical roots and are unequally distributed. For example, older industrial nations bear the biggest responsibility for the global problem of the climate change but many of the most adverse effects will hit hardest the Global South. Instead of conceptualizing international mobility through the lens of nation state, nationality and national immigration policy, the starting point should be that we live in a common world and need better solutions based on a shared understanding concerning these global issues.

Hamid does not have a passport because the possibilities for mobility are more restricted for people from the Global South. A Finnish citizen and an Iranian citizen are in any ways in different positions in relation,

for example, to economic situation, political rights or women's rights but also mobility rights. The Finnish passport grants its holder more practical mobility rights than the Iranian passport. Is it ethically sound that being born in a historical moment to a certain country like Finland and getting its passport

results in such fundamental difference in the distribution of rights? Are there any alternatives for this birthright lottery, as the current global citizenship regime is called by Ayelet Shchar, as a means of allocating life possibilities?

Karin Lindfors & Asta Lumikero (red.)

Den första veckan grät jag...

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Den erfarenheten delas av många i en ny bok om finlandssvenskt kvinnoliv i Sverige. Boken har fått titeln "Den första veckan grät jag..." och beskriver känslan av att anlända till ett land där man talar samma språk men ändå blir bemött som en främling. I personliga intervjuer skildrar fjorton finlandssvenska kvinnor, idag mellan 69 och 95 år gamla, sitt första möte med Sverige.

Gemensamt för dem är att alla har flyttat från Finland till Sverige mellan 1940- och 1980- talet. Alla har ett långt yrkesliv bakom sig och ingen är s.k. kändis. De kände att de reste till ett land som de förstod sig på, men mötet kunde bli chockartat. Idag ser de tillbaka på sina långa liv med många minnen och skarpsynta observationer om dagens svenska samhälle.

Bokens redaktörer Karin Lindfors och Asta Lumikero har sammanställt intervjuerna till en fängslande berättelse om vilket stort steg det var att emigrera då, jämfört med dagens globaliserade värld. Berättelserna visar på den kluvenhet som finns hos både den som anländer och den som tar emot. Det nya och främmande möter man med frågor, egna föreställningar och fördomar. Ett evigt mönster går igen, idag är det nya grupper som är föremål för tankemodellen vi och dom. "Den första veckan grät jag..." är både kvinnohistoria och en del av Sveriges och Finlands historia.