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GENERAL

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ORIGINAL: ENGLISH

THE PROBLEM OF STATELESSNESS

Information transmitted by States in pursuance of Economic
and Social Council resolution 352 (XII)
relating to the problem of
statelessness

The Secretary-General has the honour to circulate the following communication dated 25 September 1951 which he has received from the Minister for Foreign Affairs of Finland:

"The Minister for Foreign Affairs of Finland presents his compliments to the Secretary-General of the United Nations and, with reference to the Secretary-General's notes of 10 October 1950, No. SOA/325/5/02, and of 5 April 1951, No. 325/04, regarding the resolutions of the Economic and Social Council concerning the problem of statelessness, has the honour to transmit herewith the report of the competent Authorities on the Finnish laws and regulations relating to statelessness and on the actual application of these laws and regulations.

Ministry of Interior
Traduction

Helsinki, 11 September 1951

With reference to the United Nations' note No. SOA/325/5/02, dated 10 October 1950, in which States are invited to re-examine their Nationality Laws with a view to reducing or eliminating statelessness, we beg to point out that the enactment of new laws to this effect has been, in Finland, practically unnecessary. In future legislation, however, the recommendation in question will be taken into consideration within the bounds of possibility.

We enclose the following information on the subjects mentioned in the United Nations' note No. SOA/325/04, dated 5 April 1951."

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/"I. Legislation
E/2164/Add.8

"I. Legislation concerning persons without Finnish nationality.

A. The Law on Nationality of 9 May 1941 (No. 325/41) contains the following provisions for the avoidance of new cases of statelessness:

- (a) paragraph 1 item 2. Finnish nationality is granted to a legitimate child whose mother is a citizen of Finland and whose father is without nationality, if the child, on account of its birth, does not become a citizen of some other state;
- (b) paragraph 2. A foundling met with in Finland is considered a Finnish citizen until it has been established that the same possesses the nationality of some other state;
- (c) paragraph 3 item 2. If husband and wife have a child born before their marriage, it also becomes citizen of Finland if it is unmarried and under 21 years of age;
- (d) paragraph 13. Finnish nationality is granted, on account of birth, to a legitimate child born in Finland, whose parents are Ingermanlandian or East-Carelian refugees of Finnish origin and at the date of the entry into force of this law (1 July 1941) reside in Finland; also to the illegitimate child of an Ingermanlandian or East-Carelian woman, if the child is born in Finland.

B. The Law on Nationality contains the following provisions for the elimination of statelessness:

- (a) paragraph 18 item 2. Finnish nationality is retroactively and automatically granted to stateless persons referred to above under items A(a) and A(d), if they, at the date of the entry into force of this law, are unmarried and under 21 years of age, and if their actual domicile, at that date is Finland.
- (b) Facilities are, as far as possible, granted to stateless persons applying for Finnish citizenship. According to paragraph 14 the applications of Ingermanlandian or East-Carelian refugees can be complied with even if it is not certain that they are able to earn their living.

II. Legislation concerning the status of refugees in Finland.

A. The right of asylum is regulated in accordance with paragraph 16 of the Law concerning the Arrival and Sojourn of Foreigners in Finland of 30 January 1942 (No. 97/42). If a foreigner, for good reasons, desires to enter into Finland in order there to enjoy the right of asylum, he shall not be prevented from arriving, even if he is not

/in possession of

in possession of necessary documents and permits. The question of his return shall be submitted to the Ministry of Interior which, before coming to a decision, shall obtain the opinion of the Ministry of Foreign Affairs.

- B. Refugees and stateless persons can, when necessary, be furnished with a "stranger's passport" enabling them to travel abroad.
- C. Refugees - that is, persons enjoying the right of asylum in Finland - are, with regard to social legislation, generally placed on a level with the nationals. This principle asserts itself in different welfare and relief laws (which belong to the sphere of action of the Ministry for Social Affairs).

As to the application, in practice, of the above laws and provisions, we can say that they have arisen out of practical needs and been applied with the greatest possible goodwill."
