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RESTRICTING ACCESS TO ASYLUM THROUGH RESTRICTING LEGAL AID?

An infrastructural analysis of
the role of legal aid in
asylum processes in
Finland

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ABSTRACT

Riina Bhatia: Restricting access to asylum through restricting legal aid? An infrastructural analysis of the role of legal aid in asylum processes in Finland

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International immigration is one of the most debated issues in the 21st century. As states are creating increasingly restrictive migration policies, the human rights of migrants and refugees are in flux. This thesis presents a case study on the Finnish immigration management reform that was passed after the relatively large influx of asylum seekers in 2015-2016. As part of the reform, access to legal aid in asylum procedures was restricted. Following the understanding of asylum process as an extension of a complex bordering regime, this thesis intends to understand the role of legal aid through an infrastructural analysis. The theory of migration infrastructure suggests that any study on migration should aim to understand how actors and policies facilitate, mediate and restrict migration trajectories.

Through four thematic expert interviews, this thesis finds that legal aid can be seen to have a *preparative*, *conciliatory* and *supportive* role in asylum processes. Access to diligent and experienced legal aid can thus facilitate the success of an asylum process. Yet, the inability to access legal aid has had severe implications for the rights of asylum seekers. As the asylum process has become much more complicated, some asylum seekers face an increased risk of experiencing various forms of violence, for example through breaching of the principle of non-refoulement or by rendering the asylum seeker to an irregular status when return to home country is not possible. With these developments, the restrictions concerning legal aid can be seen to have influenced the likelihood to gain asylum in Finland.

Keywords: Asylum process, legal aid, migration infrastructure, epistemic violence, case study

The originality of this thesis has been checked using the Turnitin OriginalityCheck service.

List of Abbreviations

CEAS	Common European Asylum System
CoI	Country of Origin Information
EU	European Union
IOM	International Organization for Migration
MIGRI	Finnish Immigration Service
NGO	Non-governmental organization
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCHR	United Nations High Commissioner for Refugees
WWII	Second World War

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Introduction: Understanding Finnish Migration Management Reforms in 2016

International migration is one of the most “debated and contested issues in the twenty-first century globally” (De Lima 2016, 6). Migration has become a central theme to many political campaigns, especially in the so-called “western” countries. In 1996, Saskia Sassen argued that in a modern globalized world, immigration would become the cornerstone of renationalizing politics (Sassen 1996). With the rise of right-wing populist parties, migration is indeed in the central stage of politics.

Migrants are increasingly seen as constituting a threat to society in multiple ways. This development partly explains why many states are seeking to restrict migration, for example by hardening entry rules or by decreasing the level of protection for asylum seekers (Castels, Haas and Miller 2014, 3). Such developments have led to violations of human rights of migrants. This thesis strives to understand the Finnish migration policy reforms in 2016 through a historical approach to the development of migration management and through the theory of migration infrastructure. I will focus on examining how restricting asylum seeker’s access to legal aid has affected the access to asylum.

Securing human rights of migrants and asylum seekers is increasingly contested when controlling immigration becomes the cornerstone of renationalising politics (Sassen 1996, 38). The broader motive of this thesis is to understand how in their attempt to restrict migration states may cause (un)intentional difficulties for actors whose work is based on securing fundamental human rights. Legal aid in asylum processes is typically tied to concepts such as rule of law and equality before law. According to the United Nations definition, rule of law is

“a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that

are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires measures to ensure adherence to the principles of supremacy of the law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness, and procedural and legal transparency.”

(United Nations)

Equality before law is tightly linked with the concept of rule of law, and it is outlined also in the Universal Declaration for Human Rights (UDHR). The principle requires, that everyone is treated and protected the same under the law. (United Nations General Assembly 1948.)

The asylum process in itself is a manifestation of international human rights, but also a procedure where power, sovereignty and techniques of bordering become established in complex ways. In order to explore the question how actors working on the protection of human rights (in this case legal aid providers) become restricted, one must start by asking whether and how legal aid can be seen to facilitate access to asylum.

This thesis reflects the overall trend of creating tightening migration legislation while the number of refugees and displaced people in the world is increasing. In little over 40 years the number of refugees has increased from 2.4 million in 1975 to 25 million in 2018 (United Nations High Commissioner for Refugees 2018). Yet, if taking into consideration those forced migrants who are regarded as internally displaced people, or whose refugee status is not recognized, the number of forced migrants becomes much higher. Indeed, most forced migrants are internally displaced, or their reason to migrate is not recognized by any international treaty or refugee law (Castles et al. 2014, 188). This juxtaposition of ever tightening migration policies and a drastically growing number of forced and voluntary migrants create a manifold of societal phenomena. In

contemporary world, migration is characterised by increasing inequality to move. This causes increasing human rights abuses to those already in vulnerable situations.

Studying forced mobilities from this angle is also at the very core of peace research. I believe that migration, and more precisely asylum, is a phenomenon that reflects and reveals inherent inequalities and hidden violence in societies at any given time. Asylum seeking is by its very nature a multifaceted process where various forms of violence becomes manifested (e.g. Gadd and Lehtikunnas 2019). As it will be demonstrated in this thesis, access to legal aid is closely linked with access to justice and social justice. For this reason, studying legal aid in asylum procedure provides an interesting vantage point for peace research as it deals with questions concerning fundamental rights, violence and justice.

Following these descriptions of a changing reality, new ways to study migration have emerged. Studies of international migration infrastructure are an attempt to create a better understanding of the questions concerning the trend of fragmentation in international migration management. Typically, studies of migration infrastructure observe the industries behind migration. In other words, the economic structures of migration management and various entities involved in it (Gammeltoft-Hansen and Nyberg Sørensen 2013, 6). Most recently, studies dealing with migration infrastructure have suggested to shift the analytical focus from industries to analysing the international migration infrastructure as a whole (Cranston, Schapendonk and Spaan 2018). It is understood that international migration infrastructure consists of various actors who can be divided into groups based on their underlying function. Studying migration through migration infrastructure theory enables us to understand the un-/intentional impacts that government policies may have on migration trajectories. It allows to understand how operations of some actors might become restricted and how such restrictions have an impact on migration trajectories as a whole.

As a case study, I have decided to study the Finnish migration management reform in the aftermath of the so-called 2015-2016 migration crisis. By conducting and analyzing

expert interviews, I aim to study how restricting access to legal aid has impacted the asylum process as a whole, and ultimately the ability to access asylum in Finland. Yet, it must be noted that while access to legal aid is tightly linked to the question of rule of law and access to justice, researching its facilitative nature is by no means to claim that it is certain that legal aid facilitates asylum in all cases, most importantly in cases where there are no grounds for asylum. To provide the reader with the background of this study, I will briefly outline the 2016 reforms in Finnish immigration policies.

Finnish Migration Management Reforms in 2016

Along with many other European states, Finland received a record number of asylum seekers in 2015. Before 2015 Finland usually received approximately 3000 to 4000 applications. In 2015 the application numbers ten-folded, as Finland received more than 30 000 applications. This number, however, came quickly down in 2016. Since the so-called crisis, the numbers have remained even lower than prior 2015. (Suhonen, 2020.)

Yet, this sudden increase of incoming asylum seekers caused much public debate, causing the government to quickly pass reactive legislation to curb the “influx” of asylum seekers. The government at the time responded to the so-called “migration crisis” by implementing various restrictive migration management reforms. Based on the government’s action plan for asylum policy, the aim was to “curb, in the short term, the uncontrolled influx of asylum seekers into the country, to contain asylum costs” (Valtioneuvoston kanslia 2015, own translation).

Following the objectives of the government’s action plan, several changes were made. Access to free legal aid in the beginning of the asylum process was limited, the presence of legal advisor in asylum hearings was restricted, time for appeal was shortened, the right to legal aid was limited only to be provided by public legal aid offices and the monetary remuneration to private legal advisers in appeal proceedings was reduced (Lepola 2018). Many of these changes were problematized and criticized for the sake of unequal access to justice as well as the risk of weakening legal protection towards asylum

seekers. The changes were preceded and followed by several media articles and extensive public discussion. In 2018, two years after the legal changes had come into force, the Ministry of Justice ordered a report on the quality and availability of legal aid in asylum processes.

Until 2011, legal aid for asylum seekers was primarily offered by the Finnish Refugee Advice Centre (Pakolaisneuvonta), an attorney office and a non-governmental organisation (NGO) specialized in providing legal aid and counselling to asylum seekers, refugees and victims of human trafficking. In 2011, the legal aid scheme was liberalized according to the public procurement law. Since then, legal aid became a service remunerated by the government throughout the asylum process. Legal aid was provided mainly by private attorneys as it was seen that asylum procedures require special expertise (Sisäasiainministeriö 2011).

As mentioned above, in 2016 the government made several changes to the legal aid scheme, restricting the availability and access to legal aid. These changes limited the access to free legal aid in three different ways. First, the legislative amendment delineated a provision from the Aliens Act, which ended government remuneration for private legal aid providers. Asylum seekers could receive legal counselling from public legal aid offices. However, public legal aid offices often lacked the needed personnel and more severely the expertise in asylum law, which impacted the quality of legal aid given to asylum seekers. (Lepola 2018.)

Secondly, the government of Finland restricted the presence of legal advisers in asylum interview with a special provision allowing only those who are in a vulnerable position to receive such support in the interview. However, it is important to understand that the establishment of “a vulnerability status” is a problematic procedure that would require more in-depth discussion. With regards of this thesis, it is enough to establish that the determining vulnerability status usually entails that the asylum seeker has been a victim of torture, human trafficking, has a serious psychological trauma or that they are an unaccompanied minor (Heikkilä and Mustaniemi-Laakso 2019). This excluded most

asylum seekers from the sphere of legal aid in asylum hearings. As a consequence, many asylum seekers were neither given legal aid in the beginning of the asylum process, nor were they able to have legal assistance during the asylum interview. (Lepola 2018.)

Thirdly, private legal aid offices were able to receive government remuneration only in the appeals procedure. However, as the government had decreased the monetary remuneration for private legal aid providers, many of those had significant effects on their financial stability and were not able to continue assisting in asylum cases. (Lepola 2018.)

There were four main justifications provided in the government proposal concerning asylum procedure reform: resources, growing number of asylum seekers, quality of legal aid and the aim to increase efficiency of asylum process (Eduskunta 2016).

Indeed, the large influx of asylum seekers in 2015 exceeded any anticipated numbers and budgets, and as such increased public spending. Thus, the government aimed to cut costs by reducing access to free legal aid. Secondly, after the large influx of asylum seekers in 2015, the role of asylum lawyers became subject to public scrutiny. There were various media articles on cases where some attorney offices and private legal advisors used their position to exploit asylum seekers to gain monetary profits (e.g. Iltalehti 2015; Yle 2018). For instance, some attorney offices and private legal aid providers begun to recruit clients systematically, even beyond their capabilities to thoroughly assist them in the asylum process. It was claimed that this led to a qualitative defaulting of legal aid, which the government also used as the second justification to reform the legal aid. The government stated that the quality of lawyers and other legal aid providers cannot be supervised entirely, thus legal aid should be provided solely by public legal advisors until the first asylum decision. However, it quickly became evident that there would not be enough public legal advisors. Thus, in the first stage asylum interview, legal aid would be available only to exceptional cases.

Finally, the fixed remuneration for legal aid was justified by bringing more efficiency to the payments and the overall asylum processes. Fixed remuneration for asylum legal aid was already raised in 2015 in a larger action plan regarding legal aid in Finland (Oikeusministeriö 2015).

The impacts of the 2016 changes have been evaluated by various private consultancies and scholars. Both the Ministry of Interior and the Finnish Immigration Service ordered an independent evaluation of the changes. A study conducted by Outi Lepola (2018) was ordered by the Ministry of Interior to investigate asylum seekers as customers of legal aid. The study highlights the importance of legal aid in asylum processes. The study indicates that the 2016 changes impacted negatively the quality and accessibility of legal aid. Many asylum seekers have not been aware that they could receive legal aid from public legal aid offices directly from the beginning of their process onwards (Lepola 2018).

The second major study was ordered by the Finnish Immigration Service to investigate the asylum process as a whole. In other words, the study concerned all different aspects and authorities involved in the asylum procedure from lodging the application to the final decision and possible deportation or integration efforts. The study was conducted by a private consultancy company, Owl Group (2019). The study concluded 21 recommendations, from which five concerned enhancing the legal protection of asylum seekers through re-establishing better access to legal aid. According to the study, the limitations of legal aid had worsened the legal protection of asylum seekers. Furthermore, it was argued that the introduced restrictions on legal aid had impacted the process as a whole, making it much more protected and complicated (Owal Group 2019).

Finally, researchers at the University of Turku and Åbo Akademi made a comparative study to investigate the qualitative changes in asylum decisions in 2015 and 2017. The researchers concluded in their study that in 2017, 70 per cent of the asylum decisions were negative compared to the 30 per cent rate of negative decision in 2015. While there

were not significant qualitative changes in the asylum applicants' profiles, the researchers concluded that this increase in negative decision indicates that the Immigration Service interpretation became stricter (Saarikkomäki, Oljakka, Vanto, Pirjatanniemi, Lavapuro, Alvesalo-Kuusi 2019). However, the researchers also argue that the interpretation does not solely explain the increasing negative decisions. They suggest that the worsening legal protection of asylum seekers and political and administrative steering could have had impacts as well (Saarikkomäki et al. 2019, 39).

While the above-mentioned studies indicate severe qualitative changes in the asylum process, the direct impacts of restricting legal aid has not yet been evaluated. In order to understand how the 2016 changes have influenced the ability to gain asylum in Finland, this thesis seeks to understand the role of legal aid in asylum processes.

Research Questions and Methodology

In order to understand the impacts of restricting access to legal aid in asylum processes, I will analyze the role of legal aid through an infrastructural analysis using four thematic expert interviews that were conducted for this study. The main research question asks, *“in which ways can legal aid be a facilitative factor in asylum processes?”* To support the main research question, I will also try to understand *“what implications did the 2016 changes in the Finnish legal Framework concerning the access to legal aid had with regards to asylum procedure?”*

Outline of the Thesis

Following the background of the introduced changes in the asylum system in Finland and the presentation of my research questions and methodology, this study strives to understand the role of legal aid in asylum processes to understand whether access to asylum has become harder. Legal aid in asylum processes, as I will later demonstrate, forms one part of the broader, complex infrastructure of asylum processes. This idea holds that asylum processes, as any processes of migration, are composed of various infrastructural components that influence the outcome of the process. By altering the

functioning of these components, the result of asylum processes may shift unintentionally. This means that rather than seeing asylum processes simply as a technical procedure, asylum becomes a subject of political decision-making where political influences affect the outcome.

In order to establish the link between the micro-level components of asylum processes that influence the outcome with the larger political developments, I will start by situating this thesis into a broader picture of global migration governance. In chapter one I will provide a short historical background of the development of global migration management trends. The neoliberal ideology has influenced migration governance in two major, mutually constitutive ways. First, the neoliberal ideology has influenced the way migration is regarded in contemporary (western) world. As migration is increasingly seen acceptable when an economic contribution is expected, entry requirements have become harder and asylum is increasingly seen as a mere economic burden (Menz 2013, 108). Many legal pathways have become restricted and asylum has become the only legal access channel for many to migrate.

Secondly, and very much linked with the first point, the neoliberal ideology has fragmented migration management, bursting out new actors and entities into the field of facilitation and restriction of migration. In their effort to reduce costs, governments have outsourced many parts of migration management and cut spending on crucial services, such as legal aid. In chapter two, I will discuss how this fragmentation has not only made migration riskier, but how it has required new ways to study migration. In other words, in order to understand contemporary migration, we need to examine and study migration as a multifaceted process where various components of the infrastructure influence migration trajectories. The studies of migration industry (later understood as the migration infrastructure) rose to explain the new reality of migration in the contemporary neoliberal world. In chapter two, I will thus deepen the theoretical foundations of this thesis by outlining the theoretical foundation of migration infrastructure. More precisely, I will look into the facilitative – restrictive nexus of actors as suggested by theory of migration infrastructure.

In chapter three I will look into the asylum process and especially the role of asylum interviews in asylum processes. I will highlight that asylum processes are part of a complex bordering regime, where the nation state renationalizes itself through different techniques of power. As mentioned before, asylum processes, as any process of migration, are composed of various entities and actors that influence the outcome of the process. This notion links asylum processes with the literature of migration infrastructure. This enables us to understand how different actors, and in the case of this thesis, the legal aid, influence the asylum processes. With regards to asylum processes and legal aid, it is crucial to understand the how different ontological and epistemic grounds constitute power imbalances and how these power imbalances influence the asylum process, turning the asylum process into an extension of the state's bordering regime. This way, legal aid becomes tightly linked with mediating such ontological and epistemic gaps.

In chapters four and five I will explain the methodology and data of the study and provide the analysis of the data. In chapter six I will outline main findings and conclusions.

Chapter One: Migrants, States and Politics of Migration in the 21st Century

In this chapter I explain how this thesis is situated in the contemporary politics of forced migration management. To start with, I will provide general definitions on migration and forced migration, after which I will explain the legal obligations of states towards refugees, highlighting the human rights aspect of international protection and asylum. Finally, I will move on to explore the development of restrictive migration governance with regards to neoclassical theory of migration.

Definitions and Terminology

Migrants are often described through binary oppositions such as forced – voluntary, skilled – unskilled, temporary – permanent (Erdal and Oeppen 2018). Such terminology is widely used in academia as well as in policy making. Despite acknowledging that the discursive differing has direct implications on the experiences of migrants, I will not delve into the discussion on terminology and its implications on everyday life extensively. The meaning of this section is to briefly explain the migration terminology and lay down the terminological foundation for this thesis.

A migrant is an umbrella concept for any person who migrates in any way (Oxford Dictionary, IOM). Forced migration refers to such intra- and interstate movement when people are fleeing something that poses a fundamental threat to life, freedom and security (Castles et al. 2014, 188). As forced migration is often linked to the question of fundamental human rights, the definitions arise from international treaties and conventions governing the responsibilities of states towards such forced migrants (Castles et al. 2014, 188). Most notably, the 1951 United Nations Convention Relating to the Status of Refugees, which is ratified by 145 countries, defines a refugee as “someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion” (UN General Assembly 1951, Article 1).

Besides the UN Convention, there are various regional conventions that have their distinctive definitions of refugees. The Cartagena Declaration (1984) definition of refugees provides a broader and more comprehensive understanding of forced migration. It defines refugees as people who have fled their country "because their lives, security or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order".

Yet, forced migrants are not necessarily always refugees. On the contrary, through asylum procedures states determine who is entitled to gain refuge within their own jurisdiction. Before gaining refugee status, forced migrants who have lodged an asylum application are called asylum seekers (IOM 2019). Asylum procedures, as it will be later discussed, are also subject to various technicalities that can enhance or restrict the access to asylum. Before going to discuss that more in depth, I will look closer to the responsibilities of states towards refugees.

International Responsibilities of States Towards the Protection of Refugees

A person's right to asylum is usually determined in national asylum processes, if such schemes exist. Sometimes international organizations or other non-state actors may conduct refugee status determination (UNCHR). However, the rights of individuals and duties of states with regards to asylum stem from international and regional legislation. The Universal Declaration for Human Rights (1948), the 1951 Convention relating to the Status of Refugees and its 1967 Protocol are the most important guiding set of principles that govern states' responsibilities towards refugees (Frances and Kumin 2017). There are five different articles in the Universal Declaration of Human Rights (UDHR) that define international protection as a human right. Article 14(1) sets forth the right to seek and enjoy asylum in other countries as a fundamental human right. Article 3 defines that everyone has the right to "life, liberty and security". Article 5 and Article 9 lay down the

prohibition for torture and inhumane treatment and arbitrary arrest, detention or exile. Article 13 sets forth the right to leave one's own country as a fundamental right. (UN General Assembly 1948)

A few years after the International Declaration for Human Rights, the first convention regarding international rights and obligations for refugees was established. The 1951 Convention Relating to the Status of Refugees and the 1967 Protocol set forth the definition for refugees and other important principles governing the legal status of refugees and states' obligations. Moreover, the 1951 Convention established the principle of "non-refoulement", which is one of the grounding principles in international refugee law (Castles et al. 2014, 188; Frances and Kumin 2017, 16). The principle provides "that refugees should not be forcibly returned to a territory where their lives or freedom could be threatened" (Frances and Kumin 2017, 16).

In addition to these general international treaties and conventions, there are various regional refugee laws and standards (Frances and Kumin 2017, 18). As this thesis concerns Finnish legislation, I will briefly touch upon the European framework. In Europe the legal regime for refugees and asylum seekers is defined through the common European asylum system as well as the Charter for Fundamental Rights (Frances and Kumin 2017, 22).

The article 18 of the EU Charter of Fundamental Right declares the right to asylum as one of the grounding principles of EU law (Charter of Fundamental Rights of the European Union 2000). The Tampere Conclusion of 1999 presents the basis for what is nowadays known as the European Common Asylum System (CEAS). CEAS aims to establish a common asylum procedure framework for the European Union Member States. The system is based on the principles introduced in the Geneva Convention as well as on the principle of free movement of people. Indeed, with respect to the freedom of movement within the EU, which is one of the four constituting pillars of the European Union, a framework establishing a harmonized asylum procedure in each member state had to be established (European Commission n.d.). While CEAS aims to harmonize

asylum procedures in each member state, most of the legislation governing asylum procedures are based on national laws. Moreover, it is worthy of noting that the agreements formulating the European Union do have an underlying tendency to secure the sovereignty of states to decide who can enter and CEAS is no exception (Sassen 1996, 40).

Asylum Procedure in National Legislation

An asylum process in Finland begins once an asylum seeker lodges an application after arriving physically to Finland. The reviewing of the application is conducted by the Finnish Immigration Service (MIGRI). After the review, applicants are called to an interview based on which MIGRI decides whether the applicant is entitled to get refuge or not (Maahanmuuttovirasto 2019). If an applicant receives a negative decision, they have the right to appeal against the decision to the Administrative Court. Once one receives a final decision, they will either be granted an asylum, requested to leave the country or to make a new application. However, it is worth noting again, that various studies have highlighted that asylum procedures are complex operations of bordering and body-politics where various factors impact whether or not one is granted asylum (Bodström 2019; Kynsilehto and Puumala 2015; Jensen 2018). This issue will be discussed more in depth in chapter three.

When discussing immigration law, it is important to establish that laws, whether national or international, define the parameters under which states and people operate (De Genova 2002, 424). Immigration laws and international treaties set forth definitions, rules and frameworks of possibilities, directly influencing people's statuses and liveability at any given time. The relationship between people and states is reciprocal in constituting one another. As law sets parameters for possible action, it becomes important to understand how migration is managed and why in a specific way.

Here, it is important to understand that the Westphalian state system influences the possibilities to create governing legal parameters. It is assumed "that the government of a nation-state constitutes the final and absolute authority in a society and that no outside

power has the right to intervene in the exercise of this authority" (Castles et al. 2014, 3). Nation states' sovereignty to decide, act and rule over a geographical area and population residing within it is the grounding principle in global politics and international law. This is also reflected in immigration policies. As outlined above, while there are international treaties and conventions securing the right for asylum, the implementation and enforcement is under a state's own jurisdiction. States can and are to a certain extent trying to bypass these obligations through a series of legal reforms in their immigration and asylum policies. According to Castles et al. (2014), it is seen that international migration poses a threat to the sovereignty of states, thus these reforms often try to restrict the entry to the country or decrease the level of protection provided to asylum seekers (Castels et al. 2014, 3). At the same time, by controlling inter-state migration, states may create or deepen vulnerabilities of people, especially if migrants are already placed in a vulnerable position (Bigo and Guild 2005).

Next, I will discuss how the neoclassical ideology (on migration) has influenced contemporary migration management with regards to state sovereignty, and how this has influenced the implementation of various strategies to restrict migration. Over the last few decades, international migration and international forced migration have become highly politicized issues. The growing tendency in global migration governance is facilitating the possibility for movement for some, while restricting the movement of others. Next I will briefly discuss how the contemporary forced migration management has been shaped since the end of second world war.

Contemporary Politics of Forced Migration Management

The global refugee regime is based on humanitarian ideas and human rights law. It began to form in the aftermath of second world war (WWII) and became institutionalized during Cold War (Castles et al 2014, 191). During and after WWII 40 million Europeans were displaced to Australia, Canada and other countries worldwide. During the Cold War, Western countries "were openly offering asylum to those who "voted with their feet against communism" ", which Castles et al. (2014, 191) argue "was

a powerful source of propaganda for the West”.

Indeed, since the end of the Cold War in the late 1980s, many countries in the global north have often claimed that the refugee situations in 1980s and 1990s caused by various structural changes in global south were “radically different” from the Cold War refugee flows in Europe” (Chimni 1998, 352). This claim of a qualitative difference in the causes for individuals to seek asylum was taken further by claiming that the 1951 Convention was not seen suitable for these allegedly new and different situations. Such thinking quickly led to a wide-spread view that those refugees coming from the global south were portrayed “as individuals seeking a better life in the affluent North” (Chimni 1998, 352). This is also linked to the neoclassical understanding of migration, which explains migration through pull and push factors. With gradually growing criticism towards the 1951 Convention, a so-called non-entree regime was created in the Northern states, which continues to formulate today through methods which I will next illustrate briefly (Chimni 1998).

It could be argued that the neoclassical understanding of migration is one of the factors determining why refugees started to be seen as a potential burden in western societies. According to neoclassical theories on migration, individual’s decision to migrate is based on economic rationale of costs and benefits. The theory suggests that migration decisions are based on wages and welfare prospects. Simply it suggests that migration happens from low-wage regions to high-wage regions. (Bauer and Zimmermann 1999.)

Linked with such cost-benefit analysis of migration, some scholars have argued that the humanitarian and human rights-based view of migration is suffering a legitimization crisis, as migration is increasingly framed as a sort-of-threat towards welfare, security and even social cohesion of a state. Most notably Jef Huysmans (2006) argues that since the 1990s migration has been framed as a threat to the states’ internal security, welfare and national identity. This thinking has influenced not only the way governments deal with migration, but also the understanding of what is acceptable migration. Since the early 2000s, economic or labour migration has become the “only one quantitatively

limited access channel” as those who “arrive spontaneously in an uninvited fashion— [are] -- deemed a potential economic burden” (Menz 2013, 108). Due to such idea of an economic burdening, states sought new channels and mechanisms of controlling migration (Menz 2013, 110). The securitization of migration has given justification to tighten the entry rules as well as decrease the level of international protection (Castles et al. 2014; De Lima 2016; Huysmans 2006).

Two issues relevant to this thesis arise from the entering of “economic logics of calculation in public and political life”, as described by Darling (2016, 232). First, migration becomes interpreted through rational cost-benefit analysis implying that refugees and other forced migrants become seen rather as a burden for states than individuals having the right for international protection. Second, the lack of state interference and increasing facilitation of free market has produced “not less government but a new modality of government” (Ferguson and Gupta 2002). This implies the shift towards a surveillance state, in which private entities increasingly take on duties traditionally conducted by the government (Menz 2013).

It has indeed been argued that the rise of the surveillance state delegitimizes various survival strategies, which eventually become seen as types of illicit activities (Wacquant 2009). Within this framework, migration is seen acceptable as long as an economic contribution is expected (Menz 2013, 113). The contrary to economic migration is “unsolicited migration flows” [e.g. asylum seekers] which are often “characterized as constituting an economic drain and a potential political threat” (Menz 2013, 113). This, according to Darling (2016), is “a discursive and symbolic achievement of the neoliberal politics” (230). In neoliberalized states, asylum has become “a question of resource allocation, cost and productivity” (Darling, 2016, 230). Indeed, this thinking materializes in the widely used term of “asylum shopping”. This does not only describe the negative perception of asylum seekers and the lack of solidarity, but moreover it enforces the cost-benefit rationale behind migration decisions (Moore 2013).

The whole question of international protection enters into the sphere of dogmatic unquestionability when asylum and the responsibility to provide asylum are seen as a matter of resource drainage. Dogmatism in the light of other major narratives can be understood as the depoliticization of asylum, which implies that “the possibilities of political debate” are constrained and contours in which policy discussion can take place are predetermined (Darling 2016, 231). What is at stake here is that asylum has not only shifted from a political question to a matter of technicality, but how this shift becomes common sense. This notion is particularly important when exploring the different justifications for restricting legal aid for asylum seekers. Once the conditions have been limited under a certain rationale, the possibility for political debate is inexistent.

Three important issues rise from understanding migration through cost-benefit analysis. First, legal pathways to migrate have become increasingly scarce. Second, governments are progressively restricting “illegal” paths to migrate, which has also led to increasing investments into border security. Third, governments try to reduce so-called pull factors by reducing the level of protection for asylum seekers or introducing restriction and cuts on welfare benefits. (De Genova et al. 2018, 249) Linked with this, humanitarianism is being increasingly seen as a possible pull factor, which is why the European Union migration policies have witnessed developments in criminalising of humanitarian assistance to unsolicited migrants crossing the Mediterranean Sea during the past years (European Union Agency for Fundamental Rights 2018).

Another defining feature of migration is the discourse of crisis. Nicholas De Genova and Martina Tazzioli (2018) argue that the societal “crisis talk” which started in the aftermath collapse of world economy in 2008 has proliferated an overall sense of a societal emergency. The authors explain that the large influx of asylum seekers to Europe in 2015, and the terrible fatalities at the Mediterranean the same year, have protracted the sense of a crisis situation (239-240). The sense of a state of emergency in economy and at the borders of Europe has shifted the European asylum system to become “a machine of illegalization” (De Genova and Tazzioli 2018, 245). By this notion the writers mean that since the solution to the “migration crisis” has been the tightening

of border control and internal asylum policies, asylum seekers are increasingly being criminalized through technically abolishing legal pathways to enter Europe (245). Those who enter are already perceived as illegal.

This understanding is particularly important with regards of this case study. The notion of crisis influenced the political debate in Finland in the aftermath of the 2015-2016 rise in asylum seekers. While in the midst of an economic crisis, the Finnish government action plan states in several instances that the influx of migrants in Europe is increasing to an uncontrollable level. The action plan aimed to reduce costs in the asylum process while it aiming to enhance recognition of those who “actually need asylum”. This notion holds as a fact, that many applications are unfounded, and the government should aim to speeden up their deportation (Valtioneuvoston kanslia 2015). However, with reducing costs the government did cut many essential services (such as legal aid) needed for the actual recognition of those who “actually need asylum”. This way the government action plan follows the definition of “machine of illegalization” provided by De Genova and Tazzioli (2018).

The contemporary discourse on migration is characterised by the use of words such as crisis or influx, floods or masses. This highlights the third feature of contemporary migration debate, which is the sense of a loss of control. According to Sassen (1996), immigration policy has become the cornerstone of renationalizing politics in times of economic globalization. Sassen further argues, that it is indeed undocumented migrants who challenge state sovereignty and the idea that citizenship equals protection (1996, 38). Currently the ability to migrate is rather restricted (for some) and legal pathways are often based on skills (Bonifazi 2008, De Lima 2016). Simultaneously entry rules as well as rights in the destination country have become more restrictive, affecting not only peoples’ abilities to migrate, but also the acquired rights at destination countries (Gammeltoft-Hansen and Nyberg Sørensen 2013, 8). This poses migrants to further vulnerabilities.

By controlling migration, states may produce many unintended consequences (Sassen

1996, 38). Traditional migration routes have changed as well as the migratory status intended to be acquired by individuals on the move (Bonifazi 2008, 8; Gammeltoft-Hansen and Nyberg Sørensen 2013, 8). For example, as legal pathways have become restricted for the so-called low-skilled or poor migrants, only accessible access channels have become those that are often “legally dubious” (Bonifazi 2008, 8). Due to tightening migration policies, migration journeys have become complex processes where various laws, entities and actors facilitate, manage and restrict international movement. The study of international migration infrastructure studies such contemporary complexities and their impacts through an infrastructural analysis. In the next chapter, I will outline the second part of the theoretical framework of this thesis. As mentioned in the beginning of this thesis, I will explore legal aid through a migration infrastructure framework in order to understand how restricting access to legal aid has affected the ability to receive asylum. In order to grasp this analytically, I will explore how the studies on migration infrastructure has emerged and why it is analytically feasible to study legal aid in asylum processes through such concept.

Chapter Two: Facilitative and Restrictive Actors in Migration Trajectories

As established in the previous chapter, contemporary migration management has been influenced by the neoliberal ideology. Yet, the key issue in analyzing the changes in legal aid in 2016 through the concept of migration infrastructure is the ability to understand how legal aid influences the complex asylum process. Through understanding the development of migration infrastructure framework, one can analyze the role of legal aid in the infrastructure for asylum.

Traditionally, the study of migration infrastructure has focused on conceptualizing profitable activities of, for example, human smugglers, migration brokers and visa agents as a form of facilitative migration industry. With the growing interest towards migration industries and studies on the political economy of migration in general, the concept of migration industry is broadening. This thesis adopts the understanding of migration industry as comprising of various actors affecting the actual migration journey and the ability or inability to migrate. The actors that operate and influence migration throughout the migration journeys constitute what is referred to as migration infrastructure.

The study of migration infrastructure encompasses an understanding of social, political and economic realities of states and individual actors that shape, mediate and halt international migration. Xiang and Lindquist (2014) have identified five different modalities that comprise the global infrastructure for migration: the commercial, regulatory, humanitarian, technological and social infrastructure that compose a complex set of actors and instruments that mediate and restrict international migration. Such an approach of migration infrastructure adopts the understanding of increasingly sophisticated methods of bordering. In other words, migration infrastructure takes into account the concept of “policing at distance”.

This thesis focuses on understanding how government migration policies restrict different actors involved in the process of migration, and how these shifts alter the ability to migrate by building upon the migration infrastructure framework. Migration infrastructure is thus an analytical perspective that enables us to analyze the interplay between different dimensions of regulations and actors that impact migration (Xiang and Lindquist 2014, 122). Before discussing the deficiencies of analyzing legal aid through migration infrastructure framework, I will briefly look at how the study of migration infrastructure has evolved.

From migration industry to migration infrastructure

As stated in chapter one, two major themes centre the global debate on migration: the security and the loss of control. Securitization of migration along with the idea of a loss of state sovereignty over movements of people has influenced migration policies, making international migration more restricted and based on skills instead of human rights (Bonifazi 2008, De Lima 2016). Entry rules as well as rights at the destination country have become more restrictive, determining peoples' abilities to migrate (Gammeltoft-Hansen and Nyberg Sørensen 2013, 8). As a result, traditional migration routes have changed as well as the migratory or legal status the asylum seekers intended to acquire (Bonifazi 2008, 8; Gammeltoft-Hansen and Nyberg Sørensen 2013, 8).

The need for understanding migration industries which eventually led to the studies on migration infrastructure is very much embedded in the current global migration governance. As migrating through existing infrastructure has become almost impossible, migrants have started to use other routes and means of travelling – often facilitated by smugglers or other middlemen.

The 2001/51/EC directive *supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 by European Council* is traditionally held as an example of restrictive migration policy as well as privatization of border control. The directive sets forth a penalization system for international

transportation companies who carry undocumented non-EU nationals or travellers with forged documents to the EU countries (Council of the European Union 2001). As a result of this directive, undocumented or travellers with forged documents are very unlikely to be passed on board. The directive was introduced in an effort to decrease illegal migration. Since its implementation, it has then been criticized for its impact on poor migrants, migrants in vulnerable positions and asylum seekers (Bigo and Guild 2005).

The above-mentioned example indicates that the sphere of international migration and migration governance are in flux. Indeed, Gammeltoft-Hansen and Nyberg Sørensen (2013) suggest that any study on international migration cannot be fully grasped unless the analytical focus shifts towards understanding migration industry and the migration infrastructure as a whole.

Five modalities of migration infrastructure

According to Cranston, Schapendonk and Spaan (2018), the concept of migration industry should rather be understood as forming a part of the infrastructure for migration than a mere industry (2018, 544). This notion is based on an understanding that migration is a project rather than a singular event with beginnings and endings (Cranston et al. 2018, 549). Indeed, understanding migration as a process opens a conceptual concern where migration and mobility “are particularly sensitive to the power dynamics and differentiated meanings attached to human movement” (Cranston et al. 2018, 549).

In connection with this, Xiang and Lindquist (2014) have suggested to shift the analytical framework from migration industries to a broader perspective of migration infrastructure, which allows analyzing the multifaceted spaces of quotidian mediation and condition of migration. Indeed, according to the writers, the concept of migration industries “*renders migration as a form of business and pays less attention to the fact that migration brokers are not simply selling opportunities for migrating overseas, but are also dealing with various components of infrastructure - such as collecting documents,*

organizing medical tests or dealing with pre-departure training” (Xiang and Lindquist 2014, 133).

Moreover, the mere analysis of the industrial part of migration infrastructure neglects the various public and private entities that are involved in migration by promoting, facilitating or otherwise organising the process of migration through providing “information, products and services” (Cranston et al. 2018, 547). The key component is not to understand how migrants move but how migrants are being moved by others (Xiang and Lindquist 2014, 131).

The notion of migration infrastructure focuses on five different systematically interlinked modalities that form the infrastructure for international migration. In other words, migration infrastructure is constituted by technologies, institutions and actors that “facilitate and condition” migration (Xiang and Lindquist 2014, 124). The analytical perspective of migration infrastructure focuses on the commercial, regulatory, technological, humanitarian and social dimensions. While each dimension has a “distinct logics of operation”, they “collide and contradict with one another” (Xiang and Lindquist 2014, 124). The framework aims to explain the structural dimension of the actual process of migration through an analytical perspective that explains “why migration has become both freer and harder” (Xiang and Lindquist 2014, 126). Moreover, migration infrastructure offers an “analytical perspective and methodological tool that renders visible what was previously hidden” (Xiang and Lindquist 2014, 142).

As illustrated in Figure 1, migration infrastructure comprises of various interlinked entities that have an impact throughout migration trajectories. As part of a global human rights regime it is feasible to analyze asylum processes and actors in it through the interlinkages between the regulatory infrastructure and the humanitarian infrastructure. Next I will briefly outline the differences between these five central modalities according to the categorisation used by Xiang and Lindquist (2014).

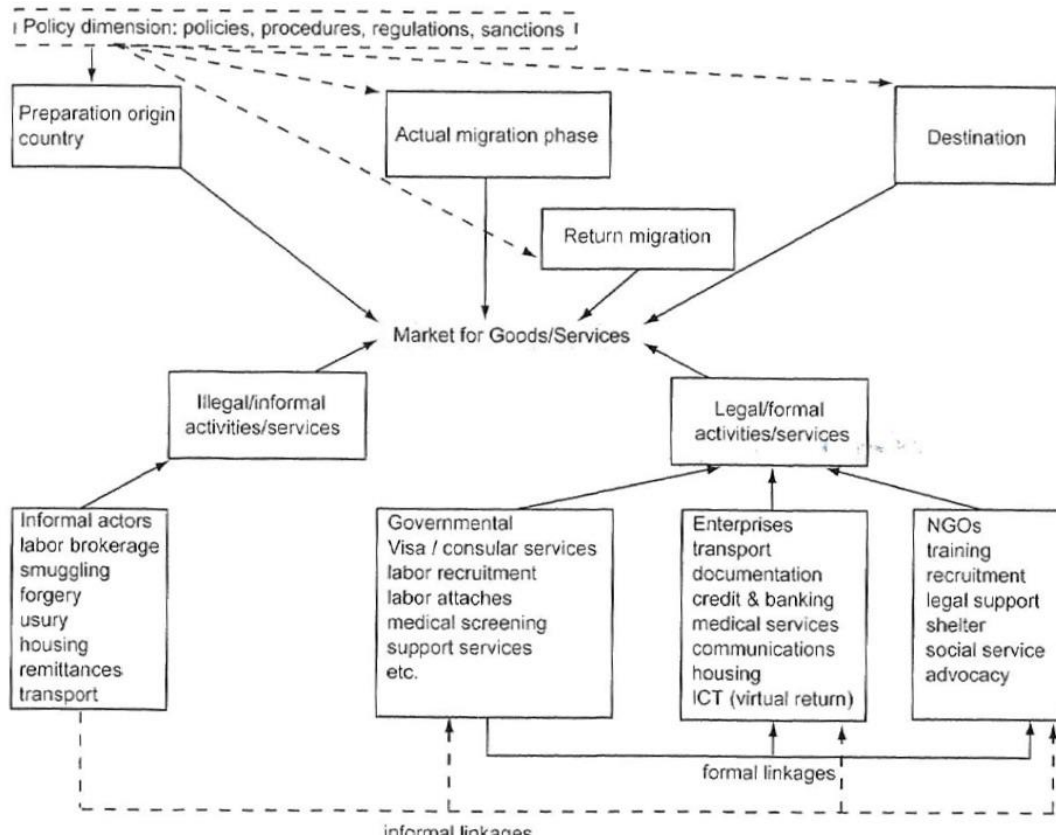


Figure 1: Migration trajectories and actors of the migration industry
 Source: Adapted from Spaan and Hillmann 2013, 69.

The regulatory infrastructure, according to Xiang and Lindquist (2014), composes of actors, institutions, policies and discourses that not only control migration, but are also involved in protecting migrants' rights. The regulatory infrastructure opens a conceptual understanding of how government's migration policies affect an overarching array of actors influencing and restricting the ability to migrate.

Linked to this, the humanitarian infrastructure is influenced by changes in the regulatory infrastructure. Comprised of cooperative actors such as the mass media, international organizations and non-governmental organisations, the humanitarian infrastructure constitutes an international scheme for the protection of human right norms (Xiang and Lindquist 2014, 134). In this sense, actors such as human rights lawyers, humanitarian aid workers and human rights advocates influence the infrastructure of migration.

The social infrastructure, according to Xiang and Lindquist (2014), are the migrant networks, that constitutes a valuable source of information and support. Rather than limiting the social infrastructure only to cover migrant networks, social infrastructures in asylum processes are vast and often overlapping with actors of the humanitarian infrastructure.

Finally, the commercial infrastructure consists of the migration industry, where various actors engage in facilitating, restricting and mediating migration with the aim to make monetary profits. These actors are usually seen as human traffickers, middle men, visa agents, labour recruiters, transportation companies, etc. (Xiang and Lindquist 2014).

With regard to this thesis, conceptualizing legal aid as constituting a part of a wider infrastructure for migration can contribute to the broader understanding of how different modalities of migration infrastructure interact and what implications these have on the ability to migrate. This thesis does not aim to simply look how legal aid can have a facilitative feature in asylum procedures, but to understand the (un)intentional implications that certain migration policies might have.

Indeed, studying restrictions of legal aid from the analytical perspective of migration infrastructure could enhance the understanding of different techniques of bordering and control that constitute “different experiences of mobility, as well as immobility, across lines of class, legal status, age and gender” (Cranston et al. 2018; Conlon 2011). Thus, analyzing legal aid through a migration infrastructure framework opens an analytical window to better understand why gaining asylum may have become more complex. Next, I briefly outline the politics of asylum process.

Chapter Three: Right to Asylum? The Process

As outlined in Chapter One, the right to asylum is defined in international, regional and national treaties, conventions and laws. However, the actual structure of the asylum process is defined in national legislation and the process is itself subject to various political influences. In this chapter I will briefly explain the functioning of the asylum process in Finland. I will also explain how the asylum process is influenced by governments' bordering regimes, how epistemic violence occurs in asylum procedures and how it influences the process.

Asylum process in Finland

In Finland the right to apply and receive asylum is defined in the Aliens Act Chapter 6. An asylum process in Finland begins once an asylum seeker informs the police of border control authorities that they want to apply for asylum. After this, the applicant will be registered as an asylum seeker, their biometric details are taken with signature and photograph. After this the applicant is directed to a reception center after which they can lodge an application. One can apply for asylum only after arriving to Finland physically. The reviewing of the application is conducted by the Finnish Immigration Service (MIGRI). After the review, applicants are called to an interview based on which MIGRI decides whether the applicant is entitled to get refuge or not. After the decision the applicant has a right to appeal the decision, they must leave Finland, or they can apply for an assisted voluntary return. (Maahanmuuttovirasto 2019.)

Yet, studies on asylum process have indicated that the process itself is subject to various techniques of governance, which restrict the access to asylum and act as a way of bordering (Mountz 2010; Puumala, Ristimäki and Ylikomi 2019; Pellander 2015; Bodström 2019). According to Puumala et al. (2019) "asylum processes situate somewhere between politics and law" (140.) To this end, it is important to analyze the asylum interview, which is the one of the most important events in the asylum process. In the interview, the asylum seeker is expected to verbally constitute a coherent and

credible story why they need asylum and provide evidence for their claims (Puumala et al. 2019, 141).

Studies of asylum interviews indicate that while the asylum seekers' account constitutes the basis of reviewing the application, there are various other factors affecting the ability to objectively assess the asylum seekers' verbal communication. Next I will briefly outline the major factors determining why asylum interviews cannot be seen as a purely objective verbal acts of communication, and how different dynamics indicate it being part of the states bordering regime. Establishing this will be crucial for understanding the role of legal advisors in mediating differing ontologies and epistemic violence manifested in asylum procedures. In order to effectively review the role of legal aid in asylum processes, and ultimately whether it can be seen as a facilitative factor, the dynamics of an asylum interview must be reviewed from a critical point of view.

Role of Asylum Interviews in Asylum Process

The asylum interview aims to gather information from the asylum seeker to determine whether they "meet the requirements" to receive an asylum status. It is thus one of the most important events in the asylum procedure (Bodström 2019, Puumala and Kynsilehto 2016). The interviews are usually attended by the asylum seeker, an interpreter and an immigration official from the Finnish Immigration Service, who simultaneously asks questions from the asylum seekers and writes minutes from the statements. If the asylum seeker is in a special vulnerable position, they could have a lawyer or another form of assistance during the interview.

The applicants are expected to produce a coherent and credible account on why they need asylum. If, however, the applicant fails to carry the burden of proof or does not indicate the relevant elements which could influence the assessment of the application and the applicant's need for protection, the process is inclined to fail (ECRE/ELENA 2010). According to Puumala et al. (2019), asylum interviews can be a very stressful

situation for the asylum seeker (Puumala et al 2019, 146). The stress may have an impact on the asylum seeker's ability to recall past memories.

Indeed, rather than being a simplistic and objective procedural practice, an asylum interview is a social setting, influenced by various cognitive and social premises that has consequences on any possible outcome. According to Puumala and Kynsilehto (2016, 356), the asylum interview is characterized by "highly unequal power relations", which are "best understood as speech situation where both communicating parties have high interest of manipulating the situation" (356). The asylum interviews are also characterized by differing ontologies of the interviewer and interviewee. This constitutes an ontological gap, which can at worst lead to a situation where the asylum seeker fails to understand what is or should be "under examination" (Puumala 2012, 85). Here, the ontological gap refers to a difference in understanding of what is important and relevant with regards to the asylum story. What is important or relevant for the asylum seeker may not be at all significant for the interviewer at all (Puumala 2012, 85). This, as I will later explain, is an important factor in constituting epistemic violence. This refers to the fact that when the ontological needs differ, the asylum seeker's own knowledge may be nullified. This is what will later be called epistemic violence. Epistemic violence influences directly how facts and stories are examined by the immigration officials.

Also, the fact that the primary source of interaction in asylum interviews is based on language bears inherent difficulties with relation to objectivity and subjective interpretation. Giving primacy to oral communication neglects corporeal communication, which constitutes an important source of communication itself (Puumala and Kynsilehto 2016). Thus, language and the ability to "produce language that is understood by the authorities" becomes a crucial determinant for delivering an acceptable asylum account (Bodström 2019, 13).

After the interview, the statements are assessed through a credibility assessment. Bodström (2019) has argued, that the credibility assessment conducted by MIGRI is a

crucial element of the asylum decision. Credibility assessment refers to how MIGRI assesses the asylum claims and the information provided during the interview. The credibility is examined based on an internal and an external assessment (Bodström 2019, 4). The internal assessment examines how logical, detailed and coherent the asylum seekers' account is (Bodström 2019, 4). The external credibility assessment is based on comparing asylum seekers' account to external information, such as Information concerning the Country of Origin (CoI) and provided documentary evidence (Bodström 2019, 4). The internal credibility assessment inherently expects the applicant to be well prepared and to have strong cognitive skills to recall traumatic events in an extremely stressful situation (Puumala, Ylikomi and Ristimäki 2019).

Furthermore, Bodström (2019) argues that the social credibility assessment is influenced by the "sociocultural perspective" through which the immigration official reads the applicant's narrative. This implies that the surrounding political reality impacts the credibility assessment and that the asylum procedure cannot be regarded as an objective practice, unless the possible influences are critically examined.

Asylum processes in general and the interviews more specifically have been argued to constitute a micro level demarcation of political space, and the government's biopolitical process (Puumala et al. 2019). Through various techniques of governance, the asylum process continues a government's bordering practices, which Guild and Bigo (2005) have described "policing at distance". This notion refers to an increasing array of "subtle and remote" technologies of bordering that have risen with globalization and increasing freedom of movement (Guild and Bigo 2005, 203). Borders are becoming increasingly invisible and get activated between "those who belong and those who do not belong" (Guild and Bigo 2005, 203). Here, it is important to understand the epistemic violence in asylum processes as it could be seen, that knowledges and ontologies constitute micro-level demarcations of political space.

Epistemic Violence in Asylum Procedures

According to Enrique Galván-Álvarez (2010), epistemic violence is “violence exerted against or through knowledge” (12). He argues that epistemic violence forms “through the construction of epistemic frameworks that legitimize and enshrine practices of domination.” (12) It is the subjugation of knowledges that legitimize oppression, and in this case devaluates the asylum seeker as a knower in asylum interviews. Furthermore, restricting access to valid knowledge can be seen as a form of control (Bohmer and Schuman 2007).

The concept of epistemic violence derives from Gayatri Spivak’s well-known essay “*Can the subaltern speak?*” (1988). The essay poses a postcolonial critique towards not only the Western economic hegemony, but also the constructed knowledge frameworks in which the subaltern has no voice. The rendering of agency and voice creates and maintains inequality and intrinsically delegitimized other ways of knowing (than Western knowledge).

According to Spivak, “the clearest available example of such epistemic violence is the remotely orchestrated, far-flung, and heterogeneous project to constitute the colonial subject as Other.” (Spivak 1988, 27.) The Other, in her writing, is not able to represent themselves, but they are rather represented by someone else, their “masters” (Spivak 1988, 71). This notion indicates the regarded invalidity of the subaltern’s knowledge.

In asylum processes, this occurs especially in the justification of negative decisions, and in the way the information provided by the asylum seeker is evaluated. Katherine Jensen (2018) has studied the epistemic logic of asylum screenings in Brazil. According to her, the epistemic logic of asylum screenings “grants epistemic authority to officials by producing and privileging disembodied knowledge while constructing the knowledge of asylum seeker as bodied” (Jensen 2018, 2616). This works as an extension of “production and maintenance of state domination in the asylum screening process - regardless of whether refugee status is granted” (Jensen 2018, 2616).

Jensen argues that when the asylum officers review the cases, they are influenced by predefined biases, stereotypes and predispositions that determine the “negotiations of truth in asylum screening” (Jensen 2018, 2617). As mentioned in the previous subchapters, the credibility assessment in asylum processes is one of the crucial factors in asylum decisions. Here, the asylum officer evaluates the claims made in the asylum interview, where the applicant needs to provide the information based on which s/he is judged as qualified for a refugee status. However, it is indeed the epistemic logic, Jensen argues, that affects the credibility assessment and extends government domination in asylum process. She argues that rather than acting as mere evaluators of facts, the asylum officials “construct meanings of truth and knowledge in [the] refugee regime” (Jensen 2018, 2617).

According to her, the asylum seekers’ knowledge is embodied while the knowledge of the officer is disembodied (Jensen 2018, 2617). This means that the asylum seekers’ account is always taken to represent situated knowledge that is not “easily disassociated from the personal qualities of its bearer” (Jensen 2018, 2617). While on the contrary, disembodied knowledge is regarded neutral and objective, regardless of who produced the knowledge in the first place (Jensen 2018, 2617).

In asylum processes in Finland, the asylum officer has a heightened burden of investigating all relevant facts that could influence the asylum seekers qualification as a refugee (Ulkomaalaislaki 301/2004 §7). As explained earlier, Puumala et al. (2019) have argued, that when the asylum seeker fails to understand what needs to be known, in other words, fails to meet the epistemological needs that stem from different ontological ground of the officer, their case is inclined to fail. This logic further increases the importance of disembodied information and holds the immigration official as an objective observer and producer of knowledge. What the asylum seeker may think as valuable becomes void if it does not meet the ontological needs of the asylum officer.

Understanding the asylum officer’s knowledge as disembodied obscures power structures and inherent inequalities and holds the officer in a position of an objective

observer and fails to recognise the asylum seeker as a knower. According to the study conducted by Gadd and Lehtikunnas (2019) in the aftermath of the Finnish migration management reform, many asylum seekers felt that their claims in the asylum interviews were not understood or believed in the way they intended it. To this end, epistemic violence is the “inability to meet the vulnerabilities of speakers in linguistic exchanges and recognize the speaker as knower” (Gadd and Lehtikunnas 2019, 213).

The use of interpreters can increase the vulnerability of the asylum seeker, especially in cases where the translation does not carry the nuances and connotations that the asylum seeker aimed to articulate. Furthermore, the ability of the asylum seeker to understand the asylum process and the core concerns needed to be brought forward in the asylum interview constitutes epistemic violence which legal advisors could be understood to mediate. (Gadd and Lehtikunnas 2019.)

Most interestingly, the lack of knowledge of the asylum process can lead to a situation where the asylum seekers’ “lack of advice and knowledge increases the possibility for epistemic violence in the asylum process as it jeopardizes the ability of asylum seekers to speak” (Gadd and Lehtikunnas 2019, 214). Asylum seekers often do not know what kind of information is relevant and how to tell it. Previously, legal advisors were able to gap such discrepancies in knowledge through presenting targeted questions, for example. When asylum seekers lack institutional assistance, they may not be aware of the facts they are required to bring forward in an asylum hearing. Furthermore, they may not trust the authorities to the extent to be able to share sensitive and private information with them.

Epistemic violence manifests itself also in the external credibility assessments. When asylum interviews are evaluated against the country of origin information (CoI), the aim is to compare the facts brought forward in the asylum interview by the asylum seeker against information that has been gathered and produced by the Immigration Service or evidence that was brought forward by the asylum seeker. It has been argued that when the facts introduced by the asylum seeker are colliding with the CoI, the asylum seeker’s

story has in some cases been undermined through exclusion, negation and nullification of psychological thoughts, feelings or experienced reality (Gadd and Lehtikunnas 2019, 214).

While epistemic violence is indirect and non-physical, it can lead to severe physical and direct consequences. At worst, the inequality of knowledge systems can lead to the breaching of the principle of non-refoulement or render the asylum seeker to an irregular status when return to home country is not always possible (Gadd and Lehtikunnas 2019). This can lead to asylum seekers being exposed to other types of structural and direct violence.

Chapter Four: Methodology, data and ethics

So far, I briefly explained the global history of forced migration management. I have briefly outlined an analytical understanding of the migration infrastructure framework and discussed the politics asylum processes and highlighted the importance of the asylum hearing in asylum procedures. Finally, I have explained the various techniques of bordering and epistemic violence in asylum interviews.

In this chapter, I will explain how I will analyze the role of legal aid in asylum processes. I will first explain the methodological design, after which I will present the data. Finally, I will discuss the ethical issues.

This thesis is a theory informed case study aiming to understand the role of legal aid in asylum process from a migration infrastructure point of view. I have decided to approach the issue of legal aid in asylum procedures by analyzing four expert interviews to understand the role legal aid plays in asylum procedures. I will focus on understanding the quotidian operation of legal aid in asylum processes (Xiang and Lindquist 2014, 142).

To approach the research problem of this thesis, the main research question asks: *“In which ways can legal aid be a facilitative factor in asylum processes?”* In order to effectively understand the implications of the 2016 changes, I will also try to understand *“what implications did the 2016 changes in the Finnish legal framework concerning the access to legal aid had with regards to asylum procedure?”*

It is crucial to highlight here that access to legal aid is tightly linked to the question of rule of law and access to justice. Legal aid is a pre-condition in establishing equality before law, which is ultimately tied to the principle of rule of law. These concepts are crucial in securing social justice and just functioning of a democratic state. Researching facilitative nature of legal aid is by no means to claim that it is certain that legal aid facilitates asylum in all cases, most importantly in cases where there are no grounds for

asylum. On the contrary, this thesis aims to enhance the understanding of the role of legal aid in the asylum processes to eventually understand if and how access to asylum has become more difficult in Finland after restricting access to free legal aid.

Methodological Design

As a theory informed case study, I will link the analysis of the interviews to the broader impact of the 2016 changes across the infrastructure of the asylum processes in Finland. By concentrating on the quotidian implications of the change, I will combine the restrictions of legal aid in connection with the larger infrastructural implications on actors, such as the legal advisers, asylum decisions and rights of asylum seekers. This will enable me to examine what role the changes in legal aid played in the overall changes of the Finnish asylum process since 2016.

A case study can be used as a qualitative research method to systematically understand interrelated post-facto events explaining a phenomenon (Berg and Lune 2012). It is usually best operated by implementing other methods and sources of data according to the case itself. Through examining one event, case studies can “uncover the manifest interaction of significant factors to capture various nuances, patterns and more latent elements” (Berg and Lune 2012, 328). Case studies have been criticized for its limitations in generalizability (Berg and Lune 2012, 341). Yet, it can suggest explanations of why something happens, and can at best shed light and provide better knowledge of similar events (Berg and Lune 2012, 341). As written in chapter one, many governments in the European Union are increasingly reducing asylum seekers’ access to legal aid. By understanding the underlying role of legal aid in asylum processes, a case study examining the implications of the Finnish migration management reform can increase our understanding of similar developments elsewhere in Europe.

It must also be noted that the case study itself can be regarded as a guide to research but not a method per se. The analysis of this thesis, as I will later explain, will be conducted through theory oriented thematic investigation of the data. The quotidian role of legal aid in asylum process will be analyzed through reflecting upon the thematic expert

interviews in light of the theoretical framework of this thesis. This helps to understand how the cuts in legal aid have affected the access to asylum on a broader level.

Despite case studies being usually associated with theory building rather than theory testing, it has been argued that case studies can be implemented as a theory testing strategy (George and Bennett 2005). Indeed, Yin (2003) has argued that implementing a theory-before-research approach is useful prior to collecting data for the case study. Indeed, as typical in single case studies, the data of this thesis also comprises of theory directed interviews (Berg and Lune 2012, 331).

Thematic Expert Interviews and Theory Informed Analysis

Thematic interviews are a qualitative research method which can be used to find meaningful answers to address a research problem. Thematic interviews are based on the (theoretical) framework of the study, thus prior knowledge often directs the interview questions and themes (Tuomi and Sarajärvi 2018). Thematic interviews are often semi-structured, which means that a set of guiding questions have been defined on the basis of the theoretical framework of the study (Tuomi and Sarajärvi 2018). The benefit of using semi-structured interviews is that it enables the researcher to deepen and specify questions in the interview setting. Furthermore, I found a semi-structured interview method especially useful when conducting expert interviews, as it allowed the interviewees to elaborate further on issues that I might have left untouched due to lacking familiarity with the issue.

In the beginning I considered including expert statements from the initial drafting process of the law, where the amendments restricting access to the legal aid were first introduced (Eduskunta 2016). There were around 50 different statements, ranging from the police, to academics, state officials and NGOs. These statements could have reflected a more nuanced understanding of legal aid in asylum procedure. However, the statements were short and rather superficial and could have at best reflected the positions of different experts. As I was interested in more in-depth understanding of

legal aid in asylum process, the best way to approach the issue was by conducting interviews with the experts.

Indeed, in the early stages of the thesis project, I realized that in order to meaningfully study the role of legal aid in asylum procedures, I would need to develop a rather in-depth knowledge of both migration infrastructure and asylum processes as a whole. Thus, I decided to use expert interviews as a method to research the expert's understanding of the functioning of legal aid in asylum processes. Indeed, expert interviews have been used in social sciences for a long time, particularly because they provide "efficient and concentrated method of gathering data", that is also useful in the "explanatory phase of a project" (Bogner, Littig and Menz 2009, 2). Using expert knowledge as a data collection method can help in crystallizing the main aspects of the research subject. Furthermore, expert interviews can offer access to results quickly and efficiently. (Bogner et al 2009, 2.)

I conducted four semi-structured expert interviews with professionals who have worked with asylum seekers and have significant experiences with asylum processes, especially with regard to the role of legal aid. The interviews were conducted from May 2019 to December 2019. Over the course of the research, my interest sharpened and a qualitative improvement in the interviews conducted at a later stage is observable. In the beginning of the project, my interest was to understand legal aid as an industry, which is why I focused largely on the industry aspect during the interview. After I became more familiar with the asylum process in general, I was able to better focus my questions.

All four interviews were conducted in Helsinki. They lasted from 45 minutes to 90 minutes. While I had a formulated set of guiding questions prior to the interviews, the questions were open ended, and the interviewee's answers were usually followed by targeted and specific questions. Each set of guiding questions was formulated according to the background of the expert. This was done in order to address questions related to the interviewee's expertise.

As regards the interviewees, I aimed to select experts representing different perspectives and “sides” of the asylum process. I wanted to be able to understand the different views of the role that legal aid plays in asylum procedures. However, as the issue is rather technical and requires specific knowledge, all experts could be understood having a rather homogenous background.

The experts I selected were practitioners who had worked with asylum seekers, asylum law or immigration issues for various years, and had seen the development of the Finnish asylum law in practice. Two of the interviewees were immigration lawyers with vast experience on the field. They represented the legal aid provider’s view on the issue but were able to comment the technical side of asylum procedure with some notes on the asylum seeker’s perspective. One interviewee was an immigration official from the Finnish Immigration service, who dealt with the legal aid especially. The interviewee also had extensive experience in conducting asylum interviews. This provides insights from the point of view of an immigration official how legal aid can have an impact on the asylum interviews. The fourth interviewee was an employee from an NGO that aims to support newly arrived asylum seekers with integration and accommodation in Finland. The representative provided a practical view from the field. From the very beginning, I decided to keep the interviews anonymous, as the issue is very political. By keeping the interviews anonymous, the interviewees were also more comfortable to speak openly.

All interviewees were easily contacted and accessible and they were very interested in participating in the research. Indeed, according to Bogner et al. (2009), the fact that the interviewees share the same “understanding of the social relevance of the research” can encourage interviewees to participate. Other motivating factors include, for example, awareness of the political relevance of the topic, the desire to make a difference and general curiosity about the topic (2). These reasons might have increased the willingness of the interviewed experts to participate in my study. The changes in asylum seekers’ access to legal aid has been crucial for many practitioners. Moreover, it had

gained a rather broad media attention and motivated many practitioners to engage politically to influence the issue.

Especially the two lawyers I interviewed were perhaps interested in sharing their knowledge as the amendments to the legal aid scheme affected their livelihood directly. The interview was an opportunity to not only claim their discontent with the changes, but also to highlight the relevance of legal aid in the asylum process. This very fact could create a bias in the data.

According to Tuomi and Sarajärvi (2018), qualitative research that aims to understand similarities should focus on a homogenous set of data rather than have a very heterogeneous data. The data collection can be stopped when it reaches a so called “saturation point” (Tuomi and Sarajärvi 2018). In other words, when the data begins to repeat itself, it is considered that no new answers can be found. In this case the collected data resembles specialized knowledge of a homogenous group of experts and four interviews were enough to reach the saturation point.

Theory informed or directed thematic interviews are usually semi-structured interviews where the themes and interview questions are based on selected concepts from the most central theories (Tuomi and Sarajärvi 2018). In thematic interviews, the themes of the interview are defined in advance (Eskola and Suoranta 1998). As a theory directed research, the thematic areas were formulated with the use of pre-existing knowledge I had gained through studying the theoretical framework of this thesis. The themes that I focused in the interviews were aimed at gaining a comprehensive understanding of:

1. The role of legal aid in different stages of the asylum procedure and in the asylum interview.
2. The experiences following the changes in 2016.
3. The reasons to limit access to legal aid.

4. The impact of restricting access to legal aid for the likelihood to be accepted as a refugee.

The first theme aimed to understand how the experts evaluate the role of legal aid in asylum processes to assess the importance of it and reflect it against the core justifications that the government used in 2016 to restrict the access to it. The second addresses the experiences of what happened in practice and sheds light on what each expert group describes as the main qualitative changes in asylum processes. The third theme aimed to understand the experts' views on why the change occurred and what might have been the underlying aims with the changes. The fourth theme tried to understand the procedural implications of the changes.

The interview questions were defined in advance, but the interview did not follow a strict order of questions and the questions were shaped following to flow of the discussion. Indeed, as the data collection approach focused on expert knowledge, incorporating open ended questions allowed a broader exploration of the topic. As described above, expert interviews are as useful in conceptualizing the study as they are as a mere source of data.

The interviews were held in Finnish and recorded using my personal phone. I took notes simultaneously in order to effectively review the interviews afterwards. Unfortunately, one of the interviews was lost due to a technical issue. I wrote extensive notes right after the interview. As I am analyzing concepts and themes, it will not be as problematic as if I had chosen to analyze nuances in language and choices of wordings. The other three interviews were transcribed and analyzed through thematic content analysis. Quotes that are presented in the thesis were translated by me.

The data can at best shed light on how different experts see legal aid impacting the asylum processes and why. The data collection was designed in the context of the Finnish immigration system. That is why the data cannot be generalized without taking into account the context. However, as I will elaborate further in the conclusions, there

are some universalities in the European asylum system and in asylum processes in general which make it worthwhile to consider that the data could provide insights that are transferrable to other national asylum systems as well.

How was the analysis done?

Braun and Clarke (2006) have provided step-by-step instructions for a thematic analysis. In this analysis the theory and the research questions strongly guided the analysis. The bone-structure for the actual analysis was based on the pre-defined themes of the interviews and on the different phases of asylum process. From lodging the application to making an appeal, I aimed to understand and search from the data how access to legal aid affects the asylum process from the asylum seeker’s perspective.

In the first stage I familiarized myself with the data. After having read and annotated the data, I highlighted concepts and words that occurred in each of the interviews. This was the second step, where I created initial codes on the text. In the beginning used Word and Excel to note the data. However, I realized quickly that the coding was done much easier with a highlighter and a pen. I marked the text for any notions on the role of legal aid in any of the steps. In the next step, I organized the initial codes for themes. Here, I used and Excel sheet to organize the text into a manageable table. Figure 2 shows how concepts were coded.

Data extract	Codes
- “asylum seekers understand the process they are in, how the process proceeds and what rights and obligations they have” (Immigration official 28.5.2019) ¹	Understanding the process
- ” In the beginning of the process legal aid has an enormous role. It defines a lot how the process continues. If it (the process) goes	Front loading, beginning

¹ All quotes are translated by me

wrong from the very beginning, it is very hard to fix later.” (NGO representative 18.12.2020)	
- ” How many times have you applied for asylum?” is a question that people do not understand”. “That is when we say ‘fingerprints, how many times?’” (NGO representative 18.12.2020)	Understanding the process
- ” The stress that the asylum seekers have can influence the success of the interview. It is a very stressful life situation. He or she worries about the future, their family members and close people who have stayed in the country of origin.” (Immigration official 18.11.2020)	Emotions, stress, lack of support
- “Many times the applicant may dare to tell the [legal] advisor that ‘I have been advised not to tell this, what do you think?’ When the advisor can say ‘of course you tell this’.” (Immigration official, 18.11.2019)	Rumours, differences in understanding
- ” The asylum seeker has an obligation to cooperate. However, the role of the legal advisor is to support that things get sorted”. (Immigration lawyer, 28.5.2019)	Supports telling

Figure 2: Coding the data

Next I grouped the themes by element, according to the role of legal aid and at which stage of the asylum process the role occurred crucial. This enabled understanding the different elements of legal aid in each step of the process. I then developed broader concepts to all three themes that I recognized concluded from the data.

In the second part of the analysis, I followed the same procedure to highlight the changes in the asylum procedure experienced and reported by the experts to understand what implications the changes had. This was again organized in themes, according to the impacts that were discussed. Ranging from lengthening the asylum processes to the inability to access legal aid, the second part deepened the understanding by linking the

first part of the analysis with the overall changes in asylum procedure. Here, again, the prior knowledge of asylum determined the themes that were selected.

Positionality and Ethical considerations

The question of who counts as an expert is not unproblematic and entails careful consideration. The use of expert knowledge can at worst legitimate social hierarchies, as well as promote biased or elitist knowledge production. (Bogner et al. 2009, 3.) This has to be carefully examined when studying asylum procedures for two main reasons. Firstly, asylum seekers are often either victimized or villainized, making it hard to voice out any direct accounts from the asylum seekers themselves. Secondly, following this line, interviewing experts can increase and enhance the structural imbalances often linked to the asylum seekers' positions that can at worst lead to invalid evaluations and policies.

However, the use of expert knowledge in this research was suitable as the focus is rather on the technical side of asylum procedures. A suitable vantage point could have been to interview asylum seekers and hear their own experiences. Indeed, researchers of forced mobilities can sometimes be criticized for their lack of personal experiences with forced migration (Clark-Kazak 2019, 12). The lack of personal experience of forced mobility is also an issue in this thesis. However, as my aim was to understand the procedural changes that the restriction of legal aid had over a longer period of time, the use of expert interviews seemed to be the most appropriate. The experts I interviewed had witnessed and experienced the qualitative changes in asylum processes since the changes of 2016. It did not feel necessary and suitable for the extent of this study to interview asylum seekers directly.

Furthermore, it has been criticized that asylum seekers are sometimes subject of "over-research" (Omata 2019, 15). This can lead to research fatigue and growing distrust towards researchers. As asylum procedures can be very long and heavily burdening processes, I did not want to further influence the stressful situation. With respect to the "do-no-harm" principle of research and as the data I needed for the research was

available without interviewing asylum seekers, I decided that it the most suitable way to proceed was to conduct expert interviews.

It is also important to acknowledge the qualitative differences between the traditional studies of migration infrastructure and of international asylum management. Asylum processes, as established in the beginning of this thesis, are procedures governed, defined and regulated through various international, regional and national treaties, legislations and regulations. Asylum procedures are subject to political influences that become visible in forms of sophisticated modes of governance. While legal aid plays a specific part in asylum procedures, it cannot be argued that access to legal aid would simply grant someone in need an asylum status. The limitations of applying migration infrastructure theory to explain new modes of restricting migration stem from the fact that no unitary feature of asylum process can make an asylum process succesful or unsuccessful.

While writing my thesis, I worked at the Finnish Immigration Service, more precisely at the European Migration Network. While working as a senior advisor at the European Migration Network, I was able to gain knowledge on asylum processes through my colleagues, who had been working with the related issues for several years. While this has certainly increased my insight in asylum law and policies, I aimed to maintain my analytical perspective and always critically examined what I was hearing and seeing. At best, I was able to gain information on issues that were relevant for asylum procedures in practice. I consider having an advantage in accessing information. However, this could also create some bias as I was able to understand the subject of my study from inside the regulatory sphere. I tried to remain critical in order to understand all sides of the study.

Another important issue that I had to keep in mind while I was doing my research was the principle of do-no-harm (Clark-Kazak 2019). When studying forced mobilities, it is important to consider the wording and messaging of the research (Clark Kazak 2019, 14). Immigration politics, and asylum politics especially, are highly politicized topics, and research can be used to influence certain politicized views. With regard to this

thesis, I had to be cautious with the wordings I use. Migration policies tend to be increasingly restrictive, thus calling something facilitative can have negative consequences. For example, describing the rescue boats in the Mediterranean as “facilitative actors” have led to their criminalization exactly by claiming that they present a “pull factor” for migration.

Furthermore, it has been argued that researchers studying forced mobilities should be carefully including multiple voices and perspectives (Clark-Kazak 2019, 14). Indeed, migration scholarship has been criticized for benefiting “those who are least affected by displacement” (Clark-Kazak 2019, 14). Indeed, this research did not include the voices of asylum seekers themselves.

This aspect further relates closely to whose voice matters, who has the right to create knowledge and what kind of knowledge is being created. Hearing the voice of the subject of the study in a broader sense should cover the experiences of the asylum seekers. However, as it was explained before, it seemed reasonable for the extent and interest of this study to include only experts. If I had interviewed asylum seekers, I believe the research questions and interest should have been somewhat different.

In addition, there are limitations to what extent this study can reflect the changing realities of the role of legal aid in asylum processes in other EU states and in more general terms. As a qualitative study, the results are never directly generalizable. However, the aim is not to provide one-size-fit-for-all results, but rather to shed light on the different factors that determine migration trajectories. As mentioned before, this case study does not aim to provide a clear-cut explanation of how legal aid facilitates asylum, but rather to provide an understanding how cutting legal aid has had an impact on the ability to receive asylum in Finland, especially when the asylum seeker would qualify as a refugee, but they have not been able to voice the grounds for this in a manner that is expected by the asylum process.

Chapter Five: Analysis and Discussion - Legal Aid as Processual and Infrastructural Mediator

In this chapter I will analyze the four expert interviews that I have conducted for this thesis. I will begin by analyzing the role of legal aid in asylum process by explaining the three main thematic elements that arose from the data. The elements of how legal aid can be seen to facilitate asylum processes were *preparative, conciliatory and supportive*. Each element was explored concerning their role in the different phases of asylum processes, focusing on the three main processual steps until the first decision. As suggested extensively in the literature of asylum processes, the beginning is crucial for the success of the rest of the process (e.g. ECRE/ELENA 2010). Here, the asylum interview plays the most crucial step, as this is where the asylum seekers make their claim for asylum and presents all the grounds for which they need asylum in another state (Bodström 2019, Puumala and Kynsilehto 2016). The two other major steps focus on stages before and after the interview.

Quotidian Operation of Legal Aid

The quotidian operation of legal aid refers to the everyday infrastructural role that it plays in asylum procedures. Provided by the migration infrastructure literature, any type of migration is a process of various steps, to which multiple actors contribute by facilitating, mediating and restricting migration (Xiang and Lindquist 2014). In the same vein, asylum processes are comprised of various steps and actors that influence the process. In this section, I will examine how and why legal aid has an impact on asylum processes.

The first stage, *before the interview*, consists of procedural steps such as registration, gathering of evidence as well as data and preparation for the interview. The most crucial factors here focus on the asylum seeker's own understanding of the process, how they are situated in the process and how they understand their duties and obligations during the process.

The second stage of the asylum process is the *interview*. As mentioned in chapter two, the interview is the most crucial part of the asylum process (Bodström 2019, Puumala and Kynsilehto 2016). Here, the applicant should provide all the necessary facts and evidence why they need asylum. The role of legal aid in an asylum interview will be analyzed through understanding the asylum interview as a complex event, influenced by power imbalances, epistemic violence and differentiating ontologies (Gadd and Lehtikunnas 2019; Puumala 2012; Kynsilehto and Puumala 2015). That is why the asylum interview cannot be regarded as a neutral procedure of reporting. Attitudes, ideas, feelings and beliefs influence each party.

The last analytical stage in this thesis concerns the first decision which is given to the applicant after the interview. Usually, asylum processes can continue for a long time after appealing the decision, making the process much more complicated and nuanced, also for what this thesis is looking at. However, the first asylum interview is often the most crucial stage in the asylum procedure, as it sets the tone for the rest of the process. For example, if information that should or could have been presented in the first interview are presented after the decision has been given, the credibility assessment can be stricter.

Figure 3 shows the main procedural steps and the most important tasks in each of these steps. Next, I will analyze and discuss how legal aid affects each of these steps.

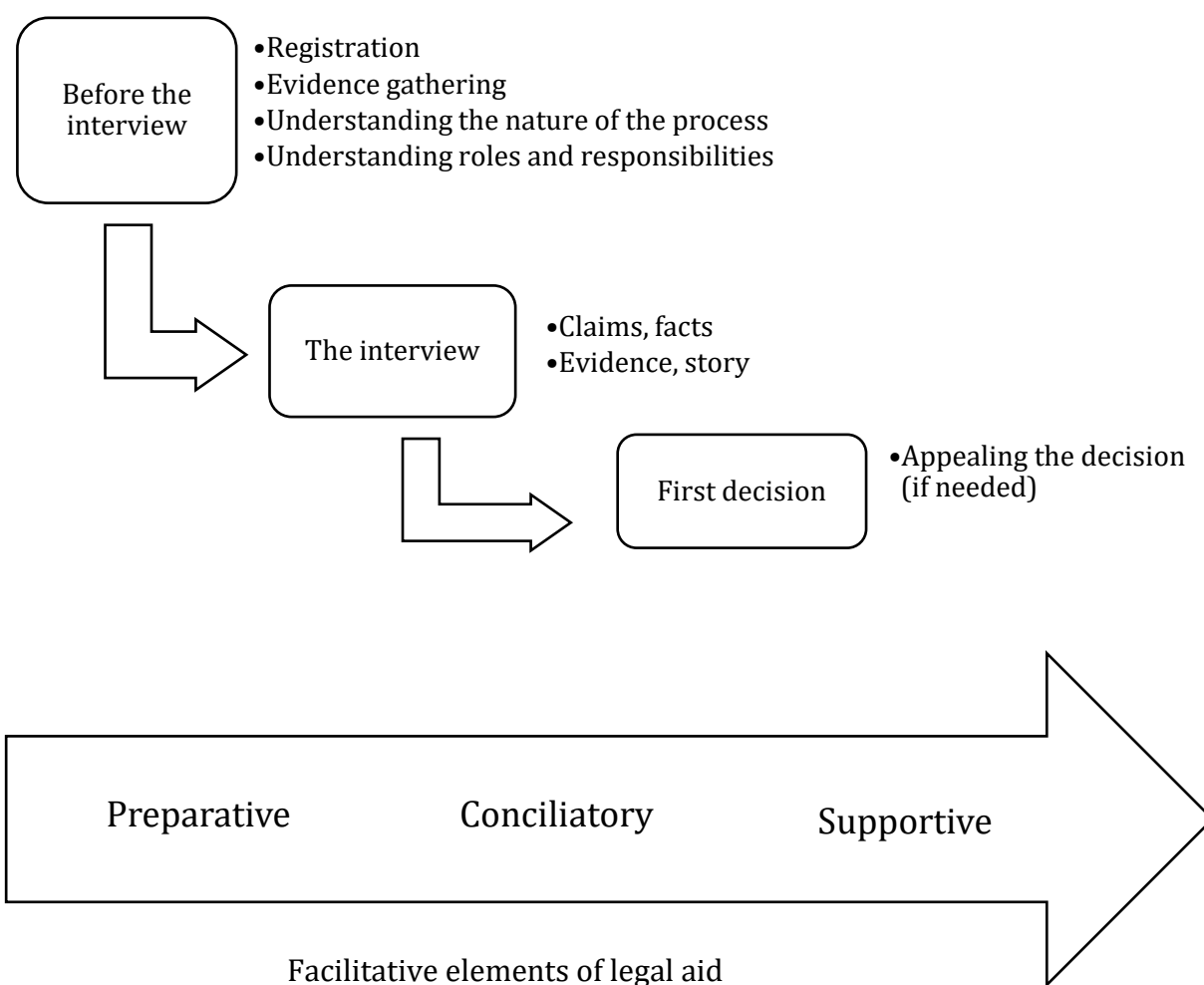


Figure 3: Three main steps in asylum process and the elements of legal aid

Preparative Role

The preparative role of legal aid is most obvious in the stage before the interview. The preparative role of legal aid is addressed to understand the role of legal advisors in preparing the asylum seeker for the interview. A good preparation at the initial stages of the asylum process is crucial, most importantly because a good preparatory work allows that all necessary facts and issues are to be covered in the first interview. This influences the rest of the process, too, and refers to the generally acknowledged importance of “front-loading”. It means that the majority of investments should be done in the beginning of the asylum process in order to investigate the issues effectively and

that the applicant would receive a well-justified decision as early as possible (Bodström 2019).

Along with these lines, the interviewees stated that legal aid plays a crucial role in the beginning of the asylum processes as it can streamline how well the applicants understand the asylum process and their role in it.

“[Legal aid helps to] reflect one's own situation in relation to what is overall being assessed in the asylum process.”

Immigration lawyer, 28.5.2019²

“[D]epends very much on the applicant's own background. Some are very well educated and some have worked in their own countries in some legal capacity. Asylum seekers come from very different backgrounds. Some are able to outline what is sought in the process, as those statutes come from international law. They know what [conditions] need to be fulfilled. But, of course, some are certainly not familiar with the legal requirements for asylum. After all, that is what the asylum interview will determine, whether they meet certain preconditions.”

Immigration official, 28.11.2019

These quotes indicate that the asylum seekers' own understanding of the asylum process is important and can have an impact on how well they can prepare for the interview without a lawyer. As mentioned by the immigration official, the asylum interview aims to determine whether certain requirements are fulfilled. In other words, there is an ontological base for which the immigration officials try to match the applicant's story in the interview. If the ontological basis is met, and applicant fulfills the criteria, the process is inclined to be successful. However, if the applicant fails to understand the

² The forthcoming quotes are translated by me.

requirements, it is more likely that the applicant does not meet those “certain preconditions”. This relates to the epistemic violence in asylum processes (Gadd and Lehtikunnas 2019). If the applicant does not understand the process some facts may be left untold.

Yet, as the immigration official stated, the epistemic violence may not be equally experienced, as the applicant’s own background determines how well they understand the process. Legal aid plays a crucial role in preparing the applicant for the interview. When everyone has equal access to legal aid, it is possible to bridge such ontological gaps that would otherwise be experienced unequally.

The quote below describes a general situation that the NGO employee witnessed after the 2016 changes. It exemplifies how many asylum seekers have not been aware which past experiences are meaningful and should be brought forward in the asylum interview.

“Many say, for example, that “I have that one reason I apply”. They think that “well, because I was threatened by this one militia, that is the reason I am applying” --. And then they think that many other things are a private thing and that “didn't think that you had to tell about these things, [too]”. For example, the experience of violence or being a victim of human trafficking during travels or in the home country, or a possible forced marriage or sexual orientation or belief. It is thought that “none of those things are relevant regarding the violence that I experienced”. It is believed that the violence is the only thing to talk and tell about. And it's really hard to tell later why one didn't tell about these [other] things and it's read against the applicant. “You did not tell these things in the past, which will weaken your credibility.”

NGO representative, 18.12.2019

This highlights the notion that the preparation for the first interview is important throughout the process. This enables an effective recognition of grounds for which an applicant would be in need of an asylum. Once the asylum seeker understands the role of the interview and process as a whole, it is much easier to gather necessary information and evidence. The initial steps and especially the first interview determine strongly how the process continues (Bodström 2019). In case there are mistakes or something valid is not being told, it is difficult to fix it later on. Here, prior knowledge and the understanding of the international protection scheme vary a lot, which puts applicants in an unequal situation. While some understand the process and understand what information needs to be provided, some lack this understanding completely and their case is then much weaker and more inclined to fail.

Since the changes in 2016, the NGO representative explained that many asylum seekers have not been able to efficiently prepare for their asylum interview. This has led to a situation, where not all necessary information has been told in the early stages of the process. As explained in the quote above, information that is told at later stages may be read against the applicant during the credibility assessments. As coherency is one of the criteria for credibility, such “gaps” and “inconsistencies” may constitute an inclination towards a negative decision (Kynsilehto and Puumala 2015). This is a clear example of epistemic violence, which arises from the inability to know what needs to be known (Gadd and Lehtikunnas 2019).

Furthermore, the NGO representative explained that the preparation with a lawyer might also help to recognize vulnerabilities that could otherwise be left unknown. This relates to the fact that asylum seekers do not trust authorities and officials due to previous trauma or fears, for example (ECRE/ELENA 2010). Asylum seekers may feel more comfortable to speak with a lawyer rather than an official. Therefore, a legal advisor can play an important role in recognizing vulnerabilities. By being of preparatory help, they can change the course of the process.

However, after the 2016 changes, the recognition of asylum seekers' vulnerabilities became more difficult. The NGO representative described that they have had clients who have gone through the whole asylum procedure, yet, their vulnerable status was not recognized by anyone.

"I have had clients who have gone through the whole process without anyone recognizing their status as a victim of human trafficking, which would have significantly influenced their chances of getting an asylum."

NGO representative, 18.12.2019

Factors such as a possible vulnerability affect the asylum process as whole. Such statuses should be taken into consideration at early stages of the asylum process, in order to provide sufficient help for such individuals. However, the case above indicates that vulnerability was not investigated thoroughly by the immigration officials. Even though restricting access to legal aid does not directly imply that their status as a victim of human trafficking would have been recognized, the chances would have been higher. This, again, show how the preparative role of legal aid in the everyday asylum process is important for supporting the asylum seeker.

However, the legal advisor's own background also influences the role legal aid plays in the process. In an ideal situation, legal advisors are experts of asylum law. The field often requires expertise and cultural sensitivity. The interviewees explained that the role of the legal advisor in preparing the asylum seeker for the interview varies according to their diligence and competence of the lawyer. As the immigration official pointed out, the preparative role of legal aid is useful once the quality of the preparation has been good:

"It [the role of legal advisor] varies a lot. Some advisors show very high level of diligence and competence and are judicially very experienced and long-term experts in asylum law. And especially if they have met the applicant

before the interview, the interview proceeds smoothly because the applicant can tell the relevant things there.”

Immigration official, 28.11.2019

Before 2016, private legal advisors often provided government remunerated legal assistance. Since the changes of 2016, the access to legal aid in the beginning of the process has changed significantly, as the government remuneration was severely limited. Asylum seekers could receive legal aid from public legal aid offices, but they were often either under resourced or inexperienced, so the quality of the legal aid has decreased. In some instances, the asylum seekers did not receive legal aid at all, or they received help from actors that were not at all competent in legal matters. This has had an impact on how well the asylum seekers understand the process as a whole and how their claims have been received by the immigration officials.

“Sometimes the interview is needed to begin with explaining the rights and responsibilities and what the asylum process is...these things take a lot of time. And at times we have to explain why some questions are being asked.”

Immigration official, 28.11.2019

This notion by the immigration official indicates that some applicants do not know and understand the role of the asylum interview, nor have had the opportunity to reflect upon their own situation before the interview. This relates closely to how well and coherently the applicant is prepared to tell their claim for asylum. As it will be elaborated in the next part, it is important that the applicant has the ability to tell coherently and comprehensively the grounds for asylum. Interestingly, this will also facilitate the work of the asylum interviewer. If the applicant is aware of how the interview proceeds and what the expectations are, they can begin the interview right away. If, however, the applicants are unfamiliar with what is expected from them, it is very likely that

something will be left unsaid. This has direct impacts on the later stages, especially with regard to credibility assessment.

This clearly indicates that there is an increased risk of misunderstandings that emerge from not being able to meet the ontological needs of the immigration official. Indeed, the asylum interview essentially only examines if certain criteria are fulfilled (Puumala et al. 2019). This is also closely linked with the internal assessment. As explained by Bodström (2019), the interview is assessed on the basis of how logical, detailed and coherent the asylum seekers' account is. Here, the preparative role becomes important as understanding what needs to be known enables the gathering of facts and evidence, which can be put into a logical, detailed and coherent account.

The legal advisor also has a preparative function at the asylum interview. According to the immigration lawyers, the main task of the advisor in the interview is to actively follow the conversation and to take notes. Once the minutes of the interview are finalized, the legal advisor should read them against their notes. Here, the legal advisor has the ability to make corrections based on their prior knowledge and check that the issues were written correctly and in a way that serves the ontological needs of the immigration official (Kynsilehto and Puumala 2015). In 2016, however, the presence of legal advisors in the asylum interview was restricted. Since then, it has been difficult to effectively review the minutes of the interview, especially if there have been some issues with the interpretation. This has had impact on how the asylum application has been reviewed and whether there has been a change to correct misunderstandings.

According to the NGO representative, since 2016 there have been cases where the applicant was able to effectively review how their account was written and understood only after they had received their first negative decision.

“And at that point, if you start after your negative decision to fix things and explain that ‘here the interpretation did not work’, or that ‘this is wrong, I

did not mean this, I did not know that this was meaningful'. – So, it is very hard to explain later why you did not bring it up earlier”.

NGO representative, 18.12.2019

This is problematic for the very fact that the credibility assessment will be much stricter if new facts are provided after the first decision has been given (Bodström 2019). This indicates that if the applicant could have had a legal advisor who knows and understands the case, such mistakes could have been corrected already at the interview.

However, the restriction of legal aid has affected its preparatory role in stages after the interview even more severely. The immigration lawyers highlighted that their work has increased substantially in the appeals procedure, since they have not been part of the process from the beginning. Linked closely with the preparation for the interview, the legal advisors who usually write the appeals have to gather all necessary facts and information in a much shorter time. Besides having to write all the grounds for which the appeal is made, they need to investigate the grounds for asylum. Before 2016 this was something that was done before the interview, making the appeals procedure much simpler.

“Now this has been the case, so [that] in the initial stages people have had no assistants at all, or it [asylum case] has been poorly investigated in interviews, and in practice in recent years this has led to the assistant having to do all the preliminary research work at the appeals stage and write down the issues that should have to be investigated in the interview.”

Immigration lawyer, 28.5.2019

“I have seen lawyers who have written appeals without meeting the client, only based on a 15-minute phone call. Or lawyers who have appealed

without telling the applicant. So, all kinds of things that redounds upon the asylum seeker.”

NGO representative, 18.12.2019

Before the changes in 2016, the role of legal advisors during the appeals stage was to concentrate on judicial questions, rather than having to do the investigation from the very beginning. This again influences the credibility assessment, as mentioned before. When facts are being told after the first decision, they will be assessed much more critically. The 2016 changes have implied that those lawyers who work with asylum cases need to operate with much smaller assets. This has not only affected the income of asylum lawyers, but also put much pressure on them to meet tight deadlines with small remunerations. As the restrictions in having access to legal aid in the early stages increased the workload in later stages, the immigration lawyers that were interviewed explained that the introduced fixed remunerations were not enough to cover the increased working hours that the changes entailed. Many had to work pro-bono or quit assisting asylum cases completely.

The NGO representative's statement indicates, when the legal aid for asylum seekers was shifted from private practitioners to public legal offices, in some cases the lawyers were inexperienced or incompetent. This has had direct implications on what kind of appeals have been made.

Not only did these changes indicate asylum seekers' decreasing legal protection but also that the process of applying for asylum had become much more complex. The epistemic violence in asylum process can be seen to have increased after limiting access to legal aid only to public legal aid offices, introducing restrictions on remunerations and shortening the time for appeals. As relevant facts did not come evident in the beginning of the process, asylum seekers faced increasingly critical credibility assessments at later stages.

Moreover, the increasing involvement of third sector and lawyers' pro-bono work reflect the overall changes in the migration infrastructure (Xiang and Lindquist 2014). While governments are growingly investing in restricting migration the humanitarian or human rights-based work is becoming increasingly less remunerated (Gammeltoft-Hansen and Nyberg Sørensen 2013). This case also reflects such developments. Once the applicant does not have access to experienced immigration lawyers, it has been reported that the asylum interviews are more likely to be unsuccessful. Therefore, the lack of assistance can halt the possibilities for getting an asylum in Finland.

Here, most importantly the lack of opportunity to reflect one's case with an expert increases the epistemic violence in asylum processes. When the asylum seekers fail to understand what needs to be known, it is more likely that they will not be able to meet the "ontological needs" of the immigration official. This is also closely linked with the conciliatory role of legal aid, which I will elaborate in the following section.

Conciliatory Role

"How many times do you have applied for asylum?" is a question that our clients do not sometimes understand. That is when we say 'Fingerprints, how many times?' I have had a client who came to Finland as a Dublin returnee, and who said that 'I need to apply for an asylum.' Then we found out that they had already applied for asylum right at the airport. They did not know it."

NGO representative, 18.12.2019

The word conciliatory derives from the Latin word "concilium" and refers to a council or a meeting. Nowadays the term conciliate is used to describe a mediation of a dispute, or in a broader sense, to "make calm and content", or to "placate". In the context of this thesis, conciliatory is understood as an act of mediating, bridging and smoothing misunderstandings and different ontologies. Conciliatory is understood both as a neutral

act of bridging ontologies, but also as an act of mediating mistrust, prejudice and fears (Oxford Dictionary 2020).

The conciliatory role of legal aid is evident in three different ways. First, the legal advisor may conciliate different understandings that affect the process as a whole. Often legal advisors operate between the applicant and “the system”, which enables them to have a broader view of the situation. Thus, they can help bridge ontological gaps and mediate between the two parties. Secondly, the asylum seeker may be influenced by rumors and gossip that directly influence what they believe and understand about the asylum process. Thirdly, legal advisors can mediate mistrust that helps asylum seekers to speak more openly about their past experiences with comfort in the asylum interviews.

The conciliatory role of legal aid is closely linked to the ontological gaps and epistemic violence in asylum processes (Kynsilehto and Puumala 2015; Gadd and Lehtikunnas 2019). The quote above exemplifies a situation where a taken for granted question that is fairly self-evident from the questioner’s side is not at all comprehensive from the asylum seeker’s perspective. Indeed, when asked from the interviewees, all of them state that the role of legal advisors is crucial for explaining what the process is about and what information is needed in the asylum interview.

Legal aid plays a crucial conciliatory role in the beginning of the process, already before the asylum interview. The applicants, as stated in the previous chapter, come from various backgrounds. While others may have a good level of prior knowledge concerning what the process looks for, some the applicants may be in a situation where they need to rely on information and rumors from other applicants.

“[I]t would be important that they [asylum seekers] understand what the process means, and that they would get factual information about the process and not having to rely on rumors.”

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“Many times, the applicant may dare to tell the [legal] assistant, that ‘I have been advised not to tell this, what do you think?’ Then the assistant says ‘of course you tell it’. In such situations the assistant can be a very important person in streamlining the process.”

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“Especially if they [legal advisors] have met the applicant before the interview, the interview proceeds smoothly because the applicant is able to tell the relevant things there.”

Immigration official, 28.11.2019

The immigration official’s statement highlights that the conciliatory role of legal advisor before the interview can help to smoothen the interviewing process. Especially those applicants with a lack of understanding of the process may leave important information untold. Legal advisors in this context conciliate between the facts and rumors. Furthermore, the legal advisor can conciliate trust and encouragement, which is needed for the asylum seeker to be able to fully tell their own account.

Furthermore, one of the immigration lawyers pointed out that the educational background of the applicant may influence his or her ability to succeed in the process. The applicant’s educational background is described to influence how well the applicant is able to describe terms, papers and language that can be difficult to understand even for an expert. This affects how well the applicant is able to tell and describe the evidence. For example, it may be difficult to coherently and comprehensively explain a court statement, especially if the applicant is illiterate or not highly educated. This has a direct impact on how equal the procedure is, particularly with regard to those applicants who are illiterate or not well educated.

This may lead to increased unequal distribution of epistemic violence. This, together with the notion that restricting the access to legal aid in the beginning of the process has made recognizing vulnerabilities difficult, may proportionally have a worse impact for

those who are already in a vulnerable situation, but whose vulnerability have not been recognized.

Furthermore, the 2016 changes restricted the presence of legal advisors in the interview. Since the changes, only those who were in an identified vulnerable position were allowed to have a legal advisor present at the interview. This has been problematic as there are cases where asylum seekers mistrust authorities due to previous trauma and experiences. It is found that with such mistrust telling and describing traumatic events becomes much harder (ECRE/ELENA 2010). Previous trauma and mistrust towards authorities may be mediated by the presence of a lawyer.

“Many tell that ‘I was ashamed, I was frightened, I did not know I could trust authorities, I did not know that I could change my interpreter’. All of these fears [affect], and if there would be the lawyer who would from the very beginning tell that ‘tell everything. That is the thing. Tell about this. Can you elaborate on this?’”

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“There are of course many cases where the person is able to tell their grounds for asylum and can in a way “coherently” tell why they are applying, what are the reasons, who threatens, where he or she is threatened, when has it happened, what happened and what followed after an incident. But because of MIGRI, the interviews require, what is sort of unfair, Western logical, detailed, chronological storytelling, so that it is credible.”

NGO representative, 18.12.2019

Asylum seekers are often more comfortable telling their lawyer traumatic memories than telling them to an immigration official. Here the legal advisor can play a crucial role in enabling a comfortable atmosphere. It may be easier to comfortably speak about past experiences if the legal advisor is present, as they are often someone who knows the asylum seeker’s case, and they are someone that the asylum seeker can trust.

Embodied and disembodied knowledge also plays a crucial role in asylum interviews (Jensen 2018). The interviewers may be seen to have hierarchically higher epistemic position. By this I mean, that the interviewer knows already what needs to be known, and how to be known. They are positioned in a higher hierarchical position compared to the asylum seekers, who needs to persuade or convince the interviewer of their need for asylum.

“Many are confused about that, too, that when you go to the Immigration Service for your interview, that one the first things that they say there is that ‘we have enough Country of Origin information. We do not need to know; we already have enough information. Concentrate on your personal things’. So, people think that ‘okay, I am not going to tell about the time when the bomb exploded, and this and that happened after. They probably know that already, so that I do not have to tell them these things.’”

NGO representative, 18.12.2019

The role of legal advisors in the interviews is to help the asylum seeker to tell all the necessary facts. The legal advisors can direct the conversation into right paths with targeted questions. This is important especially in situations as described in the quote above. If the legal advisor has met the asylum seeker before, they can prevent misunderstandings during the interview. When the legal advisor knows the background and understands the context, they may be able to bring up important facts by asking targeted questions during the interview.

Following this, the legal advisors may also conciliate differences between interviewers. As one of the immigration lawyers explained, the experience of the interviewer can determine the interview and issues that are discussed there. This may lead to differences between the quality of the interviews. The presence of the lawyer can help to smoothen these differences by making sure all relevant facts are brought up. This became evident

after the 2015-2016 high influx of asylum seekers. According to one of the immigration lawyers, the quality of the interviews suffered as the Finnish Immigration Service had to recruit many new officials and could not sufficiently provide training for them. According to the lawyer, legal advisors' presence at the interview became increasingly important as they could have secured that all relevant facts were brought up in a way the immigration official understands.

Since the 2016 changes, both of the immigration lawyers highlight that the asylum procedures have protracted substantially, as the appeals procedure takes much longer when all valid arguments have not been investigated thoroughly in the very beginning. One of the immigration lawyers explained that there have been cases where the applicant received a negative decision and the appeals process was very much protracted. Thus, the applicant decided to return voluntarily. A short time after the return, the applicant was kidnapped. Another example the immigration lawyer raised was that MIGRI did not grant asylum and gave a deportation order for an asylum seeker. However, IOM refused to deport the asylum seeker, as they saw that they were threatened in their home country and they could not be sure that they will be save after their return.

These examples do not directly imply that restricting legal assistance in the asylum procedure has caused such protraction. However, legal assistance in the very beginning could have smoothen and simplified the process. Once facts and evidence are clearly and coherently provided, the process can be faster. The examples as well as the statements by the interviewees indicate that cutting and restricting the presence of legal assistance in the interviews has benefitted the inclination towards making negative decisions. As one of the immigration lawyers stated "*[understanding issues correctly in the interview] would reduce a lot of unnecessary appeals or would facilitate [concentrating on] judicial argumentation*" (Immigration lawyer 28.5.2019).

Supportive Role

The last element of legal aid that can be understood having a facilitative impact is the supportive role. This refers to the emotional as well as procedural support of legal advisors throughout the process. Asylum interviews can be very stressful situations. According to the immigration official, *“the stress that asylum seekers experience before the interview can affect the success of the interview”* (2019). Here, the legal assistance given before the interview can have a calming effect, as asylum seekers would have an idea how the interview proceeds and what kind of process it is.

During the interview, the supportive role of legal advisors serves as an emotional and mental support. One of the immigration lawyers highlight that the presence of the legal advisor can calm the applicant, and at times reminds them to recall valuable information. Indeed, as scholars have previously noted, asylum interviews require strong cognitive skills to recall traumatic events in an extremely stressful situation (Puumala et al. 2019).

“I think that it [legal assistance] facilitates the progress of the interview if one has such a good assistant, because the applicant often trusts the assistance and they might already have a trustful relationship and the assistant is not an official, which might be important for the applicant. To have someone who is an expert and who knows their case and can continue giving advice. If then the assistant is not an expert in asylum law, behaves badly, it can hinder the interview and the applicant’s case. So, there are lot of differences there.”

Immigration official, 28.11.2019

This statement by the immigration official highlights that while there are differences between legal advisors, good assistants take the cases seriously. This can facilitate the interview as the applicant has emotional and mental support throughout the interview.

The NGO representative also highlighted this in the interview. Linking with the corporeal dimensions of an asylum interview, the presence of an assistant can mediate the negative impact, as such non-verbal communication can have and serve as a mental support (Puumala and Kynsilehto 2016).

"That is what people say, that it [asylum interview] can be a completely different experience, or there is in a whole different way peace to tell that story. No delimiting, no pausing. No rushing. No [derogative] facial expressions."

NGO representative, 18.12.2020

Both of these factors imply that while having a trusted assistant in the interview, the applicant's ability to comfortably speak about past traumatic events increases.

Furthermore, having an assistant throughout the process can advance the experience of inclusion. Some asylum seekers may not feel included in their own process, which can worsen their understanding of the process. For example, the NGO representative explained that some asylum seekers may not at all understand the decisions and the reasoning behind them. When the applicant has not had a lawyer, or their lawyer has not been actively in touch with them, the applicant feels excluded and cannot influence the own process.

"It can be that the applicant does not at all understand why they have received a negative decision. They cannot influence it; they cannot be an active part of the process."

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"If you know the reasons why you got a negative decision, you could be actively involved in your own process. And not feel like things just happen to you".

NGO representative, 18.12.2019

Not having the opportunity to effectively influence one's own case takes away the agency and reduces the capability of the asylum seeker to act as a knower in their own process. This indicates that the grounds for asylum cannot be effectively investigated and the decisions cannot be effectively appealed, if the asylum seeker is not an active part of the process. Having a stronger agency in one's own process would entail that the asylum seeker understands the decision and justifications given to him or her. This can have implications on increasing epistemic violence as the asylum seeker does not have a real opportunity to be an active and equal part of the process.

Indeed, the NGO representative states that sometimes when the applicant has been directed to a (new) lawyer, they say *"this is the first time I have been heard. This is the first time I have been able to speak. This is the first time I have been asked this question"* (2019). This implies that legal advisors may play a crucial role throughout the process through supporting the asylum seeker to have agency as a knower.

Finally, one of the immigration lawyers pointed out that the role of legal advisors was sometimes much bigger and overarching than just assisting in the asylum procedure. The immigration lawyer described that their clients sometimes talked about all kinds of things, ranging from opening a bank account to helping reserve a doctor's appointment. This indicates that the legal advisors did have an important role by being a trusted link between the applicant and the society as a whole.

Reflections regarding access to asylum

As described above asylum processes are complex procedures where various components of the infrastructure can influence the outcome. Thus, it cannot be said, that restricting access to legal aid has directly restricted access to asylum. However, the restrictions on legal aid have impacted the applicant's ability to access knowledge, prepare and perform well in the asylum interviews. All of which have influenced the process as a whole.

These changes reflect a broader trend of neoliberal governance in migration management in two major ways. First, as the monetary remunerations were cut and the availability of legal aid became restricted, the asylum process has further fragmented. This is evident as the asylum processes have prolonged and become more complex. Secondly, the state does not no longer effectively mediate the applicants' differences that rise from socio-economic backgrounds. Indeed, the inability to have access to free, diligent and experienced legal aid has further highlighted the importance of the applicant's personal qualities, such as education and financial assets. This is a concerning trend with regards to the rule of law and equality before law, as the applicants are seemingly not in an equal position.

With regards to the infrastructure of asylum processes, these reforms reflect the broader trend of neoliberalization of migration management in three main ways. First, as it was described in the interviews, pro-bono work has substituted a lot of what was previously remunerated by the government. This has led to the second major development, which is a broader trend also elsewhere in migration management. To be precise, actors working on the basis of human rights (i.e. humanitarian infrastructure) become increasingly restricted as governments do not no longer provide monetary support to these actors. As it was described in chapter one, the neoliberal governance of migration has fragmented the field of migration management and underlined the responsibility of the individual. This has led to the third major development. That is, once the humanitarian infrastructure has become increasingly dysfunctional, the migration and asylum processes become more complex. This can increase the vulnerability of migrants. With regard to this case study, as the asylum seeker no longer receives important institutional aid (i.e. legal aid), the knowledge and support required to successfully and coherently produce the asylum "story" in asylum interviews have become more difficult.

This has amounted to a growing epistemic violence in asylum processes. This becomes evident in the data, as the interviewees stated that since the restrictions on legal aid, asylum seekers have not been able to access to valuable information, prepare their case according to the ontological and epistemic grounds of what is expected and received

such institutional and emotional support to be able to coherently and clearly outline their grounds for asylum.

Legal aid thus forms an important part of the infrastructure for asylum, especially with regards to transmitting knowledge and producing knowledge. Restricting access to knowledge has not streamlined the process, but on the contrary, it has made telling the account coherently more difficult for the asylum seeker. The issues brought forward in the interview are difficult to change afterwards and all of these issues backfire ultimately at the applicant, making the access to asylum more difficult.

Chapter Six: Conclusions

In 2016, the Finnish government introduced a series of changes to the asylum process. The government at the time restricted access to free legal aid in the beginning of the asylum processes in four main ways. Firstly, by allowing only public legal aid offices to provide legal aid to asylum seekers, the availability of free legal aid was constrained, and the quality of available legal aid worsened. Secondly, the government remuneration for private legal aid offices in appeals procedure was severely cut, for which many experienced legal aid providers had to either work pro-bono or quit assisting in asylum cases. Thirdly, the presence of legal advisors in asylum hearings was limited, and fourthly, the time for appeal was shortened. At the same time, researchers have found that the percentage of negative asylum decisions rose from 30 per cent to 70 per cent from 2015 to 2017, while the applicants remained to have qualitatively similar backgrounds (Saarikkomäki et al. 2019) According to various researchers, the increase in negative decision was caused by a drastic change in MIGRI's interpretation line (Bodström 2019, Saarikkomäki et al. 2019, Lepola 2018). However, as the government at the time introduced series of measures to “curb in the short term the uncontrolled influx of asylum seekers into the country, to contain asylum costs” it is important to understand the impacts of the other measures as well (Valtioneuvoston kanslia 2016.)

Following this, the aim of this thesis was to understand how the restrictions on access to legal aid affected the asylum procedure in Finland. Following the theory of migration infrastructure this thesis adopted an understanding of migration trajectories being influenced by various entities and actors. By analyzing the role of legal aid in the everyday practices of asylum process and most notably in the asylum interview, this thesis aimed to answer the question *“in which ways can legal aid be a facilitative factor in asylum processes?”* Ultimately, the aim was to understand whether restricting access to legal aid has limited the access to asylum.

Through four thematic expert interviews, this thesis strove to understand the everyday role of legal aid in asylum procedure, as well as the everyday implications of the 2016

changes. This study indicates that as the 2016 reform had an impact on the quality and availability of legal aid in the first stages of the asylum process, access to asylum could have become more difficult. This is due to the fact that the inability to access legal aid has influenced the asylum seeker's understanding of the asylum process, which has made the asylum process more difficult and complex, frequently prolonging the process. Along with this, the inability to access legal aid in the early stages of the asylum process has also increased the likelihood to experience epistemic violence.

Following the lines of previous research, this study indicates that legal aid can influence the process positively through three operational roles. First, legal aid can be seen to have a *preparatory* role, which helps the asylum seeker to prepare for the interview. This is important especially with regards to the asylum seekers' own understanding of the process and with the ability to meet the requirements of "what needs to be known" in the asylum process. The study at hand indicates that since the 2016 changes, some asylum seekers have not been able to prepare their case before the asylum interview. This has, in many cases, negatively determined the quality of the interviews and the process as a whole.

Secondly, legal aid can be seen to have a *conciliatory* role in asylum processes. Legal advisors can be seen to mediate between different understandings, beliefs, fears and ontologies, which helps to bridge the ontological gap between the asylum seeker and the asylum interviewer. This can increase the likelihood of a successful asylum interview. Since 2016, asylum seekers were not able to have a legal advisor in the interview unless they were in a recognized as being in a vulnerable position. This has led to a situation where asylum seekers may unintentionally leave valuable information untold at the interviews. This has direct negative implications on the credibility assessment of the interview, making access to asylum more difficult.

Finally, legal aid can be seen to have a *supportive* role by providing mental and emotional support throughout the asylum process. Puumala et al. (2019) argue that being under enormous pressure makes it extremely difficult to recall traumatic events clearly and

coherently. Legal advisors are often trusted experts and their presence at the interview can be an emotional support. Having emotional support at a stressful situation can thus facilitate more coherent storytelling, which eventually is what is looked for in the credibility assessment. Finally, asylum seekers are in general in a very stressful situation where not only the judicial system, but customs, language and culture are new. Legal advisors can serve as a link between the system and the asylum seeker and bring needed emotional support and feeling of inclusion with regards to knowledge production.

Studying asylum seekers' access to legal aid is an interesting point of analysis as it can unveil the understanding of the political philosophy and status of human rights at the time. Legal aid is tightly linked with the overall political philosophy and functioning of states' judicial systems. The motivation for legal aid rises from the concept of rule of law, international treaty obligations and domestic constitutions (Barlow 2019, 35.). It has been argued that the core principle in rule of law is the equality before law, to which legal aid is a precondition. In order to maintain the rule of law in a society, it is necessary to have equal access to justice systems or to be able to enforce one's rights and "have their responsibilities fairly determined" (Barlow 2019, 35). It can be seen that legal aid, and especially free legal aid, secure such equality before law. However, legal aid is not the only requirement to have access to justice and it is often quite expensive for states, which is why it may be seen as replaceable. Yet, free legal aid "can help to avoid the consolidation of advantage which wealth and power bring", elevating those in weaker to a more equal position (Barlow 2019, 37).

The role of legal aid is also recognized in various international human rights obligations. The United Nations Human Rights Committee has argued that "the right to equality before the courts and tribunals and to a fair trial is a key element of human rights protection and serves as a procedural means to safeguard the rule of law" (2007). In addition, the Article 47 of the Charter of Fundamental Rights of the European Union states that "[l]egal aid shall be made available to those who lack sufficient resources in so far as such aid is necessary to ensure effective access to justice" (2000). Yet, most important international human rights obligations to provide legal aid stem from

international common law as the Charter is not strictly binding for EU Member States (Barlow 2019, 39).

The question of rule of law in asylum processes is complex and entails an understanding of the contemporary migration management trends. International refugee management is a state-centric regime which is legally regulated through international conventions and treaties. However, since the end of Cold War, countries in the global north have increasingly adopted new restrictive migration policies. This can partly be understood as the effect of a widely accepted understanding of neoclassical theory of migration. Neoclassicism suggests that any decisions to migrate are based on rational economic cost-benefit analysis. Such thinking led to a legitimization of the view that those refugees coming from global south were portrayed “as individuals seeking a better life in the affluent North” (Chimni 1998, 352). Since then, governments have increasingly introduced measures to restrict international migration. This has intensified human rights abuses of migrants and refugees.

The changes in Finland followed the lines of the neoliberal argumentation of aiming for monetary savings with the cost of human rights. These reforms not only indicate that those who work on basis of international human rights are increasingly less resourced to operate. As shown in the interviews, this has put more pressure on the third sector and forced some lawyers to work pro-bono. This indicates that the regulatory apparatus of migration infrastructure has limited the operation of the humanitarian infrastructure. Indeed, the Finnish migration management reforms in 2016 can be understood as an extension of contemporary migration policies which not only aim to restrict migration, but also actors working on the basis of human rights.

This raises an important link between asylum and peace studies. As it was discussed in the previous chapter, many asylum seekers experience epistemic violence in the asylum process from the very beginning until the first instance decisions (Gadd and Lehtikunnas 2019; Bodström 2019). It is indeed the epistemic violence that can render the asylum seekers to other types of violence, for example through breaching the principle of non-

refoulement. As I indicated in the analysis, some asylum seekers have been forced to return in situations where it has not been possible to secure their physical integrity. Thus, in cases where asylum process has failed due to the inability to voice one's grounds according to what is expected by the process can have direct and physical impacts on asylum seekers.

Furthermore, restricting free legal aid can also further marginalise access to equal asylum processes, which indicates a form of structural violence. This becomes evident in cases where the asylum seeker cannot afford to cover legal expenses from their own pockets. Restricting access to legal aid creates an unequal access to justice, where those with financial assets have better opportunity to be sheltered by the rule of law than those who cannot afford legal assistance.

Indeed, as the results indicate, access to free legal aid does not affect all the asylum seekers the same way. Those asylum seekers who have monetary assets to pay for their own lawyer could have hired an experienced lawyer from the very beginning. Or, asylum seekers who have prior knowledge of asylum law due to their educational background, for example, do not experience the same kind of epistemic inequality as asylum seekers who are illiterate or under educated. Thus, restricting access to legal aid has increased the unequal distribution of epistemic violence in asylum processes. This is an important finding, as access to asylum can be increasingly dependent on the asylum seeker's own socioeconomic background.

As the scope of this study is very limited, further research should be conducted on the intersectional implications of restrictive asylum policies. This would answer important questions related to the gendered impacts of restrictive migration policies, as well as on the impacts of human rights of poor and illiterate. Indeed, the Schengen visa policies are an example on how increasingly restrictive migration policies have influenced negatively the poor's ability to move (Bigo and Guild 2005). This has generally worsened the possibilities of those vulnerable position to seek asylum in EU member states. This tendency indicates, that monetary assets can become a defining feature in seeking safety.

With such policies as discussed in this thesis, the fulfillment of human rights can become more dependent on the socio-economic background. In other words, when government's cut and reduce universal benefits, it is without a doubt the poor and illiterate who suffer the most.

The limitations of this study lie also in the fact that asylum processes are complex procedures. It cannot be argued that access to free legal aid would solely change the possibility of receiving an asylum status. As such, this thesis does not aim to provide a one size fit for all solution. However, it is important to acknowledge the importance of legal aid in asylum processes. This allows to understand the different and more sophisticated methods of restricting migration. However, it would be important to study the role of access to legal aid through the experiences of asylum seekers. This would enhance a more nuanced understanding of the everyday practices that legal aid plays in asylum processes.

However, in order to secure fair and equal access to asylum, free access to legal aid should be provided to everyone from the very beginning of the asylum process. Access to legal aid provides an important role in "safeguarding the rights of asylum seekers" and is an "indispensable guarantee for a fair and efficient asylum procedure" (ECRE/ELENA 2010, 34). Sometimes asylum seekers may not be aware of the key issues that could influence the assessment of their applications. In addition, the importance of preliminary information and the first interview stems from the fact that information provided during the initial stages "may be used at a later stage to identify any inconsistencies and contradictions, which may result in a negative decision" (ECRE/ELENA 2010, 36). As lawyers are often more knowledgeable of the key facts and issues relevant for asylum processes, it is recognized that they are usually needed to ensure the best possible decision making in asylum processes.

In light of this thesis, access to asylum in Finland has become more complex if not restricted with restricting access to legal aid. Taking into consideration the vulnerable situation of an asylum seeker due to possible past traumas and mistrust towards

authorities, the presence, aid and counselling of a lawyer or legal advisor could help in the asylum process (ECRE/ELENA 2010, 36). Currently in Finland many asylum processes have become protracted, as there are various complexities with the first steps of the asylum process. This has had negative implications to asylum seekers, who are already in a very stressful life situation. As the UNCHR recommends, access to legal aid in early stages is a precondition for fair, effective and quicker asylum procedures (UNCHR 2018). More importantly, free legal aid is a precondition in accessing justice.

List of references

Primary sources:

Immigration Lawyer 1, personal interview in Helsinki, 28 May 2019

Immigration Official, personal interview in Helsinki, 18 November 2019

NGO Representative, personal interview in Helsinki, 18 December 2019

Immigration Lawyer 2, personal interview in Helsinki, 20 December 2019

Secondary sources:

Barlow, Anna. 2019. "The Machinery of Legal Aid A critical comparison, from a public law perspective, of the United Kingdom, the Republic of Ireland and the Nordic countries." PhD. Diss., Åbo Akademi.

Bauer, Thomas and Zimmermann, Klaus. 1999. "Report No. 3: Assessment of Possible Migration Pressure and Its Labour Market Impact Following EU Enlargement to Central and Eastern Europe." *IDEAS Working Paper Series from RePEc*. <http://search.proquest.com/docview/1698630144/>.

Berg, Bruce and Lune, Howard. 2012. *Qualitative research methods for the social sciences* (8th ed.). Upper Saddle River, N.J: Pearson Education.

Betts, Alexander. 2013. "The migratory industry in global migration governance." In *The Migration Industry and the Commercialization of International Migration*, Ed. Thomas Gammeltoft-Hansen and Ninna Nyberg Sørensen, 45-63. London: Routledge.

Bigo, Didier and Guild, Elspeth. 2005. *Controlling Frontiers: Free Movement into and Within Europe*. Aldershot: Ashgate.

Bodström, Erna. 2019. "'Because Migri Says So.'" *Nordic Journal of Migration Research* (published online ahead of print), doi: <https://doi.org/10.2478/njmr-2019-0035> Accessed 18 January 2020.

Bogner, Alexander, Littig, Beate and Menz, Wolfgang. 2009. *Interviewing experts*. Basingstoke: Palgrave Macmillan.

Bohmer, Carol, and Shuman, Amy. 2007. "Producing Epistemologies of Ignorance in the Political Asylum Application Process." *Identities* 14, no. 5: 603–629.
<http://www.tandfonline.com/doi/abs/10.1080/10702890701662607>.

Bonifazi, Corrado. 2008. *International Migration in Europe New Trends and New Methods of Analysis*. Amsterdam: Amsterdam University Press.

Braun, Virginia and Clarke, Victoria. 2006. "Using Thematic Analysis in Psychology." *Qualitative Research in Psychology* 3, no. 2: 77–101.
<http://www.tandfonline.com/doi/abs/10.1191/1478088706qp063oa>.

Brenner, Neil, Peck, Jamie and Theodore, Nik. 2010. "After Neoliberalization?" *Globalizations* 7, no. 3: 327–345.
<http://www.tandfonline.com/doi/abs/10.1080/14747731003669669>.

Buzan, Barry, Ole Wæver and Jaap de Wilde. 1998. *Security: A new framework for analysis*. Boulder: Lynne Rienner.

Cambridge Dictionary, "Industry", accessed 26 March 2019, Available at:
<https://dictionary.cambridge.org/dictionary/english/industry>

Caplen, Andrew. 2016. "Access to Justice: The View from the Law Society." In *Access to Justice: Beyond the Policies and Politics of Austerity*, Eds. Ellie Palmer, Tom Cornford, Audrey Guinchard, and Yseult Marique, 13-25. Oxford: Hart Publishing.

Castles, Stephen, Haas, Hein de and Miller, Mark J. 2014. *The Age of Migration: International Population Movements in the Modern World*. Fifth edition. New York: Guilford Press.

Chimini, B. S. 1998. "The Geopolitics of Refugee Studies: A View from the South." *Journal of Refugee Studies* 11, no. 4: 350–374.
doi:10.1093/jrs/11.4.350. <https://search.proquest.com/docview/1840099828>.

Clark-Kazak, Christina. 2019. "Developing Ethical Guidelines for Research." *Forced Migration Review*, no. 61: 12–13. <http://search.proquest.com/docview/2263276008/>.
Accessed 17 February 2020

Clarke, John. 2004. "Dissolving the Public Realm? The Logics and Limits of Neo-liberalism." *Journal of Social Policy* 33, no. 1: 27–48.

Conlon, Deirdre. 2011. "Waiting: Feminist Perspectives on the Spacings/timings of Migrant (im)mobility." *Gender, Place & Culture* 18, no. 3: 353–360.
<http://www.tandfonline.com/doi/abs/10.1080/0966369X.2011.566320>.

Council of the European Union. 2001." Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985". <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32001L0051&from=EN>

Cranston, Sophie, Schapendonk, Joris and Spaan, Ernst. 2018. "New Directions in Exploring the Migration Industries: Introduction to Special Issue." *Journal of Ethnic and Migration Studies* 44, no. 4: 543–557.
<http://www.tandfonline.com/doi/abs/10.1080/1369183X.2017.1315504>.

Darling, Jonathan. 2016. "Privatising Asylum: Neoliberalisation, Depoliticisation and the Governance of Forced Migration." *Transactions of the Institute of British Geographers* 41, no. 3: 230–243.

De Genova, Nicholas, Garelli, Glenda and Tazzioli, Martina. 2018. "Autonomy of Asylum? The Autonomy of Migration Undoing the Refugee Crisis Script." *The South Atlantic Quarterly* 117, no. 2: 239–265. <http://search.proquest.com/docview/2111753423/>.

Dummett, Michael. 2001. *On Immigration and Refugees*. London: Routledge.

Eduskunta. 2016. "Hallituksen esitys eduskunnalle laeiksi ulkomaalaislain ja eräiden siihen liittyvien lakien muuttamisesta." [eduskunta.fi. https://www.eduskunta.fi/FI/vaski/KasittelytiedotValtiopaivaasia/Sivut/HE_32+2016.aspx](https://www.eduskunta.fi/FI/vaski/KasittelytiedotValtiopaivaasia/Sivut/HE_32+2016.aspx). Accessed 17 March 2020.

European Commission. n.d. "Common European Asylum System." [Ec.europa.eu. https://ec.europa.eu/home-affairs/what-we-do/policies/asylum_en](https://ec.europa.eu/home-affairs/what-we-do/policies/asylum_en). Accessed 18 January 2020.

European Council on Refugees and Exiles and European Legal Network on Asylum. 2010. "Survey on Legal Aid for Asylum Seekers." [Ecre.org. https://www.ecre.org/wp-content/uploads/2016/07/ECRE-ELENA-Survey-on-Legal-Aid-for-Asylum-Seekers-in-Europe-October-2010.pdf](https://www.ecre.org/wp-content/uploads/2016/07/ECRE-ELENA-Survey-on-Legal-Aid-for-Asylum-Seekers-in-Europe-October-2010.pdf). Accessed 25 May 2019.

European Union: Council of the European Union. 2013. "Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), 29 June 2013, OJ L. 180/60-180/95; 29.6.2013, 2013/32/EU." [Refworld.org. https://www.refworld.org/docid/51d29b224.html](https://www.refworld.org/docid/51d29b224.html). Accessed 24 April 2019.

European Union Agency for Fundamental Rights. 2018. "Free legal aid for asylum seekers." Fra.europa.eu. <https://fra.europa.eu/en/publication/2018/minimum-age-childrens-rights-justice/legal-aid-asylum>. Accessed 8 May 2019.

European Union Agency for Fundamental Rights. 2018. "Fundamental rights considerations: NGO ships involved in search and rescue in the Mediterranean and criminal investigations – 2018." Fra.europa.eu <https://fra.europa.eu/en/publication/2018/ngos-sar-activities>. Page Accessed 23 January 2020.

Erdal, Marta Bivand and Oeppen, Ceri. 2018. "Forced to Leave? The Discursive and Analytical Significance of Describing Migration as Forced and Voluntary." *Journal of Ethnic and Migration Studies* 44, no. 6: 981–998. <http://www.tandfonline.com/doi/abs/10.1080/1369183X.2017.1384149>.

Eskola, Jari and Suoranta, Juha. 1998. *Johdatus laadulliseen tutkimukseen*. Tampere: Vastapaino.

Ferguson, James and Gupta, Akhil. 2002. "Spatializing States: Toward an Ethnography of Neoliberal Governmentality." *American Ethnologist* 29, no. 4: 981–1002.

Gadd, Katri and Lehtikunnas, Laura. 2019. "Asylum Interview as a Fork on the Road From Asylum Seeker to Irregular Migrant". *Psychological Applications and Trends*. InPact 2019.

Galván-Álvarez, Enrique. 2010. "Epistemic Violence and Retaliation: The Issue of Knowledges in "Mother India" / Violencia y venganza epistemológica: La cuestión de las formas de conocimiento en Mother India." *Atlantis* 32 no. 2: 11–26. <https://doi.org/10.2307/41055396>

Gammeltoft-Hansen, Thomas and Nyberg Sørensen, Ninna. 2013. *The Migration Industry and the Commercialization of International Migration*. London: Routledge.

George, Alexander L. and Bennett, Andrew. 2005. *Case Studies and Theory Development in the Social Sciences*. Cambridge (Mass.): MIT Press.

Heikkilä, Mikaela and Mustaniemi-Laakso, Maija. 2019. "Turvapaikanhakijoiden haavottuvuuden huomioiminen Suomen ulkomaalaisoikeudessa ja -käytänteissä." In *Turvapaikanhaku ja pakolaisuus Suomessa* Ed Eveliina Lyytinen, 65-87. Migration Institute of Finland, Turku.

Hernandez-Leon, Ruben. 2013. "The Migration Industry: Brokering Mobility in the Mexico-U.S. Migratory System". <http://www.escholarship.org/uc/item/0s59161d>.

Huysmans, Jef. 2006. *The politics of insecurity: Fear, migration and asylum in the EU*. London: Routledge.

Iltalehti. 2015. "Turvapaikanhakijoita yritetty ostaa lakipalvelujen asiakkaiksi." iltalehti.fi. <https://www.iltalehti.fi/pakolaiskriisi/a/2015121020809809>. Accessed 16 March 2020

Jensen, Katherine. 2018. "The epistemic logic of asylum screening: (dis)embodiment and the production of asylum knowledge in Brazil." *Ethnic and Racial Studies* 41 no. 15: 2615–2633. <https://doi.org/10.1080/01419870.2017.1397281>

Kynsilehto, Anitta and Puumala, Eeva. 2015. "Persecution as Experience and Knowledge: The Ontological Dynamics of Asylum Interviews." *International Studies Perspectives* 16 no. 4: 446–462. <https://doi.org/10.1111/insp.12064>

Lepola, Outi. 2018. "Turvapaikanhakijat oikeusavun asiakkaina: Kohti yhdenvertaisia ja laadukkaita oikeusapupalveluita". Helsinki: *Valtioneuvoston Selvitys- ja*

Tutkimustoiminta. <https://tietokayttoon.fi/julkaisu?pubid=28901>. Accessed May 8, 2019.

Lima, Philomena. 2016. *International migration: The wellbeing of migrants*. Vol. 21. Edinburgh: Dunedin Academic Press Ltd.

Maahanmuuttovirasto. 2019. "Asylum in Finland". <https://migri.fi/en/asylum-in-finland>. Accessed May 8, 2019.

Menz, Georg. 2013. "The Neoliberalized State and the Growth of the Migration Industry." In *The Migration Industry and the Commercialization of International Migration*, Ed. Thomas Gammeltoft-Hansen and Ninna Nyberg Sørensen, 108-127. London: Routledge.

Moore, Kerry. 2013. "'Asylum Shopping' in the Neoliberal Social Imaginary." *Media, Culture & Society* 35, no. 3: 348–365.

Mountz, Allison. 2010. *Seeking Asylum Human Smuggling and Bureaucracy at the Border*. Minneapolis: University of Minnesota Press.

Nicholson, Frances and Kumin, Judith. 2017. *A Guide to International Refugee Protection and Building State Asylum*. Systems Inter-Parliamentary Union and the United Nations High Commissioner for Refugees. <https://www.unhcr.org/3d4aba564.pdf>.

Oikeusministeriö. 2013. "Oikeusavun käsikirja". *Selvityksiä ja ohjeita* 8/2013. <http://urn.fi/URN:ISBN:978-952-259-266-8>

Oikeusministeriö. 2015. "Oikeusavun kokonaissuunnitelma". *Selvityksiä ja ohjeita* 41/2015.

http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/76608/omso_41_2015_oi_k_avun_kokonaiss_66s.pdf

Omata, Naohiko. 2019. "‘Over-Researched’ and ‘Under-Researched’ Refugees." *Forced Migration Review*, no. 61: 15–18. <http://search.proquest.com/docview/2263274938/>.

Owal Group. 2019. "Turvapaikkaprosessia koskeva selvitys." 1-133.
<https://intermin.fi/documents/1410869/3723692/Turvapaikkaprosessia+koskeva+selvitys+27.6.2019/60bd290f-ffbd-2837-7f82-25fb68fe172c/Turvapaikkaprosessia+koskeva+selvitys+27.6.2019.pdf>

Oxford Dictionary. "Conciliate". <https://www.lexico.com/en/definition/conciliate>. Accessed 23 March 2019.

Oxford Dictionary. "Migration". <https://en.oxforddictionaries.com/definition/migration>. Accessed 26 March 2019.

Pakolaisneuvonta. N.d. "Pakolaisasiat".
<https://www.pakolaisneuvonta.fi/#turvapaikka-asiat>. Accessed 17 March 2020.

Pellander, Saara. 2015. "An Acceptable Marriage': Marriage Migration and Moral Gatekeeping in Finland." *Journal of Family Issues* 36 no. 11: 1472–1489. Available from: <http://search.proquest.com/docview/1701283177/>.

Puumala, Eeva. 2012. *Corporeal Conjunctures no-w-here: Failed Asylum Seekers and the Senses of the International*. Tampere: Tampere University Press.

Puumala, Eeva. 2017. *Asylum Seekers, Sovereignty, and the Senses of the International: a Politico-Corporeal Struggle*. London: Routledge, Taylor & Francis Group.

Puumala, Eeva and Kynsilehto, Anitta. 2016. Does the body matter? Determining the right to asylum and the corporeality of political communication. *European Journal of Cultural Studies* 19 no. 4: 352–368.

Puumala, Eeva, Hanna-Leena Ristimäki, and Riitta Ylikomi. 2019. *Kokemus, Kertominen Ja Tieto Turvapaikkamenettelyssä*.

Saarikkomäki, Elsa, Oljakka, Nea, Pirjatanniemi, Elina, Lavapuro, Juho and Alvesalo-Kuusi, Anne. 2019. "Kansainvälistä suojelua koskevat päätökset Maahanmuuttovirastossa 2015–2017. Pilottitutkimus 18-34 vuotiaita Irakin kansalaisia koskevista myönteisistä ja kielteisistä päätöksistä." Turku: *Oikeustieteellisen tiedekunnan tutkimusraportteja ja katsauksia 1/2018*.

Salt, John and Stein, Jeremy. 1997. "Migration as a Business: The Case of Trafficking." *International Migration* 35 no 4: 467–494.

Sassen, Saskia. 1996. *Losing Control? Sovereignty in an Age of Globalization*. New York: Columbia University Press.

Sisäministeriö. 2011. "Kansainvälistä suojelua hakevalle annettava oikeudellinen neuvonta ja oikeusapu."

http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/79680/sm_122011.pdf?sequence=1&isAllowed=y

Spivak, Gayatri. 1988. "Can the Subaltern Speak?" In *Marxism and the Interpretation of Culture*. Ed. Nelson, Gary and Grossberg, Lawrence, 271-317. Illinois: University of Illinois Press.

Suhonen, Jani. 2020. "Vuonna 2015 turvapaikanhakijoiden määrä pääsi yllättämään - Siitä otetaan opiksi Kanta- ja Päijät-Hämeen uusissa suunnitelmissa". *Hämeen sanomat*. 20 January 2020. <https://www.hameensanomat.fi/kanta-hame/vuonna-2015-turvapaikanhakijoiden-maara-paasi-yllattamaan-siita-otetaan-opiksi-kanta-ja-paijat-hameen-uusissa-suunnitelmissa-1017535/>. Accessed 31 March 2020.

Tuomi, Jouni and Sarajärvi, Anneli. 2018. *Laadullinen tutkimus ja sisällönanalyysi*. Uudistettu laitos. Helsinki: Tammi.

Ulkomaalaislaki 2020. *Ulkomaalaislaki* 30.4.2004./301 Finlex.
<https://www.finlex.fi/fi/laki/ajantasa/2004/20040301#L1P7>. Accessed 19 February 2020.

United Nations. N.d. "What is Rule of Law". *United Nations*.
<https://www.un.org/ruleoflaw/what-is-the-rule-of-law/>. Accessed April 23 2020.

United Nations General Assembly. 1948. "Universal Declaration for Human Rights".
United Nations.
https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf. Accessed 23 April 2020.

United Nations General Assembly. 1951. "Convention Relating to the Status of Refugees".
United Nations, Treaty Series, 189, 137.
<https://www.refworld.org/docid/3be01b964.html>. Accessed 9 November 2019.

United Nations High Commissioner for Refugees. N.d. "Figures at Glance.",
<https://www.unhcr.org/figures-at-a-glance.html>. Accessed 20 March 2019

United Nations High Commissioner for Refugees. 2018. *UNHCR Discussion Paper Fair and Fast - Accelerated and Simplified Procedures in the European Union*.
<https://www.refworld.org/docid/5b589eef4.html>. Accessed 1 February 2020.

United Nations High Commissioner for Refugees. N.d. "Refugee Status Determination.",
<https://www.unhcr.org/refugee-status-determination.html>. Accessed 31 March 2020.

Valtioneuvoston kanslia. 2015. *Turvapaikkapoliittinen toimenpideohjelma*.
https://valtioneuvosto.fi/en/article/-/asset_publisher/hallitus-julkisti-

turvapaikkapoliittisen-
toimenpideohjelmansa? 101 INSTANCE 3qmUeJgIxZEK groupId=10616

Wacquant, Loïc J. D. 2009. *Punishing the Poor: The Neoliberal Government of Social Insecurity*. Durham: Duke University Press.

Wong, Tom K. 2015. *Rights, deportation, and detention in the age of immigration control*. California: Stanford University Press.

Xiang, Biao and Lindquist, Johan. 2014. "Migration Infrastructure." *The International Migration Review* 48 no 1: S122–S148. <https://doi.org/10.1111/imre.12141>

Yin, Robert K. 2003. *Case Study Research: Design and Methods* 3. ed. Thousand Oaks (Calif.): Sage.

Yle. 2018. "Syyttäjä: Lakitoimisto laskutti valtiota, vaikka ei avustanut turvapaikanhakijoita." <https://yle.fi/uutiset/3-10112396>. Page visited 16 March 2020.