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## Summary

### Residence permit practices concerning victims of trafficking in human beings

The study examined residence permit practices related to issuing residence permits to victims of trafficking in human beings. The amendments to the Aliens Act made in 2006 aimed to promote the protection of victims of trafficking in human beings (619/2006). The Aliens Act was amended with a special provision (section 52a) under which a victim of trafficking in human beings may be issued with a temporary or continuous residence permit. A temporary residence permit may be issued if the residence of the victim of trafficking in human beings is justified on account of criminal proceedings. A residence permit may be issued on a continuous basis if the victim of trafficking in human beings is in a particularly vulnerable position. A residence permit may also be issued to a victim of trafficking in human beings on a discretionary basis on humanitarian grounds, such as their vulnerable position (section 52).

The study looked at the types of cases in which victims of trafficking in human beings were identified, and how the Aliens Act was applied in processing their residence permit applications. The primary focus of the study was to examine the application and distinction of sections 52 and 52a of the Aliens Act. A key aspect was to investigate how the vulnerability of victims of trafficking in human beings was assessed and which factors were deemed significant in the assessment of vulnerability.

The research material consisted of decisions made by the Finnish Immigration Service in 2018 – 2020 in cases that involved indications of possible victims of trafficking in human beings. The decisions applied section 52a of the Aliens Act, as well as provisions on international protection (sections 87 – 88) and issue of residence permits on humanitarian grounds (section 52). The material included a total of 461 decisions, 145 of which were selected for closer inspection.

Approximately 60 percent of the applicants included in the research material were female and approximately 40 percent were male. The majority of the applicants were from Nigeria, Somalia, Iraq and Afghanistan. Approximately 67 percent of the applicants received a positive decision, whereas approximately 33 percent received a negative decision. The average age of both applicants who received a positive and applicants who received a negative decision was 26 years, and the average age of women was slightly higher than the average age of men.

The nearly all of the decisions subject to a closer inspection concerned forced labour, sexual abuse or forced marriage. In most cases, the exploitation did not take place in Finland. The duration of the exploitation varied, but particularly some of the women had been subjected to long term sexual violence. The decisions clearly indicate accumulation of trafficking in human beings, meaning that many victims have been repeatedly exploited in different stages of their lives. In



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some cases, the exploitation started in the victim's childhood and continued in different forms through adulthood.

The study found that the most common grounds for issuing a positive decision was on the basis of international protection (sections 87 – 88) but trafficking in human beings was not the primary reason for such decisions. Issuing of residence permits on humanitarian grounds basis (section 52) was the second most common grounds for a positive decision. In these cases, the decisions often commented on trafficking in human beings, which had a bearing on issuing a residence permit because the victim was deemed to be in a vulnerable position. The third most common grounds for issuing a residence permit to a victim of trafficking in human beings was on the basis of section 52a of the Aliens Act as either a temporary or a continuous residence permit.

Application of the provision on the issue of residence permits for victims of trafficking in human beings (section 52a) was relatively rare. In 2018 – 2020, a total of 29 positive residence permit decisions were issued to victims of trafficking in human beings, 15 of which were for a temporary residence permit and 14 for a continuous residence permit. Some of the decisions were issued on the basis of the applicant's first application and some were extended permits. The study showed that it is very difficult for victims of trafficking in human beings to receive a continuous residence permit on the basis of their vulnerable position. The threshold for deeming that a victim of trafficking in human beings is in a particularly vulnerable position was remarkably high.

The study provides new information on the assessment of vulnerability of victims of trafficking in human beings, which can be utilised in law drafting and development of official practices. The study shows that assessment of vulnerability of victims of trafficking in human beings was diverse but varied significantly. Assessment of vulnerability involved assessing the nature, characteristics and consequences of the abuse suffered by the applicant. The applicant's attributes, the information they had obtained, their skills and their course of life were also given significance in the assessment of vulnerability. Vulnerability was linked to the applicant's possibilities for ensuring their means of support and health and avoiding becoming a victim after returning to their home country. The society's expected attitude toward the person returning to their home country, the support provided by the person's family and relatives in their home country and the opportunities for receiving support, help and protection from different operators in the home country also had a bearing on the assessment.

Assessment of vulnerability was found to be case-specific consideration where some factors speak in favour of vulnerability and some factors against it. Most cases involved several factors that spoke in favour of vulnerability, on the basis of which the applicant was issued with a residence permit on a discretionary basis on humanitarian grounds. However, assessment of vulnerability was not consistent and in some very similar cases one applicant received a positive decision while another received a negative decision.