

TALLINN UNIVERSITY OF TECHNOLOGY

School of Business and Governance

Department of Law

Mona Mäntynen

**UNDOCUMENTED MIGRANTS' RIGHT TO HEALTH CARE IN
FINLAND**

Bachelor's thesis

Programme HAJB08/14, European Union and International Law

Supervisor:

Jenna Uusitalo, MA in Law

Tallinn 2018

I declare that I have compiled the paper independently
and all works, important standpoints and data by other authors
have been properly referenced and the same paper
has not been previously presented for grading.
The document length is 11053 words from the introduction to the end of summary.

Mona Mäntynen

(signature, date)

Student code: a156144HAJB

Student e-mail address: mona.mantynen@gmail.com

Supervisor: Jenna Uusitalo, MA in Law, PhD Candidate at Uni, Helsinki.

The paper conforms to requirements in force

.....

(signature, date)

Chairman of the Defence Committee: /to be added only for graduation theses/

Permitted to the defence

.....

(name, signature, date)

TABLE OF CONTENTS

ABSTRACT	4
INTRODUCTION	6
1. BACKGROUND	10
1.1. Definition of an undocumented migrant	10
1.2. Definition of an asylum seeker	12
1.3. Difference between an undocumented migrant and an asylum seeker	14
2. LEGAL FRAMEWORK FOR THE RIGHT TO HEALTH CARE AND THE PROTECTION OF UNDOCUMENTED MIGRANTS	15
2.1. Legal framework on an international level	15
2.2. Legal framework applicable to undocumented migrants' right to health on European level	16
2.3. Finnish national legislation	19
3. CURRENT SITUATION AND LEGAL PROBLEMS IN FINLAND	23
3.1. Current problems of the undocumented migrants' right to health care in Finland	23
3.2. Legal issues arisen due to ending of asylums granted on the basis of humanitarian protection	26
3.3. Improvements made on the current situation for granting better fulfillment of undocumented migrants' right to health in Finland	27
3.4. Suggestions for legislative improvements	28
CONCLUSION	31
LIST OF REFERENCES	34
Scientific books	34
Scientific articles	35
National Legal Acts	36
Other Sources	37
Web Pages	38
Web Material	38

ABSTRACT

The right to health is a fundamental human right. Due to European Migrant Crisis, the amount of asylum seekers has increased enormously in many of the European Union Member States. When asylum applications are rejected, the number of undocumented migrants increases as well. Undocumented migrants are residing illegally within the territory of a Host State. They not only lack a legal status, but all legitimate rights and privileges. Thus, undocumented migrants form an especially vulnerable group. This thesis aims to examine, what are the current legal problems regarding to undocumented migrants' right to health care in Finland. Even though a person is residing illegally in the Host State, the State nevertheless has an obligation to ensure everyone the access to the highest attainable standard of health, regardless of one's status. In Finland, everyone has the right to emergency health care regardless of his or her status. The municipalities may decide whether or not to offer wider range of health care services for undocumented migrants. This leads to inequality depending on where in Finland the undocumented migrant is situated. This thesis also analyses, what legislative improvements shall be made in Finland in order to ensure undocumented migrants an equal access to health care.

Keywords:

right to health, undocumented migrants, legislative improvements, equal access to health care.

INTRODUCTION

The number of undocumented migrants has increased rapidly during the past few years in Finland, due to the growing number of asylum seekers and rejected asylum applications.¹ This is not only a problem in Finland, but all over the European Union and the whole world. When a new vulnerable group of people develops into a territory of any country, legal issues will arise inevitably. Due to this, the countries often struggle to deal with these issues and to develop their legislations. The Finnish government is currently violating inter alia the United Nations International Covenant on Economic, Social and Cultural Rights², the International Covenant on Civil and Political Rights³, as well as the Universal Declaration of Human Rights⁴ and the European Social Charter⁵ by failing to take responsibility for securing undocumented migrants' right to health care.

Despite of these international legislative means, as well as many other applicable legal acts on both European Union and national level, there are inadequacies in the actualization of undocumented migrants' right to health care in Finland. The local municipalities may decide whether or not to offer wider range of health care services for undocumented migrants, such as non-urgent health care.⁶ This leads to inequality depending on where in Finland the undocumented migrant is situated, putting these people into a vulnerable position. The lack of protocol for giving health care treatments to undocumented migrants set out in legislation also arises issues for health care professionals offering health care treatment for undocumented migrants.⁷

¹ Finnish League for Human Rights. (2017). Comments by the Finnish League for Human Rights on the 12th national report on the implementation of the European Social Charter submitted by the Government of Finland - *Finnish League for Human Rights – Ihmisoikeusliitto ry.* p 12.

² International Covenant on Economic, Social and Cultural Rights, 1966.

³ International Covenant on Civil and Political Rights, 1966.

⁴ Universal Declaration of Human Rights, 1948.

⁵ European Social Charter, 1961.

⁶ Finnish League for Human Rights. (2017), *supra nota 1*, p 11.

⁷ Keskimäki, I., Kuusio, H. & Nykänen E. (2014). *Paperittomien terveyspalvelut Suomessa.* Tampere, Finland. THL Raportti. p 70.

This topic was selected due to abovementioned reasons, and especially due to its topicality and novelty. The author has been following the development of this matter in Finland over the past few years. Even though as a topic this is politically an incendiary matter, the right to health is a fundamental human right, which shall be granted to everyone regardless of one's status.⁸

The states that have ratified the International Covenant on Civil and Political Rights⁹ (ICCPR) as well as the International Covenant on Economic, Social and Cultural Rights¹⁰ (ICESCR), have an obligation to ensure, that the rights set out in them are granted to all people residing in their territories. The ICESCR determines a right to health as a fundamental human right, that shall be granted to everyone regardless of one's status (Article 12).¹¹ This provision is included in the European Charter of the Fundamental Rights of the European Union as well (Article 35).¹² Due to the existence of inter alia these human rights conventions, the principle of state sovereignty cannot be considered as absolute in this context.¹³

However, migration can be considered as a challenge to health, as the European states shall offer everyone the access to health care services.¹⁴ Thus, this is a challenge that concerns especially undocumented migrants, due to their irregular status.¹⁵ Currently, emergency health care is given to all people regardless of their status or background all over the country (Finnish Health Care Act §50).¹⁶ However, undocumented migrants may be charged for emergency health care, unlike the citizens of Finland (§13).¹⁷ Due to the fact, that there exists no particular legislative act regarding undocumented migrants' right to health care, the municipalities may decide whether or not to provide health care for undocumented migrants. Thus, undocumented migrants are in an unequal position depending on where in Finland they are located. The aim of this thesis is to provide a solution on what legislative improvements shall be made in order to grant a better fulfillment of undocumented migrants' right to health care in Finland. The research question of this thesis is to

⁸ Universal Declaration of Human Rights, Article 25.

⁹ International Covenant on Civil and Political Rights (ICCPR), 1966.

¹⁰ International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966.

¹¹ ICESCR, Article 12.

¹² The Charter of the Fundamental Rights of the European Union, Article 35.

¹³ Blus, A. (2013). Beyond the Walls of Paper: Undocumented Migrants, the Border and Human Rights- *European Journal of Migration and Law*, 15(4), p 415.

¹⁴ Azzolini, E., Frisicale, E. M., De Vito, E., De Waure, C., Parente, P., Ricciardi, W., ... & Specchia, M. L. (2016). Are undocumented migrants' entitlements and barriers to healthcare a public health challenge for the European Union? - *Public Health Review*, 37(1), 13. p 2.

¹⁵ *Ibid.*, p 2.

¹⁶ Terveydenhuoltolaki 30.12.2010/1326 §50.

¹⁷ Laki sosiaali- ja terveydenhuollon asiakasmaksuista 3.8.1992/734 §13.

examine what are the current problems regarding to undocumented migrants' right to health care in Finland, as well as what are the legislative improvements needed to be introduced. The hypothesis of this thesis is, that the current extent to which Finland guarantees undocumented migrants' right to health care is incompatible with the principle of non-discrimination and legislative improvements are necessary in order to correct such an inadequacy. Due to the fact that currently there exists no applicable legislation to undocumented migrants' right to health care, there are many legal issues and major controversies between both international human rights law and Finland's own constitutional law, regarding to the overall actualization of undocumented migrants' right to health care in Finland.

Firstly, in order to explain the background of this thesis, the definitions for both of the terms 'asylum seeker' and 'undocumented migrant' shall be explained carefully in the first paragraph of this thesis, finally analysing the difference between these two groups of people for understanding thoroughly, why undocumented migrants are in fact in a different position than asylum seekers, especially laying focus on their right to health care in Finland. To clarify, this thesis shall only focus on third country nationals who have ended up as undocumented migrants in Finland, due to a rejected asylum application.

To sum up, this thesis will focus on undocumented migrants' right to health care in Finland. This thesis will critically analyse how the right to health care as a fundamental human right is currently actualised in Finland for this group of people. The author shall focus on legal framework regulating undocumented migrants' right to health care, as well as their protection in the second part of this thesis, focusing on both international legal framework and European Union legislation, and then finally on Finnish national legislation applicable to this matter. Examples of the actualization of undocumented migrants' right to health care in other European Union Member States shall also be given and analysed in the second part. The third part of this thesis focuses on the current situation and legal problems in Finland, such as problems arising due to the ending of asylums granted on the grounds of humanitarian protection, as well as issues applicable to this matter from healthcare professionals' point of view. The improvements already made on the situation shall also be introduced in this chapter.

Finally, the author shall offer a solution to this research problem, by suggesting legislative improvements which shall be made in order to be able to ensure better fulfillment of undocumented migrants' right to health care in Finland. The pros and cons of each possible suggestion shall also

be analysed. In order to achieve the aims of this thesis, the author shall critically analyse already existing sources, legislation as well as academic literature applicable to this topic, in order to provide a solution for the research problem. Thus, this thesis shall be compiled by using qualitative research methods.

1. BACKGROUND

Current statistics from last year, 2017, show that there were 21.3 million refugees around the world.¹⁸ However, many European countries still have a “closed-door policy”, meaning that they do not take in any refugees.¹⁹ Especially asylum seekers tend to face challenges not only in entering into a country and claiming for an asylum there, but also in accessing to their rights and justice therein.²⁰ Migration involves different groups of people, such as refugees, asylum seekers, displaced persons, returnees, as well as regular and irregular migrants.²¹ Migration is often described as a social conflict.²² In today's world, each and every country is a part of migration somehow, as a Host State, country of origin or a country of transit.²³ Due to their status as “outsiders”, it is often presumed that irregular migrants not only lack the duties towards the host State, but all legal rights entitled to them as individuals, too.²⁴ There is a gap between international human rights law (IHL) and the actualization of irregular migrants' (also known as undocumented migrants) right to health care.²⁵

1.1. Definition of an undocumented migrant

An undocumented migrant or an irregular migrant is a person who has no legal right to be or remain in a country, usually due to the fact that he or she has come into a country as an asylum seeker, but to whom no asylum was granted as a result of the asylum application process.²⁶ Already back in year 2004, it was estimated, that there were approximately 15 to 30 million migrants in an irregular situation around the world.²⁷ In 2009, the number of people living in a foreign country

¹⁸ O'Sullivan, M., & Stevens, D. (Eds.). (2017). *States, the Law and Access to Refugee Protection: Fortresses and Fairness*. 1st ed. Portland, the United States: Bloomsbury Publishing. p 3.

¹⁹ *Ibid.* p 4.

²⁰ *Ibid.* p 5.

²¹ Davies, A. A., Basten, A., & Frattini, C. (2009). Migration: a social determinant of the health of migrants. *Eurohealth*, 16(1), 10-12. p 5.

²² Düvell, F. (Ed.). (2005). *Illegal immigration in Europe*. London, the United Kingdom: Palgrave Macmillan. p 224.

²³ Wani, I. J. International Migration and Human Rights – 16 African Year Book of International Law. p 199

²⁴ Alexe, A. (2013) The Fundamental Rights of Irregular Migrants - *Queen Mary Law Journal*, 4, 23. p 24.

²⁵ Da Lomba, S. (2014). Vulnerability, Irregular Migrants' Health-Related Rights and the European Court of Human Rights – 21 *European Journal of Health Law*. p 340.

²⁶ Keskimäki, I., Kuusio, H. & Nykänen E. (2014), *supra nota* 7, p 44.

²⁷ Bogusz, B. (Ed.). (2004). *Irregular migration and human rights: theoretical, European and international perspectives* (Vol. 7). Leiden, The Netherlands: Martinus Nijhoff Publishers. p 291.

with an irregular status was around 50 million.²⁸ In year 2010, the amount of undocumented migrants residing within the territory of the European Union Member State was in between 5 to 8 million.²⁹ It was also estimated in year 2010, that there were currently approximately 3000 undocumented migrants in Finland.³⁰ It is hard to determine the precise number of these people, as no registration as such can be done for people, who are residing illegally in the country. Nowadays, the number of undocumented migrants residing in Finland is approximately 2000-4000 and there are undocumented migrants in 42 municipalities around the country.³¹

There is no distinguishment from an illegal migrant when it comes to this term. However, it is more politically correct to use the term undocumented migrant, rather than illegal migrant, hence a person himself or herself cannot be considered as illegal, even though his or her residing in a country is considered as illegal by legislative means.³² Thus, an undocumented migrant is one who is residing in a country illegally, without any identification document or a social security number as such. In most cases, an undocumented migrant has come into the country as an asylum seeker in the first place, but the asylum process has already ended and as a result of the process, no asylum was granted to this person.³³ Undocumented migrants are a permanent phenomenon in Finland, as well as in many other European countries.³⁴ It has also been estimated, that the number of undocumented migrants will only continue to increase in the future.

There are other groups of people in similar situation as undocumented migrants, as they also fall out of the scope of having a right to non-urgent health care in the country. These situations can be, for example that a person is an European Union citizen, whose residing in the country is legal, but his or her health insurance has ended, and therefore he or she is not entitled to non-urgent health care in Finland.³⁵ Another example is a third country national, whose residence permit or visa has been given on the grounds that a person has a valid private health insurance.³⁶ However, this thesis

²⁸ Rubio-Marín, R. (Ed.). (2014). *Human rights and immigration*. Oxford, United Kingdom: Oxford University Press. p 1.

²⁹ Viitanen, K., & Tähjä, K. (2010). *Paperittomat*. Helsinki, Finland: HS kirjat. p 5.

³⁰ *Ibid.*, p 5.

³¹ Gadd, K. & Jauhiainen, J. (2018). Paperittomat Suomessa vuoden 2018 alussa - *University of Turku*. p 1.

³² Viitanen, K., & Tähjä, K. (2010), *supra nota 29*, p 5.

³³ Finnish League for Human Rights. (2017), *supra nota 1*, p 12.

³⁴ Gadd, K. & Jauhiainen, J. (2018), *supra nota 31*, p 1.

³⁵ Keskimäki, I., Kuusio, H. & Nykänen E. (2014), *supra nota 7*, p 11.

³⁶ *Ibid.*, p 11.

shall only focus on third country nationals residing illegally in Finland, due to the fact that they were not granted an asylum, but they have continued residing in the country in spite of that.

Thus, in these circumstances a person has not come into a country by illegal means, but his or her residing has merely become illegal. After rejecting asylum applications, the countries presume, that these people will return back to their country of origin.³⁷ However, despite many legislative means developed for preventing this, there are many situations which simply force an asylum seeker to continue staying in the country illegally.³⁸ The explanation for this can be, that the person does not have any traveling documents, or that his or her country of origin simply refuses to receive back people, who have been forced to be deported.³⁹

Thus, in most cases, an undocumented migrant has a proper reason why going back to his or her country of origin is not an option. The number of undocumented migrants is rapidly increasing due to the European Migrant Crisis, and the growing number of rejected asylum applications is increasing rapidly as well. As undocumented migrants have no legal rights in the country they are staying, it automatically means that this group of people is in a vulnerable position.⁴⁰ Poor access to health care emphasizes their vulnerable position even more.⁴¹ Due to this vulnerable position, these migrants are frequently exploited, discriminated and abused.⁴² As undocumented migrants have breached the host State's immigration laws by residing illegally in the host State, they are often deemed as criminals and considered as a threat to society regardless of how they actually behave.⁴³

1.2. Definition of an asylum seeker

An asylum seeker is a person who has come into a country to seek an asylum.⁴⁴ An asylum seeker is still in waiting in the asylum application process, not yet knowing whether or not he or she will

³⁷ Viitanen, K., & Tähjä, K. (2010), *supra nota* 29, p 5.

³⁸ Keskimäki, I., Kuusio, H. & Nykänen E. (2014), *supra nota* 7, p 13.

³⁹ *Ibid.*, p 13.

⁴⁰ Crock, M. (2017). *Migrants and Rights*. 1st ed. New York, the United States: Routledge. p 411.

⁴¹ *Ibid.*, p 411.

⁴² Bogusz, B. (Ed.). (2004). *Irregular migration and human rights: theoretical, European and international perspectives* (Vol. 7). Martinus Nijhoff Publishers. p 291.

⁴³ Crock, M. (2017), *supra nota* 40, p 387.

⁴⁴ Web page providing information about moving to Finland and seeking asylum there. Accessible: <https://www.infopankki.fi/fi/muutto-suomeen/olen-/turvapaikanhakija>. 21 February 2018.

receive a residence permit.⁴⁵ The Finnish Immigration Service (Migri) shall determine, whether or not the asylum seeker shall be granted the status of a refugee.⁴⁶ A refugee is a person who is seeking for an asylum due to the fact that he or she is being persecuted in his or her country of origin.⁴⁷ However, receiving the status of a refugee is not absolute, as an asylum seeker may also be granted a residence permit on the grounds of subsidiary protection (the Finnish Aliens Act §88).⁴⁸ Asylum seekers are protected by legislative means in Finland.⁴⁹ When they are taken into refugee centres, their integration process shall begin immediately.⁵⁰ When waiting for the residence permit, all asylum seekers have a legal right to both non-urgent and urgent health care in the country.⁵¹ They are also granted a place to stay free of charge in a refugee centre in which they are staying, while they also receive social services there.⁵² Asylum seekers have the right to move freely in Finland, as well as to work and educate themselves in the country.⁵³ Children receive education free of charge, in the same manner as children who are Finnish nationals.⁵⁴ Also, asylum seekers shall receive legal aid, for example to fill in a complain, if one is not satisfied with the asylum decision he or she has been given.⁵⁵ In year 2011, there were 3088 asylum seekers in Finland. In 2015, the amount of asylum seekers was 32 500.⁵⁶ Last year, there were only 5059 asylum seekers in Finland.⁵⁷ When an asylum has been granted to an asylum seeker, he or she shall have the same right to health care as a national citizen of Finland.

⁴⁵ *Ibid.*

⁴⁶ Web page of the Finnish Immigration Service, information regarding grounds for asylums. Accessible: <http://migri.fi/milla-perusteella-turvapaikan-voi-saada>. 13 February 2018.

⁴⁷ The 1951 Refugee Convention: Convention and Protocol Relating to the Status of Refugees, Article 1.

⁴⁸ Ulkomaalaislaki 30.4.2004/301 §88.

⁴⁹ Laki maahanmuuttajien kotouttamisesta ja turvapaikanhakijoiden vastaanotosta 493/1999.

⁵⁰ *Ibid.*, §19.

⁵¹ Web page of the Finnish National Institute for Health and Welfare, information regarding asylum seekers' health care services. Accessible: <https://thl.fi/fi/web/maahanmuuttajat-ja-monikulttuurisuus/maahanmuuttajien-terveys-ja-hyvinvointi/turvapaikanhakijoiden-terveys-ja-hyvinvointi/turvapaikanhakijoiden-palvelut>. 11 January 2018.

⁵² Laki maahanmuuttajien kotouttamisesta ja turvapaikanhakijoiden vastaanotosta 493/1999 §19.

⁵³ Ulkomaalaislaki 30.4.2004/301.

⁵⁴ Laki maahanmuuttajien kotouttamisesta ja turvapaikanhakijoiden vastaanotosta 493/1999 §19.

⁵⁵ Ulkomaalaislaki 30.4.2004/301 §9.

⁵⁶ The Finnish Refugee Advice Centre, http://www.pakolaisneuvonta.fi/index_html?lid=38

⁵⁷ Finnish Immigration Service. *Vuoden 2017 tilastot: Turvapaikanhakijoita selvästi edellisvuosia vähemmän – ensimmäisen hakemuksen jätti reilut 2 100 hakijaa.* (Article at the Finnish Immigration Service's webpage: "Statistics from year 2017 show that there were a lot less asylum applications this year, than over the past years") Accessible: http://migri.fi/artikkeli/-/asset_publisher/vuoden-2017-tilastot-turvapaikanhakijoita-selvasti-edellisvuosia-vahemman-ensimmaisen-hakemuksen-jatti-reilut-2-100-hakijaa, 30 January 2018.

1.3. Difference between an undocumented migrant and an asylum seeker.

It shall be noted that there is a great difference between an undocumented migrant and an asylum seeker, thus these two shall not be confused with each other. Unlike asylum seekers, undocumented or irregular migrants do not have a legal status, and therefore they also lack all legal rights asylum seekers are entitled to. Due to their illegal status, they are excluded from the welfare state they are residing in.⁵⁸ An undocumented migrant is the one whose asylum application process has already been completed, and to whom no asylum was granted in the process.⁵⁹ Therefore, an undocumented migrant is simply lacking all rights and privileges granted to an asylum seeker, as an undocumented migrant is residing in the country illegally. All in all, the norms of human rights law have not done much to assist undocumented migrants, as merely being a human does not entitle these people to the scope of protection of human rights law.⁶⁰

Therefore, undocumented migrants are in many ways in a more vulnerable position than asylum seekers, and as a group they are "invisible" from the government's viewpoint.⁶¹ Of course, usually undocumented migrants have made their residing invisible, due to the fact that they are afraid of the possible deportation, if the government finds out about them.⁶² However, this "invisibility" also means falling out of the scope of governmental protection.⁶³ Thus, asylum seekers are not undocumented migrants, due to the fact that they have a right to reside in the country legally while their asylum applications are still being processed, and they also are entitled to all services and rights listed in the paragraph above. However, an asylum seeker becomes an undocumented migrant, if he or she continues to reside in the territory of the country in question, after his or her asylum application has been rejected.⁶⁴ To conclude, asylum seekers residing in the territory of a country cannot be considered as illegal.

⁵⁸ Crock, M. (2017), *supra nota 40*, p 389.

⁵⁹ Viitanen, K., & Tähjä, K. (2010) *supra nota 29*, p 9.

⁶⁰ Dauvergne, C. (2008). *Making people illegal: What globalization means for migration and law*. Vancouver, Canada: Cambridge University Press. p 21.

⁶¹ Viitanen, K., & Tähjä, K. (2010) *supra nota 29*, p 9.

⁶² Blus, A. (2013), *supra nota 13*, p 414.

⁶³ *Ibid.*, p 414.

⁶⁴ Webpage of the Finnish National Institute for Health and Welfare. Accessible: <https://thl.fi/fi/web/maahanmuuttajat-ja-monikulttuurisuus/maahanmuuttajien-terveys-ja-hyvinvointi/paperittomat>, 28th of May, 2017.

2. LEGAL FRAMEWORK FOR THE RIGHT TO HEALTH CARE AND THE PROTECTION OF UNDOCUMENTED MIGRANTS

2.1. Legal framework on an international level

The right to health care is a fundamental human right, granted to each and every person regardless of his or her status.⁶⁵ Everyone shall have a right to an adequate standard of living, including the right to medical care.⁶⁶ As the Universal Declaration of Human Rights included no right to petition, thus the rights proclaimed by it needed to be implemented.⁶⁷ One duty of each state is to ensure that every citizen, as well as vulnerable groups of people shall have access to health care services that are of a sufficient quality.⁶⁸ International legislation mainly focuses on providing means and methods for preventing and diminishing illegal immigration, which has led to lesser protection of an individual person's rights.⁶⁹ The host states have put the fight against irregular migration as a priority.⁷⁰ When it comes to protecting human rights of migrants on an international level, the basic principle applicable is that the most fundamental human rights of an irregular migrant are not deprived from him or her.⁷¹ Some authors argue, that the greatest issue applicable to interpreting international human rights law, is that the States are sometimes unwilling to recognize their force.⁷²

Moreover, the host states are still obliged to protect these irregular migrants, even if they have entered into their territory in violation of national immigration law.⁷³ To clarify, undocumented migrants' human rights shall be protected regardless of their status and despite of the fact of whether or not they have been legally admitted to enter the country.⁷⁴ The parties of the Universal Declaration of Human Rights, as well as other international human rights conventions are obliged to secure the right to health alongside with other fundamental human rights, to everyone, regardless

⁶⁵ Universal declaration of human rights, 1948. Article 25.

⁶⁶ *Ibid.*

⁶⁷ Freeman, M. (2017). *Human rights*. 3rd ed. Cambridge, United Kingdom: John Wiley & Sons. p 12.

⁶⁸ Gevers, S. (2004) The Right to Health Care - *European Journal of Health Law*, 11(1), 29-34. p 29.

⁶⁹ Blus, A. (2013), *supra nota 13*, p 414.

⁷⁰ Crock, M. (Ed.) (2017), *supra nota 40*, p 387.

⁷¹ Cholewinski, R., Macdonald, E. & Perruchoud, R. (Eds.). (2007). *International Migration Law: Developing Paradigms and Key Challenges*. The Hague: T.M.C. Asser Press, Cambridge University Press. p 36

⁷² Hathaway, J. (2005). *The Rights of Refugees Under International Law*. New York, USA: Cambridge University Press. p 31.

⁷³ Cholewinski, R., Macdonald, E. & Perruchoud, R. (Eds.). (2007), *supra nota 71*, p 36.

⁷⁴ *Ibid.* p 37.

of whether or not they are legally or illegally residing within their territories. The right to health is a fundamental human right, which includes both physical and mental health, as it is determined in international legislative acts, such as the United Nations International Covenant on Economic, Social and Cultural Rights (ICESCR)⁷⁵, alongside with the International Covenant on Civil and Political Rights.⁷⁶ Even though international legislation related to human rights is of an universal nature, it does not currently successfully grant protection to undocumented migrants in the same manner as it applies to national citizens.⁷⁷ The article 12 (1) of the ICESCR grants everyone the right to enjoy the highest possible standard of both physical and mental health.⁷⁸ It also requires the states to protect and respect the right to health by providing emergency health to everyone, as well as equal access to health care services, including minorities.⁷⁹ Therefore, according to Article 12, discrimination is not allowed on the grounds of a legal status.

The United Nations Convention on the Rights of a child, the states have an obligation to ensure that all the facilities responsible for protecting children shall ensure that the child shall have the right to highest attainable standard of health (Article 3).⁸⁰ Finland has ratified all of these abovementioned Human Rights Conventions, which are legally binding. Therefore, the Finnish government violates these international legislative means by failing to grant undocumented migrants an equal access to health care everywhere in the country. However, what makes this issue more difficult, is that international law generally leaves the regulating of legal status of aliens, as well as matters relating to immigration on the hands of the Host States.⁸¹

2.2. Legal framework applicable to undocumented migrants' right to health on European level

European Convention on Human Rights⁸² and the European Social Charter⁸³ are generally equivalent to ICESCR and ICCPR, due to the fact that they cover the same aspects applicable to

⁷⁵ International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966.

⁷⁶ International Covenant on Civil, Political and Cultural Rights (ICCPCR), 1966.

⁷⁷ Blus, A. (2013), *supra nota 13*, p 413.

⁷⁸ ICESCR, Article 12 (1).

⁷⁹ Committee on Economic, Social and Cultural Rights (CESCR) General Comment no 14.

⁸⁰ The Convention on the Rights of the Child, 1989. Article 3.

⁸¹ Hobe, S. (1993). *Law of Asylum – A Solution to the Migration Problem – 36 German Yearbook of International Law*. p 62.

⁸² European Convention on Human Rights, 1950.

⁸³ European Social Charter, 1961.

this matter on an European level. These are human rights conventions of the Council of the Europe, which is the leading European human rights organization founded in 1949.⁸⁴

The Charter of Fundamental Rights of the European Union grants everyone the right to access preventive healthcare, alongside with the right to benefit from medical treatment under the conditions set out in national laws and practices, thus ensuring a high level of human health protection when implementing EU's policies and activities.⁸⁵ Moreover, the European Union has a common policy towards refugees and asylum seekers. The European Union legislation sets out legislative means to prevent illegal immigration and human trafficking. The Asylum Application Process shall also be carried out by the same means in every country of the Union.⁸⁶ The Union also tries to prevent irregular migration through its border control and visa policies, as well as by imposing penalties for illegal human trafficking.⁸⁷ It has been argued, that when a migrant's human rights are at concern in the EU, there is a lack of democratic credentials.⁸⁸ State responsibility is essentially important for asylums seekers not yet given a status of a refugee under both international and regional human rights legislations.⁸⁹

Due to the rapid increasement of refugees entering EU countries from war zones of the third countries, these kinds of policies have become even more important for the Union. EU law determines judicial cooperation between EU Member States in issues relating to immigration, visas and asylum in Title V of Part Three of the Treaty on the Functioning of the European Union (TFEU); The Area of Freedom, Security, and Justice (AFSJ).⁹⁰ The Schengen Agreement has established a zone of free movement, abolishing internal borders. It also established measures to combat terrorism and organised crime through custom policies and judiciary.⁹¹ The Dublin Convention, on the other hand, determines the state that shall take responsibility for granting the asylum, and therefore it also prevents that an asylum that was not granted in one state, could be granted in another.⁹² The EU Member States may determine, how many quota refugees they shall

⁸⁴ Craig, P., & De Búrca, G. (2011). *EU law: text, cases, and materials*. 6th Ed. New York, The United States: Oxford University Press. p 4

⁸⁵ Charter of Fundamental Rights of the European Union, 2000. Article 35.

⁸⁶ Ibid.

⁸⁷ Peers, S. (2015) Irregular Migrants: Can Humane Treatment be Balanced against Efficient Removal? – *European Journal of Migration and Law*, 17(4). p 289.

⁸⁸ Costello, C. (2016). *The Human Rights of Migrants in European Law*. 1st ed. Oxford, United Kingdom: Oxford University Press. p 9.

⁸⁹ O'Sullivan, M., & Stevens, D. (Eds.). (2017), *supra nota* 18, p 17.

⁹⁰ Craig, P., & De Búrca, G. (2011), *supra nota* 83, p 964.

⁹¹ Sinnott, C. (2006). The Development of Refugee and Asylum Law in the European Union - 6 *Hibernian Law Journal*, 6, 287. p 294.

⁹² Craig, P., & De Búrca, G. (2011), *supra nota* 83, p 294.

receive per year, currently this number is 750 quota refugees per year in Finland, as set out in the Finnish Aliens Act (§90).⁹³ Quota refugees are the ones to whom the status of a refugee has been given through a legal and administrative procedures by either the States themselves or United Nations High Commissioner for Refugees (UNHCR).⁹⁴ A refugee has a well-founded fear of being persecuted in his or her country of origin due to his or her nationality, race, religion, political opinion or due to the fact that he or she belongs to a certain social group, and cannot return to his or her country of origin due to the fear of being persecuted there (Article 1).⁹⁵

Issues applicable to health care are generally set out in the national jurisdictions of each EU Member State, therefore there are no specific regulation or directive considering a common health care legislation for the EU as a whole. The Council of the European Union Directive 2003/9/EC sets out minimum standards for the reception of asylum seekers and includes provisions covering the access to health care.⁹⁶ However, this directive is only applicable to asylum seekers right to health care. Since the 1990's, most European policies applicable to this issue have focused mainly on how to combat irregular migration through measures such as external border control.⁹⁷ Nevertheless, legal issues relating to undocumented migrants' right to health care have been discussed in many EU Member States.⁹⁸ Unlike other European countries, the provisions requiring undocumented migrants to be charged fees after receiving urgent health care services, are applicable to minors in the same way as adults in Finland.⁹⁹

For instance, in France, Belgium, Sweden, Italy and the Netherlands, undocumented migrants have a right to both urgent and non-urgent health care services.¹⁰⁰ In Germany, on the other hand, undocumented migrants have unlimited rights to access health care services, but due to the fact that health care professionals have an obligation to inform authorities about illegal residency in the country, these people generally cannot use the health care services.¹⁰¹ Health care professionals

⁹³ Ulkomaalaislaki §90.

⁹⁴ Webpage of the Finnish Immigration Service, information regarding quota refugees. Accessible: <http://migri.fi/en/quota-refugees>

⁹⁵ The United Nations Refugee Convention, 1951 Article 1.

⁹⁶ Slingenberg, L. (2014). *The reception of asylum seekers under international law: between sovereignty and equality*. Oxford, United Kingdom: Bloomsbury Publishing. p 35.

⁹⁷ Azoulay, L. & De Vries, K. (Eds.). (2014). *EU Migration Law: Legal Complexities and Political Rationales*. 1st ed. Oxford, United Kingdom: Oxford University Press. p 62.

⁹⁸ Keskimäki, I. Kuusio, H. & Nykänen E. (2014), *supra nota* 7, p 36.

⁹⁹ *Ibid.*, p 36.

¹⁰⁰ *Ibid.*, p 37.

¹⁰¹ *Ibid.*, p 37.

are obliged to inform undocumented migrants to authorities also in the United Kingdom, Croatia, Sweden and Slovenia.¹⁰²

There are differences, when it comes to the definition of urgent health care services between EU Member States, too. In some countries, the urgent health care includes also prenatal services and treatment of chronic illnesses.¹⁰³ There are differences in the costs of treating undocumented migrants between EU Member States as well. Other examples of an European country, who is not an EU Member State but belongs to the European Economic Area (EEA), is Norway, where undocumented migrants shall generally cover the costs of all health care services given to them, whereas in Sweden and the Netherlands, the costs shall be covered mainly by the government.¹⁰⁴ In year 2014 it was estimated, that there were approximately 12 000 to 18 000 undocumented migrants in Norway.¹⁰⁵ The amount of undocumented migrants is constantly increasing in Norway, due to illegal human trafficking.¹⁰⁶ The health care system is universal in Sweden, and therefore health care services are granted equally to all.¹⁰⁷ Undocumented migrants are entitled to health care services under the same criteria as asylum seekers under Swedish national legislation.¹⁰⁸ According to the Migrant Integration Policy Index (MIPEX) Italy is the leading example in ensuring undocumented migrants the right to access health care services.¹⁰⁹ In conclusion, there are differences between European and EU Member States when it comes to undocumented migrants' right to health care.

2.3. Finnish national legislation

Finland has ratified all the abovementioned international human rights conventions into its own national constitution. The Finnish Constitution ensures everyone an equal access to health care (§19).¹¹⁰ The definition of health care, who is entitled to it, and other specific details are covered

¹⁰² Azzolini, E., Frisicale, E. M., De Vito, E., De Waure, C., Parente, P., Ricciardi, W., ... & Specchia, M. L. (2016), *supra nota 14*, p 4.

¹⁰³ Keskimäki, I., Kuusio, H. & Nykänen E. (2014), *supra nota 7*, p 37.

¹⁰⁴ *Ibid.*, p 40.

¹⁰⁵ *Ibid.*, p 40.

¹⁰⁶ *Ibid.*, p 40.

¹⁰⁷ *Ibid.*, p 38.

¹⁰⁸ *Ibid.*, p 38.

¹⁰⁹ Azzolini, E., Frisicale, E. M., De Vito, E., De Waure, C., Parente, P., Ricciardi, W., ... & Specchia, M. L. (2016), *supra nota 14*, p 4.

¹¹⁰ Perustuslaki 11.6.1999/731 §19.

by other national legislative acts. The Finnish Aliens Act states, that in case a person cannot return into his or her country of origin, he or she shall be given a temporary residence permit.¹¹¹ This provision was interpreted in the past few years so that these temporary residence permits were not granted to an asylum seeker, whose asylum application had been rejected, and who could have returned to his or her country of origin, but refused to do so.¹¹² Consequently, this kind of an interpretation finally lead to the establishment of group of undocumented migrants in Finland.¹¹³

The main issue is that there exists no legislation in Finland directly covering undocumented migrants' right to access health care.¹¹⁴ However, all people shall receive emergency health care, regardless of one's status (the Finnish Health Care Act 50§).¹¹⁵ However, the Finnish government fails to subsidize the actualization of the aims of the Health Care Act.¹¹⁶ The reason why the government fails in its duties towards undocumented migrants, is that in principle, each municipality is responsible to offer non-urgent health care for only those who are permanently residing there. The municipalities may decide not to offer non-urgent health care for undocumented migrants. It shall be taken into account, that treatment of chronic illnesses, as well as prenatal health care, or treatment of mental illnesses are not considered as emergency health care services in Finland.¹¹⁷ Thus, undocumented migrants' right to health care is poorly actualised in the country, due to the lack of legislative means.

Thus, the fact that the state is currently failing to secure undocumented migrants' right to health care creates a major controversy between Finland's own constitution as well, where it is stated, that everyone shall be equal in front of law and that no one shall be put into an unequal position due to his or her sex, age, ethnic background, religious or political beliefs nor opinions, health, disability or any other reason without acceptable grounds (the Finnish Constitution §6).¹¹⁸ Also, children shall be treated equally as individuals (the Finnish Constitution §6).¹¹⁹ Thus, there is also a controversy between these provisions of the Finnish Constitution and the actual situation in the country, as even children are put into an unequal position, as their right to non-urgent health care depends on where in Finland they happen to be situated.

¹¹¹ Ulkomaalaislaki 2004/301 §51.

¹¹² Keskimäki, I., Kuusio, H. & Nykänen E. (2014), *supra nota* 7, p 13.

¹¹³ *Ibid.*, p 13.

¹¹⁴ p 12.

¹¹⁵ Terveysturvalaki 30.12.2010/1326 §50.

¹¹⁶ Finnish League for Human Rights (2017), *supra nota* 1, p 12.

¹¹⁷ *Ibid.*, p 12.

¹¹⁸ Perustuslaki 11.6.1999/731, §6.

¹¹⁹ *Ibid.*, §6.

There is a national act, according to which any patient who is permanently residing in Finland, shall be entitled to health care and medical care without discrimination (the Act Relating to the Status and Rights of Patients §3).¹²⁰ Thus, this provision is applicable to only those who are permanently residing in Finland. This provision also ensures that migrants who are residing temporarily in the country shall have the right to health care according to what has been specifically legislated and agreed between states (§3).¹²¹ However, this act is currently actualised solely by providing urgent health care to undocumented migrants all over the country. As the municipalities may still decide whether or not to offer non-urgent health care services to irregular migrants, it can be concluded that this provision is also poorly actualised. Moreover, undocumented migrants are entitled to cover the costs arisen from urgent health care they have received (Act and Decree on social and health care client fees 13 §).¹²²

Urgent health care, or emergency health care is generally defined by the Finnish Health Care Act as evaluating a patient or an injured persons' need for health care and giving urgent health care outside of the health care facilities, as well as transporting the patient into a facility which is the most applicable to the health care services one urgently needs to receive.¹²³ Also, the §50 of the Finnish Health Care Act is applicable to situations where a person himself or herself goes into a health care facility to seek for treatment.¹²⁴ However, undocumented migrants can be charged for urgent health care services given to them, unlike the citizens of Finland (Act and Decree on social and health care client fees §13).¹²⁵ If an undocumented migrant cannot cover the costs arisen from emergency health care services, the state shall be responsible for covering them in the end.¹²⁶ However, in most cases their poor financial situation combined with the fear of "getting caught" leads to the fact that many of the undocumented migrants cannot be able to actually receive health care services.¹²⁷ Thus, their unequal position in comparison to citizens of Finland is emphasized and the scope of the controversies deepens between national legislative acts and the actualization of undocumented migrants' right to health care in Finland.¹²⁸ Undocumented migrants often have such a great fear to expose themselves to authorities, that they are not able to take advance from

¹²⁰ Laki potilaan asemasta ja oikeuksista 17.8.1992/785 §3.

¹²¹ *Ibid.*, §3.

¹²² Laki sosiaali- ja terveydenhuollon asiakasmaksuista 734/1992 §13.

¹²³ Terveydenhuoltolaki 30.12.2010/1326 §40.

¹²⁴ Terveydenhuoltolaki 30.12.2010/1326 §50.

¹²⁵ Laki sosiaali- ja terveydenhuollon asiakasmaksuista 734/1992 §13.

¹²⁶ Web page of the Finnish National Institute for Health and Welfare, information regarding undocumented migrants' health care services. Accessible: <https://www.thl.fi/fi/web/maahanmuuttajat-ja-monikulttuurisuus/maahanmuuttajien-terveys-ja-hyvinvointi/paperittomat/paperittomien-terveyspalvelut-suomessa>

¹²⁷ Keskimäki, I., Kuusio, H. & Nykänen E. (2014), *supra nota* 7, p 14.

¹²⁸ Finnish League for Human Rights. (2017), *supra nota* 1, p 12.

even the most basic human rights they are entitled to.¹²⁹ Thus, the fear of getting caught overall diminishes the amount of undocumented migrants actually entering into health care centers.

To conclude, there are currently no legislative national acts or any legal means as such concerning undocumented migrants in particular. There is a national legislative act on the integration of immigrants and reception of asylum seekers, which aims to forward the integration process, as well as to support equality between groups of people.¹³⁰ However, this law is applicable only to those people who are residing in the country legally and have been granted a residence permit.¹³¹ Of course, it shall be critically analysed, whether or not a state can provide legal protection for people that it considers to be illegally residing on its territory and if it can, to what extent is it possible to do so.

For example, it has been discussed during the past few years in the Finnish media, that the income support shall only be given to national citizens of Finland.¹³² However, the right to health is a fundamental human right, which shall be granted to all despite of one's status, and therefore the Finnish state is failing to take responsibility of this group of people, who are residing in its territory.¹³³ However, it shall never be considered as illegal, when a doctor takes care of an undocumented migrant in Finland, due to the doctors' ethic. Therefore, there is a controversy between Finnish legislation and doctors' ethic as well.¹³⁴ Moreover, a doctor shall not inform about an undocumented migrant to the police, due to fact that one is residing in the country as an undocumented migrant (Act on the Status and Rights of Patients §13).¹³⁵ Moreover, a health care professional is always entitled to give urgent health care to a patient (Act on Health Care Professionals §15).¹³⁶

¹²⁹ Carens, J. H. (2008). The rights of irregular migrants - *Ethics & International Affairs*, 22(2). New York, The United States: Carnegie Council for Ethics in International Affairs. p 167.

¹³⁰ Laki kotoutumisen edistämisestä 30.12.2010/1386 §1.

¹³¹ *Ibid.*, §2.

¹³² Mansikka, O. Suomi pohtii, mitä tekisi kasvavalle paperittomien joukolle – ”Toimeentulotuki on vaikein asia” (News Article in Helsingin Sanomat: ”Finland tries to figure out what to do with a growing number of irregular migrants – income support is the biggest problem”)

Accessible: <https://www.hs.fi/kotimaa/art-2000004888216.html?share=34632f34004952f212aff7e57ed68424>, 30th of November 2016.

¹³³ Universal Declaration of Human Rights, Article 25.

¹³⁴ Aali, H., Holmberg, V., Lundqvist, T., Mönttinen, A., Sainio S., Salmi, H. & Tiittala, P. *Kuinka hoidan paperitonta potilasta?* (News Article at Lääkärilehti.fi “How do I give treatment to an undocumented migrant?”) Accessible: <http://www.laakarilehti.fi/tieteessa/katsausartikkeli/kuinka-hoidan-paperitonta-potilasta-2852/?public=09d807b6b8753825575ecb3ffeb0fe54>, 1st of April 2016.

¹³⁵ Laki potilaan asemasta ja oikeuksista. 17.8.1992/785 §13.

¹³⁶ Laki terveydenhuollon ammattihenkilöstä 28.6.1994/559 §15.

3. CURRENT SITUATION AND LEGAL PROBLEMS IN FINLAND

3.1. Current problems of the undocumented migrants' right to health care in Finland

Although some major improvements have already been made in order to ensure better fulfillment of undocumented migrants' right to health, there are still inadequacies when it comes to this matter, which shall be analysed in this paragraph. Of course, when no specific legislation directly applicable to undocumented migrants' right to health care currently exists in Finland, legal problems will arise inevitably. As undocumented migrants have often come to the country as asylum seekers from war zones, it can be assumed, that many of them might have a specific need for both physical and mental medical treatment. In the worst case, these people can be victims of inhumane treatment, torture, or illegal human trafficking. Of course, it shall also be taken into account, that undocumented migrants as a vulnerable group of people may bring different kinds of challenges for the Finnish government, and politicians are discussing about the matter in the media, trying to regenerate discussion in order to figure out what to do with these people.¹³⁷

Hence undocumented migrants do not have a right to education or paid labour in the country, different kinds of phenomena, such as prostitution and criminality will inevitably only continue to increase.¹³⁸ As a consequence, these phenomena also increase the amount of health care services needed for these people. A poll made last year shows, that one third of Finns would not allow undocumented migrants a right to health care in the country.¹³⁹ Due to the fact, that Finland is a democratic society, all legislative decisions are made through its citizens and their right to vote

¹³⁷ Mansikka, O. Suomi pohtii, mitä tekisi kasvavalle paperittomien joukolle – ”*Toimeentulotuki on vaikein asia*” (News Article in Helsingin Sanomat: ”*Finland tries to figure out what to do with a growing number of irregular migrants – income support is the biggest problem*”)

Accessible: <https://www.hs.fi/kotimaa/art-2000004888216.html?share=34632f34004952f212aff7e57ed68424>, 30 November 2016.

¹³⁸ Nuotio, A. *Paperittomuus altistaa kaltoinkohtelulle*. News article at Helsingin Sanomat “*Undocumented migrants are exposed to maltreatment*.” Accessible: <https://www.hs.fi/paivanlehti/11052017/art-2000005204793.html>, 11th of May, 2017.

¹³⁹ Laitinen, J. *Kolmasosa kieltäisi terveydenhuollon paperittomilta – perussuomalaisista 70 prosenttia ei antaisi hoitoa* (News Article in Helsingin Sanomat: *A poll shows that one third of Finns would prohibit health care services from undocumented migrants*)

Accessible: <http://www.hs.fi/kaupunki/art-2000005059227.html?share=de92b3036c0e317f6c135662d7fa28ad>, 25 January 2017.

and their right to stand as a candidate in elections. However, there is a risk of some serious issues, if the country does not ensure proportionate treatment for undocumented migrants. One possible issue is that if undocumented migrants have contagious diseases, such as tuberculosis and if their children are not given appropriate vaccinations, these diseases can spread within the population.¹⁴⁰ Of course, refusing to vaccinate a child is a violation against a child's rights in the first place, too.¹⁴¹

The lack of legislation applicable to the treatment of undocumented migrants also creates challenges for health care professionals in Finland.¹⁴² When there are no patient records, social security numbers or any useful information as such, and often a common language is missing, taking care of undocumented migrants truly is a challenge for health care professionals in Finland.¹⁴³ The lack of understanding may lead to mistakes when treating an irregular migrant. It is also difficult for health care professionals to form an overall perception of the patient's medical history, as no records exist.¹⁴⁴ Therefore, undocumented migrants should have a right to an interpreter, and there should also be a way to register their information in order for doctors to be able to access into their medical data when giving them treatment, that is of a highest attainable quality.

Helsinki, as well as its neighbouring areas Vantaa and Espoo, have just recently decided to grant health care services for undocumented migrants.¹⁴⁵ However, there are inadequacy in the fulfillment of undocumented migrants right to health care elsewhere in Finland. Therefore, there are still lots of people lacking the right to health care services. It shall be noted, that there is an unknown number of undocumented migrants elsewhere in Finland, too. Thus, this leads to inequality depending on where in the country the undocumented migrant happens to be situated, as municipalities may decide whether or not they will take in undocumented migrants into health care centres.¹⁴⁶

¹⁴⁰ Keskimäki, I., Kuusio, H. & Nykänen E. (2014), *supra nota* 7, p 61.

¹⁴¹ Convention on the Rights of a Child, Article 3.

¹⁴² Keskimäki, I., Kuusio, H. & Nykänen E. (2014), *supra nota* 7, p 70.

¹⁴³ *Ibid.*, p 70.

¹⁴⁴ *Ibid.*, p 71.

¹⁴⁵ Laitinen, J. Vantaa tarjoaa jatkossa Espoon ja Helsingin tavoin hoitoa alaikäisille ja raskaana oleville paperittomille (News Article in Helsingin Sanomat: "Vantaa, as well as Helsinki and Espoo will now provide health care services for minor and pregnant undocumented migrants."). Accessible: <http://www.hs.fi/kaupunki/art-2000005212416.html?share=a7f9ea98e2c27224a8dc1ecf37bf8607>, 15 May 2017.

¹⁴⁶ Keskimäki, I., Kuusio, H. & Nykänen E. (2014), *supra nota* 7, p 27.

There is a non-governmental organization (NGO) called the Global Clinic, which offers health care services for all undocumented migrants in Helsinki, Oulu and Turku, and is run by volunteers.¹⁴⁷ Previously, up to last year, 2017, the Global Clinic took charge of taking care of minor and pregnant undocumented migrants as well.¹⁴⁸ The most important legal question applicable to this matter is, that if and when something crucial happens, for instance a child dies in a health care clinic run by charity, who is, or can anyone be responsible for that? When there are no legislative means in particular to provide protection for these people, it is harder to charge anyone or point any person to be legally responsible. In principle, if there are health care professionals working in the charity clinics, National Supervisory Authority for Welfare and Health (Valvira) has the right to investigate the matter. However, the lack of patient records also makes it harder for authorities of Valvira to investigate what actually caused the complications arisen, and whether there was a mistake made by a health care professional or not. Thus, as there are no legislative means applicable to this matter on a national level, it is thus extremely difficult to provide reasonable protection for undocumented migrants.

All in all, due to the fear of deportation, undocumented migrants very rarely seek into health care facilities. There was a legislative proposal concerning undocumented migrants right to non-urgent health care services matter already in 2014, which however fell down in 2015.¹⁴⁹ The reason, why this legislative proposal fell down, was that simply that most of the politicians voted against it. Undocumented migrants right to non-urgent health care is still a matter, that divides opinions among the politicians and the population as well.¹⁵⁰

¹⁴⁷ *Ibid.*, p 27.

¹⁴⁸ Finnish League for Human Rights (2017), *supra nota 1*, p 11.

¹⁴⁹ Hallituksen esitys eduskunnalle laiksi kunnan velvollisuudesta järjestää eräitä terveydenhuollon palveluja eräille ulkomaalaisille ja laiksi rajat ylittävistä terveydenhuollosta annetun lain muuttamisesta HE 343/2014. (Proposal by the Government to the Parliament on the obligation of the municipality to arrange certain healthcare services for some foreigners and to amend the Act on Cross-border Healthcare) Accessible: https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Documents/he_343+2014.pdf

¹⁵⁰ Välimaa, M. *Suomalaisten mielipide paperittomien hoidon laajenuksesta yllätti tutkijan* (News Article in Vantaan Sanomat: "A researcher was shocked about Finns' opinion towards undocumented migrants right to non-urgent health care"). Accessible: <https://www.vantaansanomat.fi/artikkeli/601856-suomalaisten-mielipide-paperittomien-hoidon-laajenuksesta-yllatti-tutkijan-usu-46>, 24th of January, 2018.

3.2. Legal issues arisen due to ending of asylums granted on the basis of humanitarian protection

Another issue is, that as they are no longer asylums granted on the basis of humanitarian protection in Finland, more legislative issues may arise, as the amount of rejected asylum applications increases.¹⁵¹ Humanitarian protection was taken out of the Finnish Aliens Act in 16th of May, 2016.¹⁵² The asylums granted on the basis of humanitarian protection was purely a Finnish legislative tool, which allowed asylums to be granted on the grounds that there was an environmental catastrophe or an unsafe situation in the applicant's country of origin, due to which the person could not return into his or her country of origin.¹⁵³ Previously, there were a few hundred asylums granted on the basis of humanitarian protection per year in the country.¹⁵⁴ The Finnish Immigration Service (Migri) has stated already in year 2016, that there are certain areas in which it is possible to return, such as Afghanistan, Iraq, and Somalia, as the situation there can no longer be seen as unsafe.¹⁵⁵

Therefore, more asylum applications are rejected nowadays of people coming from these areas, as they will not be granted an asylum on the grounds of humanitarian protection any longer.¹⁵⁶ Due to the fact that these countries can now be seen as safe enough for asylum seekers to return, has led to the situation where it is even harder to receive an asylum on the grounds of subsidiary protection, as well.¹⁵⁷ Subsidiary protection, on the other hand, means receiving an asylum on the grounds that the asylum applicant has sufficient means to assume, that there is a threat of life, torture, death penalty or any other inhumane treatment imposed on him or her in his or her country or origin.¹⁵⁸ Other grounds for granting an asylum on the basis of subsidiary protection are simply that one cannot return into his or her country of origin due to the extrajudicial violence caused by an armed conflict, which will lead to threat of one's life.¹⁵⁹

¹⁵¹ Vuorio, J. *Humanitaarista suojelua ei myönnetä enää, uudet maalinjaukset Afganistanista, Irakista ja Somaliasta* (News Article at the webpage of the Finnish Immigration Service: *Humanitarian protection is no longer granted, new policy regarding Afghanistan, Iraq and Somalia* Accessible:http://migri.fi/artikkeli/-/asset_publisher/humanitaarista-suojelua-ei-myonneta-ena-uudet-maalinjaukset-afganistanista-irakista-ja-somaliasta?p_p_auth=MOlzINjD, 17th of May 2016.

¹⁵² *Ibid.*

¹⁵³ *Ibid.*

¹⁵⁴ *Ibid.*

¹⁵⁵ *Ibid.*

¹⁵⁶ *Ibid.*

¹⁵⁷ *Ibid.*

¹⁵⁸ Ulkomaalaislaki 30.4.2004/301 §88.

¹⁵⁹ *Ibid.*, §88.

The Head of Migri has stated, that the grounds for applying this new policy were simply that Finland had been given asylums by applying the concept of subsidiary protection in a more broader sense when being compared to other Scandinavian countries.¹⁶⁰ Migri will continue to evaluate regularly the safety situation in the asylum seekers countries of origin, in order to decide whether or not they be returned into their countries of origin.¹⁶¹ Thus, due to these new policies, it is now more difficult to receive an asylum in Finland, and therefore the amount of rejected asylum applications continues to increase, which also increases the amount of undocumented migrants in the country. This, on the other hand will probably only increase undocumented migrants need for health care services.

3.3. Improvements made on the current situation for granting better fulfillment of undocumented migrants' right to health in Finland

An improvement to the situation has recently been made by the capital city, Helsinki, which now grants a full range of health care services for undocumented migrants, not only urgent health care. Before this, there were only a non-governmental organization called the Global Clinic, that arranged temporary health care services for undocumented migrants through voluntary work.¹⁶² In year 2017, there was also an improvement to the conditions of undocumented migrants, which has been made in Helsinki, as well as its neighbouring areas, Espoo and Vantaa.¹⁶³ Undocumented migrants are nowadays entitled to receive non-urgent health care services, such as necessary vaccinations and mental health services. An analysis for the need of non-urgent health care services given for an undocumented migrant shall always be done by a health care professional.¹⁶⁴

¹⁶⁰ Matikainen, J. *Maahanmuuttovirasto tiukensi linjaansa: Suomi ei voi olla houkuttelevampi kuin Ruotsi.* (News Article in Yle Uutiset: *The Finnish Immigration Service has made stricter policies: Finland cannot be more tempting than Sweden*) Accessible: <https://yle.fi/uutiset/3-8888528>, 17th of May, 2016.

¹⁶¹ Vuorio, J. *supra nota 151*, accessible: http://migri.fi/artikkeli/-/asset_publisher/humanitaarista-suojelua-ei-myonnetta-ena-uudet-maalinjaukset-afganistanista-irakista-ja-somaliasta?p_auth=M0lzLNjD, 17th of May 2016.

¹⁶² Finnish League for Human Rights. (2017), *supra nota 1*, p 11.

¹⁶³ Laitinen, J. Vantaa tarjoaa jatkossa Espoon ja Helsingin tavoin hoitoa alaikäisille ja raskaana oleville paperittomille (News Article in Helsingin Sanomat: "Vantaa, as well as Helsinki and Espoo, will now provide health services for minor and pregnant undocumented migrants") Accessible: <http://www.hs.fi/kaupunki/art-2000005212416.html?share=a7f9ea98e2c27224a8dc1ecf37bf8607>, 15 May 2017.

¹⁶⁴ Helpinen, V. & Pukkila, O. *Mitä paperittomien laajemmat palvelut tarkoittavat? Helsingin apulaispormestari vastaa.* (News Article in Yle Uutiset: "What is meant by offering wider range of health care services for undocumented migrants? Assistant Mayor of Helsinki answers.") Accessible: <https://yle.fi/uutiset/3-9955322>, 30th of October 2017.

This improvement is essentially significant, due to the fact, that previously health care services as such were not given even for minor or pregnant undocumented migrants, even they only had a right to emergency health care.¹⁶⁵ The lack of health care services given to pregnant women and minors creates a great controversy between both international human rights conventions and national legislation. Even though women and children may now, even as undocumented migrants, receive non-urgent health care services in some cities, they are put into an unequal position, if they are residing in a municipality which has not decided to offer non-urgent health care to undocumented migrants. By giving necessary vaccinations to children of undocumented migrants' spreading of some contagious illnesses can be prevented effectively.¹⁶⁶ The municipalities are responsible for giving treatment to contagious diseases, as well as vaccinations to prevent them (Communicable Diseases Act §9).¹⁶⁷

The scope of the non-urgent health care services, that undocumented migrants are now entitled to in some of these Finnish cities, is generally comparable to the health care services given to asylum seekers in Finland. Even though an enormous improvement like this has already been made, undocumented migrants' right to health care is still not of the same dimension as the health care services, to which the citizens of Helsinki are entitled to, for example.¹⁶⁸ They are also still in an unequal position depending on whether or not the local municipality of the area where they are situated, allows them to access non-urgent health care services.

3.4.Suggestions for legislative improvements

In order to grant better fulfillment of undocumented migrants' right to health care in Finland, legislative improvements shall be made. As there currently exists no legislation applicable to irregular migrants, and moreover, due to the fact that these people do not have a legal status, these legislative improvements are of course a challenge for legislatures. However, as critically and carefully analysed in the previous paragraph, a right to health as a fundamental human right shall be actualised for this group of people as well, due to the fact, that otherwise Finland continues

¹⁶⁵ International Covenant on Civil and Political Rights (ICCPR), 1966.

¹⁶⁶ Keskimäki, I., Kuusio, H. & Nykänen E. (2014), *supra nota* 7, p 26.

¹⁶⁷ Tartuntatautilaki 1227/2016 §9.

¹⁶⁸ Helpinen, V. & Pukkila, O. (2017), *supra nota* 164.

failing to secure this right to all, as defined in ICCPR and ICESCR. Thus, legislation shall be built around this legally challenging and topical problem, in order to solve it.

It was analysed already in year 2014, by the Finnish National Institute for Health and Welfare, that undocumented migrants' right to health shall be covered by legislative means in Finland.¹⁶⁹ One possibility to include undocumented migrants' right to health care into Finnish national legislation, could be to legislate their right to health care services in the same manner, as so provided for the national citizens of Finland.¹⁷⁰ This type of an arrangement would certainly ensure, that Finland fully manages to comply with all international human rights legislations, and undocumented migrants would therefore surely enjoy the highest attainable standard of health. Another possibility could be to allow undocumented migrants the right to health care in the same manner, as asylum seekers in the country.¹⁷¹

From legislatures' point of view the latter could probably be easier to accomplish, as the law that currently is applicable only to asylum seekers, could simply be expanded to be applicable to undocumented migrants as well. All in all this would be a reasonable solution, due to the fact that asylum seekers are currently entitled to both urgent and non-urgent health care in the country and thus their right to health care is efficiently protected and actualised in Finland. Therefore, it can be concluded that this type of an amendment could be accomplished fairly easily, as it can simply be added into the current legal act, that it shall from now on, also be applicable to undocumented migrants.

The Finnish National Institute for Health and Welfare suggests, that preventive health care shall be provided for pregnant women and minors in particular.¹⁷² It has also been estimated, that unlimited prenatal health care services would be the most cost-efficient.¹⁷³ The duties of health care professionals shall also be included into legislation when treating undocumented migrants.¹⁷⁴ Therefore, a protocol for health care professionals considering the treatment of undocumented migrants should also be included into the Finnish national legislation, in order for them to be able to identify undocumented migrants who are receiving health care services. It has also been proposed, that Finnish medicine reimbursement system shall be extended to apply undocumented migrants, too.¹⁷⁵ As undocumented migrants are an extremely vulnerable position due to their lack

¹⁶⁹ Keskimäki, I., Kuusio, H. & Nykänen E. (2014), *supra nota* 7, p 73.

¹⁷⁰ *Ibid.*, p 63.

¹⁷¹ *Ibid.*, p 64.

¹⁷² *Ibid.*, p 66.

¹⁷³ *Ibid.*, p 66.

¹⁷⁴ *Ibid.*, p 3.

¹⁷⁵ *Ibid.*, p 3.

of a legal status, a third option would be to legislate a separate act, which would provide them the right to access to health care services. This act could also include the protocol for health care professionals concerning the treatment of undocumented migrants, as well as a system of registering these people in order to keep count of their medical history, to ensure them the highest attainable standard of health. Thus, some issues arisen from a healthcare professionals' viewpoint, such as those already introduced in this thesis, could be avoided. Also, in case an undocumented migrant is not entitled to an equal access to health care, he or she shall have the right to fill in a complaint.¹⁷⁶

Also, an effective way to prevent asylum seekers from ending up as an undocumented migrants could be to legislate humanitarian protection back into the Finnish Aliens Act. This would most certainly at least diminish the number of undocumented migrants from growing in Finland, and therefore provide one way to solve this issue. Those, whose asylums are now being rejected could be given an asylum on the grounds of humanitarian protection, which would also automatically grant these people the right to health care in the same manner as national citizens of Finland.

To sum up, denying the existence of these people will not end this problem. It will only create more social problems for the government to deal with. Therefore, applicable legislation shall be created as soon as possible.

¹⁷⁶ San Giorgi, M. (2012). The human right to equal access to health care - Erasmus MC: University Medical Center Rotterdam. p 4.

CONCLUSION

The aim of this thesis was to critically analyse the actualization of undocumented migrants' right to health care in Finland. The hypothesis, that the current extent to which Finland guarantees undocumented migrants' right to health care is incompatible with the principle of non-discrimination and legislative improvements are necessary in order to correct such an inadequacy, was proven correct. This thesis compared undocumented migrants right to health care in other European States and analysed the differences and similarities between them. Moreover, this thesis also analysed the legal framework applicable to this matter on both international and European Union level, finally coming to a solution that Finland is not creating controversies only between its own constitution and other national legal acts, but also between legislation on EU and international level.

This thesis analysed the current legal issues in Finland, laying focus on the current problems of the undocumented migrants' right to health care in Finland. Legal problems arisen due to the end of asylums granted on the basis of humanitarian protection were also analysed briefly. Finally, this thesis analysed the improvements that have already been made in order to grant better fulfillment of undocumented migrants' right to health care in Finland. Some possible legislative improvements for granting undocumented migrants' a better access to health care services in Finland were also introduced, focusing also on the pros and cons of each possible suggestion.

The first possible suggestion for a legislative improvement was to legislate undocumented migrants' right to health care into the Finnish national legislation in the same manner as it is currently provided for Finnish nationals. The second possible way to improve undocumented migrants' right to health care in Finland, would be to legislate their right to health care in the same manner, as it is currently provided for asylum seekers in the country. The third and the final suggestion was to introduce a separate act covering undocumented migrants' right to health care in Finland.

It was also suggested by the author, that if humanitarian protection would be added back into the Finnish Aliens Act, there would be less asylum seekers ending up as undocumented migrants in future, which truly would be an effective option to at least diminish the constantly growing number of undocumented migrants and issues arising due to it. The ones, that would be granted an asylum on the grounds of humanitarian protection would also automatically be entitled to health care as asylum seekers in Finland.

The conclusion was drawn in the very end of this thesis, discovering, that even though the Finnish government has made some crucial improvements to this matter, there are still some major inadequacies, such as the municipalities right to decide whether or not they shall grant non-urgent health care for undocumented migrants, and the fact that these people should also cover the costs arisen due to urgent health care they have received by themselves. Due to the fact that undocumented migrants lack a legal status, and their right to health care is still restricted, they form a particularly vulnerable group in the country. Thus, it was concluded that undocumented migrants are still found to be in an unequal position compared to Finnish nationals when analysing the right to health care in the country.

To conclude, there are still some inadequacies in the overall fulfillment of undocumented migrants' right to health care in Finland, which should be corrected through legislative improvements. As municipalities may still decide, whether or not they shall grant undocumented migrants the right to non-urgent health care, undocumented migrants are put into an unequal position when being compared to citizens of Finland, or asylum seekers. The fact, that there currently exists no legal framework applicable to undocumented migrants diminishes their protection and can be seen as a violation of certain human rights conventions, according to which the right to health is a fundamental human right, and the states should ensure every person residing in its territory, a highest attainable standard to health. In this context, the fact that a person is illegally residing in the Host State does not exempt the State from its responsibilities towards minorities, such as undocumented migrants. Therefore, applicable legislation on a national level shall be developed in order to grant better protection for this vulnerable group of people residing in Finland's territory. In conclusion, the Finnish government is violating international legal framework, EU law and its own constitution by failing to provide undocumented migrants an equal access to health care in Finland.

Creating applicable legislation for undocumented migrants' right to health care would most certainly offer the most efficient solution for the research problem, which was that there are inadequacies found in the actualization of undocumented migrant' right to health care in Finland. First of all, the Finnish government shall ensure, that especially pregnant and minor undocumented migrants have the right to non-urgent health care everywhere in Finland. Secondly, it shall be analysed, whether or not undocumented migrants shall be entitled to right to health care in the exact same manner as the national citizens of Finland, or would it be proportionate enough to legislate undocumented migrants' right to health care as currently given to asylum seekers. Thirdly, by re-legislating humanitarian protection as one ground for an asylum into Finnish Aliens Act, the

overall growing of the number of undocumented migrants could be diminished effectively. Moreover, this would certainly also offer one efficient way to diminish the overall legal issue, as those who would be granted an asylum on the grounds of humanitarian protection, would automatically be also granted the right to health care in Finland.

The lack of legislation might lead to many kinds of legal issues in Finland, such as the spreading of contagious diseases, if undocumented children are not given appropriate vaccinations, as well as the issues related to lack of protocol regarding the health care treatments given for undocumented migrants, which leads to a situation where these people cannot be given the highest attainable standard of health to which they are entitled to as human beings regardless of their status. Also, it can be assumed that if the number of undocumented migrants continues to increase, the country will face challenges, as phenomena, such as criminality and prostitution will continue to increase as well. Thus, legislative improvements shall be made as soon as possible to correct these inadequacies.

LIST OF REFERENCES

Scientific books

1. Azoulay, L. & De Vries, K. (Eds.). (2014). *EU Migration Law: Legal Complexities and Political Rationales*. 1st ed. Oxford, United Kingdom: Oxford University Press.
2. Bogusz, B., Cholewinski R., Cygan, A. & E. Szyszczak. (Eds.). (2004). *Irregular migration and human rights: theoretical, European and international perspectives* (Vol. 7). Leiden, The Netherlands: Martinus Nijhoff Publishers.
3. Cholewinski, R., Macdonald, E. & Perruchoud, R. (Eds.). (2007). *International Migration Law: Developing Paradigms and Key Challenges*. Cambridge, The United Kingdom: T.M.C. Asser Press, Cambridge University Press.
4. Costello, C. (2016). *The Human Rights of Migrants in European Law*. 1st ed. Oxford, United Kingdom: Oxford University Press.
5. Craig, P., & De Búrca, G. (2011). *EU law: text, cases, and materials*. 6th ed. New York, The United States: Oxford University Press.
6. Crock, M. (Ed:). (2017). *Migrants and Rights*. 1st ed. New York, the United States: Routledge.
7. Dauvergne, C. (2008). *Making people illegal: What globalization means for migration and law*. Vancouver, Canada: Cambridge University Press.
8. Düvell, F. (Ed.). (2005). *Illegal immigration in Europe*. London, the United Kingdom: Palgrave Macmillan.

9. Freeman, M. (2017). *Human rights*. 3rd ed. Cambridge, United Kingdom: John Wiley & Sons.
10. Hathaway, J. (2005). *The Rights of Refugees Under International Law*. New York, USA: Cambridge University Press.
11. O'Sullivan, M., & Stevens, D. (Eds.). (2017). *States, the Law and Access to Refugee Protection: Fortresses and Fairness*. Portland, The United States: Bloomsbury Publishing.
12. Rubio-Marín, R. (Ed.). (2014). *Human rights and immigration*. Oxford, United Kingdom: Oxford University Press.
13. Slingenberg, L. (2014). *The reception of asylum seekers under international law: between sovereignty and equality*. Oxford, United Kingdom: Bloomsbury Publishing.

Scientific articles

14. Alexe, A. (2013) The Fundamental Rights of Irregular Migrants - *Queen Mary Law Journal*, 4, 23. p 24.
15. Azzolini, E., Frisicale, E. M., De Vito, E., De Waure, C., Parente, P., Ricciardi, W., ... & Specchia, M. L. (2016). Are undocumented migrants' entitlements and barriers to healthcare a public health challenge for the European Union? - *Public Health Reviews*, 37(1), 13. p. 4-7.
16. Blus, A. (2013) Beyond the Walls of Paper: Undocumented Migrants, the Border and Human Rights - *European Journal of Migration and Law*, 15(4), p 413-415.
17. Carens, J. H. (2008). The rights of irregular migrants - *Ethics & International Affairs*, 22(2). p 167.
18. Da Lomba, S. (2014). Vulnerability, Irregular Migrants' Health-Related Rights and the European Court of Human Rights - *21 European Journal of Health Law*. p 340.

19. Davies, A. A., Basten, A., & Frattini, C. (2009). Migration: a social determinant of the health of migrants – *Eurohealth*, 16(1), 10-12. p 5.
20. Gevers, S. (2004) The Right to Health Care - *European Journal of Health Law*, 11(1), 29-34. p 29.
21. Hobe, S. (1993). Law of Asylum – A Solution to the Migration Problem – *36 German Yearbook of International Law*, 36, 60. p 62.
22. Peers, S. (2015) Irregular Migrants: Can Humane Treatment be Balanced Against Efficient Removal? – *European Journal of Migration and Law*, 17 (4). p 289.
23. Sinnott, C. (2006). The Development of Refugee and Asylum Law in the European Union - *6 Hibernian Law Journal*, 6, 287. p 294.
24. Wani, I. J. International Migration and Human Rights – *16 African Year Book of International Law*. p 199.

European Union and International legislation

25. European Social Charter, 1961.
26. International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966.
27. International Covenant on Civil and Political Rights (ICCPR), 1966.
28. The Charter of Fundamental Rights of the European Union, 2000.
29. The United Nations Convention on the Rights of a child, 1989.
30. Universal Declaration of Human Rights, 1948.

National Legal Acts

31. Kansanterveyslaki 28.1.1972/66
32. Laki kotoutumisen edistämisestä 30.12.2010/1386

33. Laki maahanmuuttajien kotouttamisesta ja turvapaikanhakijoiden vastaanotosta 493/1999
34. Laki potilaan asemasta ja oikeuksista 17.8.1992/785
35. Laki sosiaali- ja terveydenhuollon asiakasmaksuista 734/1992
36. Laki terveydenhuollon ammattihenkilöstä 28.6.1994/559
37. Perustuslaki 11.6.1999/731
38. Sosiaali- ja terveysministeriön asetus kiireellisen hoidon perusteista ja päivystyksen erikoisalakohteisista edellytyksistä 23.9.2014/728
39. Terveydenhuoltolaki 30.12.2010/1326
40. Ulkomaalaislaki 30.4.2004/301

Other Sources

41. Finnish League for Human Rights. (2017). Comments by the Finnish League for Human Rights on the 12th national report on the implementation of the European Social Charter submitted by the Government of Finland - *Finnish League for Human Rights – Ihmisoikeusliitto ry.* p 11-12.
42. Gadd, K. & Jauhiainen, J. (2018). Paperittomat Suomessa vuoden 2018 alussa - *University of Turku.* p 1.
43. Hallituksen esitys eduskunnalle laiksi kunnan velvollisuudesta järjestää eräitä terveydenhuollon palveluja eräille ulkomaalaisille ja laiksi rajat ylittävistä terveydenhuollosta annetun lain muuttamisesta HE 343/2014. (Proposal by the Government to the Parliament on the obligation of the municipality to arrange certain healthcare services for some foreigners and to amend the Act on Cross-border Healthcare) Accessible:
https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Documents/he_343+2014.pdf
44. Keskimäki, I., Kuusio, H. & Nykänen E. (2014) Paperittomien terveystalvelut Suomessa - *THL Raportti.* p 11-14, 26-27, 37, 44, 61, 70 & 73.
45. McBride, J. (2009). *Access to justice for migrants and asylum seekers in Europe.* Strasbourg, France. Council of Europe Publishing.
46. San Giorgi, M. (2012). The human right to equal access to health care - *Erasmus MC: University Medical Center Rotterdam.* p 4.
47. Viitanen, K., & Tähjä, K. (2010). Paperittomat. Helsinki, Finland: HS kirjat.

Web Pages

48. Web page providing information about moving to Finland and seeking asylum there. Accessible: <https://www.infopankki.fi/fi/muutto-suomeen/olen-/turvapaikanhakija>, 21 February 2018.
49. Web page of the Finnish Immigration Service, information regarding grounds for asylums. Accessible: <http://migri.fi/milla-perusteella-turvapaikan-voi-saada>. 13 February 2018.
50. Web page of the Finnish Immigration Service, information regarding quota refugees. Accessible: <http://migri.fi/en/quota-refugees>. 13 February 2018.
51. Web page of the Finnish National Institute for Health and Welfare, information regarding asylum seekers' health care services. Accessible: <https://thl.fi/fi/web/maahanmuuttajat-ja-monikulttuurisuus/maahanmuuttajien-terveys-ja-hyvinvointi/turvapaikanhakijoiden-terveys-ja-hyvinvointi/turvapaikanhakijoiden-palvelut>. 11 January 2018.
52. Web page of the Finnish National Institute for Health and Welfare, information regarding undocumented migrants' health care services. Accessible: <https://www.thl.fi/fi/web/maahanmuuttajat-ja-monikulttuurisuus/maahanmuuttajien-terveys-ja-hyvinvointi/paperittomat/paperittomien-terveyspalvelut-suomessa>. 11 January 2018.

Web Material

53. Aali, H., Holmberg, V., Lundqvist, T., Mönttinen, A., Sainio S., Salmi, H. & Tiittala, P. *Kuinka hoidan paperitonta potilasta?* (News Article at Lääkärilehti.fi “*How do I give treatment to an undocumented migrant?*”). Accessible: <http://www.laakarilehti.fi/tieteessa/katsausartikkeli/kuinka-hoidan-paperitonta-potilasta-2852/?public=09d807b6b8753825575ecb3ffeb0fe54>, 1 April 2016

54. Finnish Immigration Service. *Vuoden 2017 tilastot: Turvapaikanhakijoita selvästi edellisvuosia vähemmän – ensimmäisen hakemuksen jätti reilut 2 100 hakijaa.* (Article at the Finnish Immigration Service's webpage: "Statistics from year 2017 show that there were a lot less asylum applications this year, than over the past years) Accessible: http://migri.fi/artikkeli/-/asset_publisher/vuoden-2017-tilastot-turvapaikanhakijoita-selvasti-edellisvuosia-vahemman-ensimmaisen-hakemuksen-jatti-reilut-2-100-hakijaa, 30 January 2018.
55. Helpinen, V. & Pukkila, O. *Mitä paperittomien laajemmat palvelut tarkoittavat? Helsingin apulaispormestari vastaa.* (News Article in Yle Uutiset: "What is meant by offering wider range of health care services for undocumented migrants? Assistant Mayor of Helsinki answers.") Accessible: <https://yle.fi/uutiset/3-9955322>, 30 October 2017
56. Laitinen, J. *Vantaa tarjoaa jatkossa Espoon ja Helsingin tavoin hoitoa alaikäisille ja raskaana oleville paperittomille* (News Article in Helsingin Sanomat: "Vantaa, as well as Helsinki and Espoo, will now provide health services for minor and pregnant undocumented migrants") Accessible: <http://www.hs.fi/kaupunki/art-2000005212416.html?share=a7f9ea98e2c27224a8dc1ecf37bf8607>, 15 May 2017
57. Laitinen, J. *Kolmasosa kieltäisi terveydenhuollon paperittomilta – perussuomalaisista 70 prosenttia ei antaisi hoitoa* (News Article in Helsingin Sanomat: A poll shows that one third of Finns would prohibit health care services from undocumented migrants) Accessible: <http://www.hs.fi/kaupunki/art-2000005059227.html?share=de92b3036c0e317f6c135662d7fa28ad>, 25 January 2017
58. Mansikka, O. *Suomi pohtii, mitä tekisi kasvavalle paperittomien joukolla – "Toimeentulotuki on vaikein asia"* (News Article in Helsingin Sanomat: "Finland tries to figure out what to do with a growing number of irregular migrants – income support is the biggest problem") Accessible: <https://www.hs.fi/kotimaa/art-2000004888216.html?share=34632f34004952f212aff7e57ed68424>, 30 November 2016

59. Matikainen, J. *Maahanmuuttovirasto tiukensi linjaansa: Suomi ei voi olla houkuttelevampi kuin Ruotsi.*(News Article in Yle Uutiset: *The Finnish Immigration Service has made stricter policies: Finland cannot be more tempting than Sweden*)
Accessible: <https://yle.fi/uutiset/3-8888528>, 17 May, 2016
60. Nuotio, A. *Paperittomuus altistaa kaltoinkohtelulle.* News article at Helsingin Sanomat
“*Undocumented migrants are exposed to maltreatment.*” Accessible:
<https://www.hs.fi/paivanlehti/11052017/art-2000005204793.html>, 11 May, 2017
61. Välimaa, M. *Suomalaisten mielipide paperittomien hoidon laajenuksesta yllätti tutkijan.*
(News Article in Vantaan Sanomat: “*A researcher was shocked about Finns’ opinion towards undocumented migrants right to non-urgent health care*”). Accessible:
<https://www.vantaansanomat.fi/artikkeli/601856-suomalaisten-mielipide-paperittomien-hoidon-laajenuksesta-yllatti-tutkijan-usu-46>, 24 January, 2018.