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# THE STATE AUDIT OFFICE'S POSITIONS

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The main question in the audit was **whether the Directorate of Immigration's activities can be made more efficient and effective considering changes and expected changes in the operating environment.**

The audit especially investigated the following three matters:

1. At what stages of the Directorate of Immigration's work processes, including other parties' activities, are there bottlenecks or overlapping activities and how could activities be reorganized.
2. In what order are applications processed and how is processing organized within the Directorate of Immigration.
3. How could information technology be used in work processes, for example by increasing direct links to different registers. In this connection the audit surveyed possibilities to use existing hardware and systems as well as possibilities to influence investments aimed at improving efficiency and cutting costs.

## **Background**

The Directorate of Immigration was established on 1 March 1995 and replaced the Office for Aliens Affairs at the Ministry of the Interior. The number of cases handled by the Directorate of Immigration doubled from 1996 to 2002. The Directorate of Immigration's net expenses rose by 3-10% a year to begin with. In 2000-2003 the increase was considerably larger. Including supplementary budgets a total of 12.5 million euros was budgeted as net expenses in 2003.

An increase in the volume of free services and smaller than expected revenues from paid services have also led to the need for additional financing in the middle of the fiscal year. The Directorate of Immigration's activities have moreover been marked by a certain de-

gree of unpredictability. The need for funds can change rapidly if there is a sudden increase in the number of asylum applicants, for example. Since 2000 funding has been planned so as to speed up the processing of citizenship and asylum applications.

As a result of uncertainty factors related to the budget, the number of fixed-term employees at the Directorate of Immigration has constantly been at a high level, although in the past two years more fixed-term posts have been made permanent. Owing to the rapid rate of turnover associated with fixed-term employment, experienced employees have had to spend an inordinate amount of time training and orienting new personnel. This has been especially true in the lines responsible for naturalization affairs and refugee and asylum affairs. Most of the Directorate of Immigration's fixed-term employees have performed permanent statutory tasks involving citizenship, residence permits and asylum. Since this has not been a temporary arrangement and since temporary employment has not been due to the nature of work or similar factors, there have been no grounds as prescribed in section 9 of the State Civil Servants Act (750/1994) for such a large number of temporary posts.

The Directorate of Immigration's problem ever since it was established has been the large number of pending cases. The number of pending cases at the end of the year rose sharply and reached its peak in 1999. Although the number of resolved cases per person-year appears to have risen in 1996–2002, the Directorate of Immigration was only able to catch up with the backlog to some extent in 2001, mainly with the help of supplementary budget appropriations.

Processing times have been especially problematic for citizenship applications, family reunification, asylum applications and deportations. Processing times have been defined as beginning on the date when an application is opened and ending on the date when an initial decision is made, so waiting time must also be added to this. Since 2000 total processing times have been calculated from the arrival of an application to the initial decision, which means a new decision on the basis of an appeal does not lengthen the total processing time in statistics. In spite of this, total processing times increased in most customer categories in 2000-2001. The Directorate of Immigration's information systems have not made possible the monitoring of actual processing times, which would be necessary to monitor compliance with maximum processing times prescribed in legislation and to evaluate resources allocated for processing cases, among other things.

Total processing times are still very long, although in 2002 they fell somewhat compared with the year before in every customer category and quite a lot in some instances. The most significant drop concerned asylum applications. This was mainly due to the large number of applications which were fast-tracked, however.

The Directorate of Immigration achieved a more significant reduction in the number of pending cases in certain customer categories mainly with the help of additional resources. This took place particularly in 1998 in citizenship cases. On the other hand fluctuations in average processing times may be due to the fact that more old applications have been processed in a particular year.

The number of pending citizenship cases was already large when the Directorate of Immigration was established. A sharp rise in the number of applications in 1996-1997 also increased the number of pending cases. Total processing times for citizenship applications are still nearly three years on average.

According to annual statistics, the number of unprocessed citizenship cases appears to have fallen since 1998. Checks conducted by the Directorate of Immigration in spring 2003 showed, however, that the number of unprocessed citizenship cases is considerably higher than statistics have indicated, owing to mistakes in registration.

Total processing times for positive asylum application decisions have averaged over two years. Total processing times for negative decisions have varied from slightly under two years to about a month depending on what grounds have been cited and whether the application has been fast-tracked.

If we add the amount of time required to handle cases by the local police and the administrative court, the normal processing of an asylum application has taken about four years before a final decision is reached. During this time the applicant's ties to Finland have generally been regarded as strengthening to the point that the applicant has been granted a residence permit according to the grounds prescribed in the Aliens Act.

Processing times for immigration affairs have not been as problematic as for citizenship and asylum applications. In 2002, for example, residence permit applications not based on family ties were processed in three months and applications based on family ties in four and a half months on average. Processing is still subject to some of the same delays that affect other types of applications, however.

## **Initial handling of applications**

The audit indicated that delays begin when applications are first handled by the local police.

In Finland applications for citizenship as well as residence and work permits must be submitted to the local police. The police are responsible for conducting certain checks, making entries in the register of aliens and sending documents together with a statement to the Directorate of Immigration. Deficiencies in registration and long waiting periods for statements and additional checks have caused delays in decision-making. Although the Helsinki Police Department has been able to handle easy applications in 1-2 days, the most difficult cases have taken months. Handling times and the level and scope of statements have varied according to the locality.

Conducting asylum hearings and obtaining additional information from the police has in some cases taken months or even half a year, although information concerning asylum seekers is generally sent to the Directorate of Immigration immediately.

Applications have been registered by the Directorate of Immigration's registry office or the appropriate line. Some asylum and working permit applications have been forwarded by the Directorate of Immigration to the Kuhmo office for registration and information checks, which generally take about a month. Decentralized registration in this case has caused unnecessary delays and uncertainty concerning the status of applications.

After applications and notices have been registered by the Directorate of Immigration, they are sent to different lines, where waiting periods vary according to the line and the urgency of the case. The longest waiting periods, 2-3 years, are in naturalization affairs.

## **Processing of applications in the Directorate of Immigration**

The main principle in the Directorate of Immigration has been that applications are processed in the order in which they have been received or initiated. Exceptions have been made for fast-tracked asylum applications, applications classified as urgent and statements to a court of law, however. Sometimes cases which can be resolved easily and rapidly have also been pushed to the front of the queue, allowing

a short-term increase in decisions and reduction of average processing times. So many urgent or easy cases which have been pushed to the front of the queue that this has delayed or hampered the processing of older and more complicated cases.

The line responsible for refugee and asylum affairs should devote more attention to the preliminary processing of applications, so that all applications can immediately be vetted to determine how they should be handled. This would make it easier to determine whether a case could be shifted to another member state according to the Council Regulation replacing the Dublin Convention, for example.

### **Delays caused by requests for statements and additional information**

Long processing times have also been due partly to delays caused by requests for statements and additional information. If an application has been pending for some time, information which has already been checked by the police may have to be rechecked by the Directorate of Immigration. It may also be necessary to request additional information because the information originally provided by the applicant has become outdated during the process.

Depending on the nature of the case, additional information and statements have been requested not only from the police and applicants but also from the Population Register Centre, foreign missions, the Minority Ombudsman, employment, social welfare and tax officials, the courts and the prison service. Although the Directorate of Immigration has had access to certain online registers, information has often been exchanged by post, messenger, fax or e-mail, for various reasons.

### **Developing the use of information technology**

Reducing the Directorate of Immigration's case backlog and processing times does not appear possible without additional investments and the broader use of information technology. The first step should be to resolve old cases, after which new applications should be processed as quickly as possible.

The need to develop information technology has been apparent with regard to keeping the register of aliens up to date and accessing registers maintained by other authorities. In general the Directorate of Immigration should reduce manual functions and overlapping activities. Developing information technology requires a comprehensive plan, complete with cost estimates, and the coordination of different projects. It is also urgent to approve a data security plan and to implement the practical measures in it.

In 2003 the Directorate of Immigration investigated possibilities to put the asylum application process online. This would eliminate the need to record data over and over again and to send manual documents. Different parties would have access to the system on the basis of user rights.

It has been estimated that processing times for asylum applications could be reduced by as much as half a year with an online system. Total savings would amount to at least six million euros a year, according to calculations. Costs would be cut particularly in the reception of asylum applicants. A total of 69 million euros was spent on refugees and immigrants in the Ministry of Labour's administrative sector in 2002.

The broad use of information technology could result in significant savings in different stages of case processing. It is important to expand the investigation to other functions performed by the Directorate of Immigration and other parties.

The production of statistics at the Directorate of Immigration should also be developed. It should be possible to derive statistics directly from the register of aliens for monitoring purposes. At present statistics must be treated critically because of mistakes in registration. Monitoring also requires an unreasonable amount of manual work. It is likewise important to make better use of the Directorate of Immigration's expertise and information resources in planning immigration policy and conducting analyses.

### **Improving efficiency by reorganizing tasks and making organizational changes**

In some instances (such as the children's working group in the refugee and asylum line) processing times have been shortened significantly by reorganizing activities and cooperating with other parties. When the Directorate of Immigration has conducted asylum hearings

together with the police and other parties, this has made it possible to study the grounds for asylum in greater depth and to reduce the need for additional investigations later on.

Asylum hearings are most often conducted at the reception centre where the asylum seeker has been placed. The problem has been that the Directorate of Immigration has not been able to influence the establishment of reception centres, which are under the Ministry of Labour, or the placing of asylum seekers. In some instances the Directorate of Immigration has not been able to participate in asylum hearings because of the expense of traveling to a remote reception centre.

Effectively coordinating the asylum procedure and reception activities is all the more important because the intention is for the Directorate of Immigration to conduct all asylum hearings in future. If reception activities were placed under the Ministry of the Interior, this would improve possibilities to reallocate funds if necessary. Money saved in reception activities could be diverted to speed up decision-making at the Directorate of Immigration, for example. Nor does there appear to be any sufficiently justified obstacle to separating reception activities and services for immigrants. If decision-making and reception activities were in the same administrative sector, the exchange of information could be organized more effectively and overlap could be avoided in registration work.

The holding unit in Helsinki should come also under the Ministry of the Interior because of its very nature.

To improve efficiency it would be a good idea to locate some of the Directorate of Immigration's staff in certain Finnish missions. This operating model has been included in the Directorate of Immigration's plans and has been supported by a rapporteur appointed by the Ministry of the Interior.

The Directorate of Immigration has the best expertise concerning family reunification. It is consequently important for it to have sufficient resources so that it can hear those concerned in Finland and abroad. To ensure efficiency as well as consistency in family reunification decisions, it is worth considering whether the issuing of residence permits for Finnish citizens' family members should be transferred to the Directorate of Immigration.

Since the Directorate of Immigration is in the best position to evaluate the need to protect and relocate individuals and since it ultimately makes final decisions in the selection process, it would

make sense for it to play a leading role in the selection of quota refugees instead of the Ministry of Labour.

Attention should also be focused on processes, including the implementation of decisions by the police. The police should do a better job in seeing that the deportation process is put in motion when a residence permit has been refused, and not wait until the matter has been resolved by the court of appeal, for example. Then the court could deal with appeals concerning the permit and deportation at the same time.

The implementation of deportation decisions for larger groups of asylum seekers has been delayed by the fact that sufficient police personnel have not been available for escort duty. Since asylum seekers have continued to live in reception centres after decisions have become final, delays in the implementation of decisions have caused additional costs in the Ministry of Labour's administrative sector.

Since the number of asylum seekers and their countries of origin can vary considerably from one year to another, special funds appropriated to the police for this purpose would be a better option than the present approach, in which costs resulting from escort duties come out of funds appropriated for operational expenses.

Voluntary action which speeds up leaving the country and reduces maintenance costs should also be supported in different ways.

The Directorate of Immigration presently operates in Helsinki and Kuhmo. Decentralization began with the shifting of call services to a private company in Kuhmo. Under a contract signed in 2001 the company handles calls and also answers questions concerning the processing of applications for residence and work permits as well as citizenship applications and notices, including when decisions can be expected. The company has access to the Directorate of Immigration's information system and has the right to update information concerning applications and notices in the register of aliens. Owing to the sensitive nature of the information in the register, this procedure cannot be considered proper in spite of the fact that all the people who perform these tasks have signed a written declaration that they will maintain secrecy before starting work.

The refugee and asylum line's Europe 2 result area is also located in Kuhmo nowadays. This result area is responsible for registering asylum and residence permit applications and checking information and for processing and deciding on asylum applications for persons from Russia and Bulgaria.



The Directorate of Immigration has justified the location of the result area in Kuhmo primarily on the grounds of existing telecom links and employment funds appropriated for this project. The audit did not bring to light anything related to the processing of cases which would support the establishment of the Kuhmo result area as a regional unit in charge of asylum matters. The arrangement can be expected to lead to increased training and oversight needs in the future. Locating a result unit in Kuhmo can only be justified on regional policy grounds.

On the other hand, locating a regional unit in Lappeenranta is justified because asylum seekers and other immigrants come across Finland's eastern border. Locating a unit in Lappeenranta is also supported by the proximity of the Joutseno reception centre and by the fact that the Lappeenranta police is responsible for all asylum investigations in southeastern Finland.

Decentralization requires improvements in the flow of information and steps to ensure consistency in decisions.

The Ministry of the Interior has started a project to improve the Directorate of Immigration's efficiency and to take advantage of regionalization so that processing times can be speeded up significantly. The ministry has set essentially shorter application processing times for the Directorate of Immigration. The project addresses the bottlenecks which were observed in the audit.