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The EU and Human Rights as Institutional Facts in the Finnish Political Discourse on Family Reunification

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Abstract

This article analyses the Finnish political response to the refugee influx connected with the Syrian war and violent conflicts in its neighbouring states. In July 2016, a law amendment on the Finnish Aliens Act about a secured income prerequisite for family reunification applications came into force. Using argumentation schemes as outlined by Fairclough & Fairclough (2012), this article analyses the discursive framing of the law amendment in Parliament. The paper benefits from the social ontology of John Searle (1995; 2010) and utilises his concept of institutional facts. The analysis shows that, as normative sources for action, the institutional context of the EU, as well as the Human Rights, possess different degrees of deontic modality which in turn shapes the representation of social reality in the context of the refugee crisis and its global and local impact.

Keywords: *political discourse; family reunification; institutional facts; Human Rights; EU.*

Introduction

In the summer of 2015, many Western European countries witnessed a peak of the refugee influx. Simultaneously, strengthened border control by Eastern European countries caught the attention of the international community as they aimed to immobilise the immigrants, resulting in stratagems such as the construction of a border fence between Hungary, Serbia and Croatia (cf. Kallius, Monterescu & Rajaram, 2016). Although some of the EU countries have also implemented tightened immigration legislation[1], Eastern European countries' rejection of letting refugees use the so-called "Balkan route"—along with the Hungarian Prime Minister's negative stance to the European Union refugee resettlement plan[2]—are a blatant contrast to the policies of Western European countries which offer resettlement solutions and accept asylum applications.

Public and political discourse around the so-called "refugee crisis" has been marked by a struggle between "(…) compassionate pragmatism versus fear of cultural, ethnic, and religious difference" (Holmes & Castaneda 2016, p. 18), while even Turkey, a country with a relatively close cultural and religious proximity to Syria, has had its own share of public xenophobia towards Syrian refugees (Gök & Çiftci, 2017). Yet, the Turkish government's approach has been marked by a compassionate political discourse that has in fact used religious and cultural references and

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[1]Denmark has, for instance, seized any assets exceeding $1,450 from asylum-seekers to pay for the costs of hosting them, See http://www.theatlantic.com/international/archive/2016/01/denmark-refugees-immigration-law/431520/ (last accessed, 17.7.2017)

[2]http://edition.cnn.com/2016/10/02/europe/hungary-migrant-referendum/ (last accessed, 17.7.2017)

representations of the Syrian refugees as "brothers" towards whom the state has a historical responsibility of showing hospitality (Memisoğlu & Ilgit, 2016, pp. 11-12). However, this article focuses on the asylum politics in Finland, where discursive framing has been influenced Finland's membership in the EU. In discussions on family reunification policies, this institutional locatedness has given the Finnish government a framework to argue for a necessity of levelling up national policies with those of other EU Member States while the opposition has yet attempted to draw on humanitarian arguments. The analysis in this article therefore shows how on one hand the politicians involved in the debate[3] draw on the supposedly[4] unified European asylum policy and especially the EU Directive on Family Reunification[5], and how again, on the other hand, Human Rights are adapted to oppose the law amendment and can hence be said to advocate a kind of "compassionate pragmatism".

Socio-political background of the study and the research question

As a response to the increasing refugee influx[6], the Finnish Ministry of Interior initiated a law amendment[7] in September 2015 aimed at tightening the financial prerequisites for family reunification. While before the amendment, individuals seeking international, subsidiary or temporary protection were excluded from the prerequisite of a secured income for a resident permit, these criteria were now extended to family reunification applications[8] by beneficiaries of subsidiary, humanitarian or temporary protection. The Government Proposal to which then Minister of Interior Petteri Orpo[9] referred in his proposal speech (see Chapter 4 for analysis), is based on Finnish Premier Minister Juha Sipilä's Government Program. The Finnish government had, on 8 December 2015, accepted an operational program on asylum policies and noted that the criteria for family reunification shall be reviewed according to the directive at least regarding the prerequisite of a secured income and independence from social assistance. As the Parliament had been elected in April 2015 and subsequently the current Government formed, it was a time where Finland had already been affected by refugee influxes and thus a political reaction to it in the government program was anticipated.[10]

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[3] In the Finnish context of law procedures, the final decision for establishing or amending a law is made through voting. Before the voting however, practical arguments are involved during parliamentary debates. However, the actual law-making occurs prior and after the debate in the Ministry as well as in the Administration Committee and the final stage of the procedure, i.e. voting, is only a formality and a political spectacle.

[4] I have chosen here to describe the EU policy as "supposedly" unified, taking into consideration how the political measures by eastern Member States have proven how unanimous the political actors across Europe are about common transnational solutions for resettling and accepting refugees. See also Perusel (2015) and Carmel (2014).

[5] The EU Directive lays down possible requirements to be implemented in the member states, however, it does not prioritize any measures and in fact the Directive considers refugees to be entitled to more favorable rules. See, https://ec.europa.eu/home-affairs/what-we-do/policies/legal-migration/family-reunification_en (last accessed, 15.7.2017); http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32003L0086 (last accessed, 15.7.2017)

[6] As in the year 2011 a total of 1,271 positive asylum decisions were granted, in 2015 the amount had risen to 1,879 positive decisions.

[7] Government Proposal HE 43/2016vp, PDF in Finnish https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Documents/HE_43+2016.pdf (last accessed, 17.7.2016)

[8] The change concerned the so called "old families" which include family members of persons with international or temporary protection status when the family ties have been created before the sponsor has arrived in Finland.

[9] Petteri Orpo has since been renamed Minister of Finance.

[10] Given that the government entails the populist right-wing *Perussuomalaiset* ("Finns Party"), the conservative-liberal *Kokoomus* ("National Coalition Party") and the liberal-agrarian, *Keskusta* ("Centre Party"), the first having the most seats, it is easy to see how the government aims here at less immigration. The Finns Party's Immigration Policy namely starts with the insight that the refugee crisis has made many European states attractive through their welfare system (i.e. "pull factor") and to such immigrants who "Do not have sufficient skills for the job markets or who due to their cultural or religious backgrounds do not want to accept the values such as freedom of expression or equality, which are both important for integration." The party's policy also advocates for separation of work-based immigration from refugee-based immigration arguing that asylum and family reunification law is misused by refugees with the goal of

However, the amendment is a continuation of an already on-going trend to tighten Finnish immigration policies. Several law amendments had in 2010 become effective and already influenced family reunification processes directly. For example, applicants could no longer file the applications on behalf of their family members, who would instead have to travel to the nearest Finnish Embassy and do it in person. This rule, and the financial costs needed for such travel arrangements, had put families from poor and war-torn areas into an unfavourable position (Fingerroos, Tapaninen & Tiilikainen, 2016, p.11).

Moreover, previous research on family reunification in Finland has strongly addressed the question how such legislations transgress Human Rights, including the rights of children applicants waiting for their parents and siblings to join them, and the right to family in general (Fingerroos, 2016; Kuusisto-Arponen, 2016). The most recent amendment based on the Government's vision on immigration policies seems thus to follow a political course in Finland where the protection of public costs to the welfare state is seen as more important than protecting the Human Rights of individual applicants (Pellander, 2016, p. 84). Hence, it was well anticipated that the newest law amendment would spark discussion on how the consequences from the secured income as a prerequisite for family reunification would reflect the adherence of the Finnish Government to Human Rights.

Drawing from this background this article asks how on the one hand Petteri Orpo as a representative of the Finnish government uses the EU[11] as an "authority" while he advocates the amendment, and how on the other hand opposition members discursively use Human Rights against the amendment. The analysis is based on political discourse analysis as outlined by Fairclough and Fairclough (2012) and the analytical tool of *argument schemes* (ibid.). The aim is to reconstruct the practical argument and its premises pertaining to the proposal of the law amendment as well as the arguments brought against it. As Fairclough and Fairclough (2012, p. 29) points out, political debates are embedded in an institutional context wherein a deontic network consisting of duties and obligations guide the reasons for action. The analysis, therefore, focuses especially on how in the debate the EU and the Human Rights can be interpreted as institutional facts (Searle 1995, 2010) that possess such deontic powers, and which are used to provide a normative basis for a decision either for or against the law amendment.

Method of study and theoretical background

Critical political discourse analysis is interested in what is said in political actions, such as law-making procedures and how these actions as discursive practices shape social reality (Jorgensen & Philips, 2002, p. 21). Fairclough and Fairclough (2012) use for political discourse analyses *argumentative schemes* (cf. Figure 1) of practical reasoning, consisting of practical arguments and their counterclaims in the dialogue between the actors. Indeed, their framework focuses on the parliamentary debate as a type of deliberation that aims at reaching a collective decision (ibid., p. 54). As building blocks of argumentative schemes, Fairclough and Fairclough (ibid., p. 23) define *goals*, *circumstances*, *values* and *means-goals* as premises, whose discursive framing will be under scrutiny in this article. Practical arguments as instances of deliberation involve weighing the reasons for and against a certain decision (Fairclough & Fairclough, 2012, p. 14) where the question "*What*

only improving one's own living standards at the cost of Finnish tax payers. These circumstances perceived and defined by the Finns Party are thus as well yielded in the Government Program.

See the Immigration Policy in Finnish, https://www.perussuomalaiset.fi/wp-content/uploads/2013/04/ps-maahanmuuttopoliittinen_ohjelma_2015_v3.pdf (last accessed, 5.6.2016)

[11]Here I will use the umbrella term "EU" to denote both the European Union as a geopolitical entity as well as the EU Directives as legal regulations.

should be done?" requires a claim for action. The analysis provided in this paper spotlights this moment of the law-making procedure as the data is based on the verbatim transcription of the parliamentary debate.[12]

In his seminal works on social philosophy, John Searle (1995, 2010) argues that our social world has an underlying ontology which consists of building blocks he calls *institutional facts*. In contrast to *brute facts* such as geographical landmarks which exist independently from us having to have an opinion or a belief about them, institutional facts are the products of human agency as they exist only because we believe them to exist (Searle, 1995, 27). Thus, examples of institutional facts would be universities, the institution of marriage as well as law systems.

In this respect, Human Rights as a man-made system can be regarded as an institutional fact that guides international and national policies based on a common understanding of basic rights attributed – and worth defending – to every human on earth.[13] *Collective recognition* which is constitutive in the formation of institutional facts is here a key element for that international cooperation. (Searle, 2010, p. 57) Although the Universal Declaration of Human Rights is a document of moral significance, different conventions on Human Rights signed by countries such as Finland do entail judicial commitments. Similarly, the EU as a geopolitical institution should be understood as an institutional fact whose directives guide its member states' national legislations to meet certain aspects of the overall legislative goal set by the EU.[14]

The "bindingness" and the differences in politicians' understanding about whether following the EU Directives or Human Rights is to be valued more over the other are of interest here. This can be analysed especially through the concept of *deontic powers*, which form "desire-independent reasons for action" for humans, as theorised in Searle's understanding of social ontology (Searle, 2010, pp. 123, 127). Thus, institutional facts as they are collectively recognized can firstly reinforce the human will to act in a certain way and secondly do so towards an action that would not otherwise necessarily represent the internal desires of the agent. Political decision making is hence on the one hand influenced by the deontic power of institutional facts and on the other hand by the personal value system of those involved in the discussion on "what ought to be done".

However, politicians' voting behaviour is also sometimes merely a product of their obligations towards the party's political principles. Searle notes (2010, p. 43) that an individual may think of an object or a phenomenon of the social world in one manner, but despite his desires and values, act as a member of a group since he feels obligated to do so considering his membership. In argumentation, the role of institutional facts as part of the *circumstantial* premise (c.f. Fig.1) is to flag what one *ought to be* concerned with, even though it might not reflect the *value* premise (Fairclough & Fairclough, 2012, pp. 47-48). Such quasi-values, as I would call them, emerge from the institutional context in which the debate, as well as the advocate him/herself, is embedded in. Therefore, it is important to note that arguments for a certain action can sometimes only be

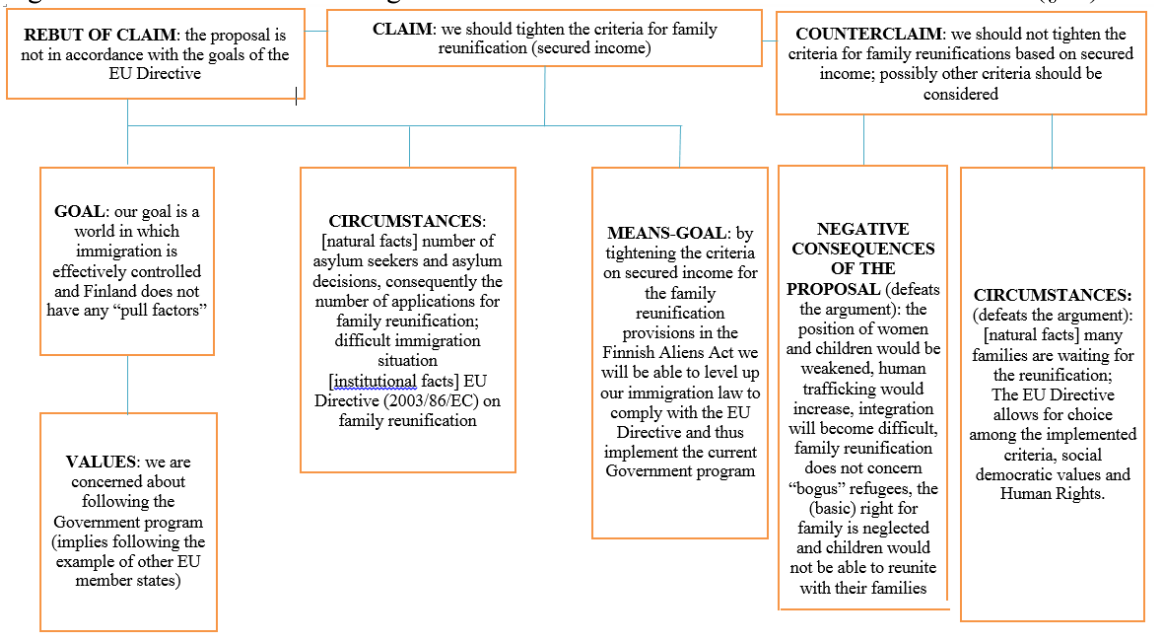
[12] The analysis is based on the verbatim transcription of the parliamentary debate on the law amendment from 12 April 2016. The verbatim transcription is freely accessible in the database of the Parliament; however, it is in Finnish language and thus for this paper, I have translated the necessary quotes myself.

[13] I will not dwell here into the discussions surrounding the ultimate universal implementation and acceptance of Human Rights in countries where the value system from the perspective of the West is criticized to be in contradiction with Human Rights. Rather, as the theoretical framework provided by Searle is based on a western, Euro-American philosophical tradition on questions of epistemology and ontology, and as the object of study in this paper are Western policies and actors who live and argue within the very same value system from which Human Rights have emerged, I regard my paper as a legitimate immanent critique.

[14] In the context of this article, the objective of the union to establish common policies on asylum among the member states, of which as an example can be mentioned the Treaty of Lisbon, is of relevance, see European Parliament, Fact Sheets on the European Union, Asylum Policy. http://www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuId=FTU_5.12.2.html (last accessed 17.7.2017)

interpreted as their representations of the social reality and be analysed to the degree in which the institutional facts compete in their scope of power to guide human action.

Figure 1: The structure of the Argument for Law amendment on the Finnish Aliens Act (§39)



The argument structure of secured income as a prerequisite for family reunification

EU based argument for the amendment proposal

Claim for action

Petteri Orpo embeds his argumentation from the start within the institutional context of the Government program and the EU Directive and embeds the decision in its wider geographical context. The expression "reference groups" indicates that the Finnish Government is drawing this decision based on how other countries have dealt with the situation:

> *This bill is based on the Government Program. It also became a topic of discussion due to the difficult immigration situation, which applies to both Finland and to us important reference groups, i.e. the other countries of the European Union.*

Circumstantial premises

Orpo's usage of the adjective "difficult" (cf. quote above) in describing the current immigration trends is part of the circumstantial premises. This is about a state of affairs in which the agent currently finds himself or his outside world in and together with the values motivate the agent to achieve the goal (Fairclough & Fairclough, 2012, pp. 41-43). However, "difficult" cannot be taken as an apathetic phrase but is dependent on the subjective interpretation about the circumstances the arguer finds himself in. Hence, Orpo's vocabulary choice shapes the social reality to indicate that the law amendment should be regarded as justified in accordance with its "urgent need" (cf.

Jorgensen & Philips, 2002, p. 21), and alludes to a kind of "emergency" which without an appropriate response, would amount to detrimental future developments.

The EU Directive on Family Reunification steps into the argumentation as part of the circumstantial premises. Due to the EU's character as an institutional fact, the Directive can be said to be legally guiding and hence it provides for the Government a normative source for advocating the law amendment:

> *This is practically done in accordance with the EU Directive on Family Reunification. [In 2006] not all the criteria made possible by the directive were fully operational, and now, (...) we consider that as we have however the urgent need to make repairs and tighten the provisions (...), we have chosen the path of the requirement on stable and regular resources (...)*

Natural facts (Fairclough & Fairclough, 2012, p. 45) are also part of the circumstantial premises. In Orpo's argumentation, these are based on the empirical situation, i.e. statistical figures used to rhetorically illustrate the scope of immigration. They are also a reference point for Orpo's subjective evaluations and another discursive framing of the law amendment's topicality:

> *Moreover, because even in this situation, as we have during the year received approximately 34,000 asylum seekers, and asylum decisions are made now in an accelerating manner, this issue is very timely.* (…) *The Finnish Immigration Service estimates that this year about 17,000 applications into family reunification for family members will be carried out and to, and next year these volumes in which we are now will increase up to 28,000 applications. Therefore, it is necessary to make this change now.*

Since future-oriented rhetoric is typical of political discourse (Van Dijk, 1997, p. 27), and given the role of law-making procedures to influence the forthcoming state of affairs, foresight based on big numbers reinforces the image of a threat that can be thus only fought against with changes in legislation. However, such objective facts require subjective representations of social reality for the speech act to reach its perlocutionary aspect (cf. Searle, 1969), i.e. to agitate the audience to action. Hence, the deontic modality and the objectives of a practical argument to convince the audience of one's own views and claim for actions are reached by the interplay of the natural and institutional facts.

Goal

Since the goal premise emerges from the agent's values premises and is identified as a future, a possible state of affairs the agent envisages (Fairclough & Fairclough, 2012, pp. 41-43), the goal of the amendment is a world in which immigration motives are effectively controlled. Here the secured income as a prerequisite is directly connected to the so-called "pull factors", i.e. easy family reunification, that Orpo's argumentation aims at decreasing. Moreover, other countries in Europe function again as "a good practice example".

> *So, yes, in some cases, Finland is an attractive destination, but we have tried to make these decisions (...) so that we would be at the European, and at least which is important, at the Nordic level, so that we do not have the specific pull factors.*

Values

Fairclough and Fairclough (2012, pp. 41-43) define the values premise as crucially formative to the problems the agent sees around him. Although the EU as an institutional fact has been identified as belonging to circumstantial premises, it also impacts the values premise (cf. Fig.1). Here, the influence of the EU is indirect and embedded in a rather *actual concern* of Minister Orpo, i.e. following the Government program and implementing the Directive in Finland. Fairclough and Fairclough (2012, p. 147) note that commitments and obligations, e.g. law systems, bind the agent in any case; "It is precisely because the government, or politicians, are bound by such institutional facts as reasons, whether they want to act in accordance with them or not, that they can be held responsible when they fail to do so." These concerns emerge from Orpo's legitimate position as a Minister within the Finnish political system and the anticipated recognition of the government as "efficient".

Means-Goal

Madam President! I consider this bill necessary in this situation in which we are."

Tightened secured income criteria would enable the Finnish Government to level up the immigration law in compliance with the EU Directive and thus implement the current Government program. Orpo repeatedly refers to the necessity of the law amendment, which implies that no other means can help in reaching the goal. Fairclough and Fairclough (2012, pp. 41-43) speak here of a means-goal premise, which is a presumption that describes how the agent is taken from his current circumstances to the future state of affairs if he does the action for which the whole practical argument is made for.

Human Rights discourse of opposition

The *sufficiency*, as well as the necessary conditions of an action (Fairclough & Fairclough, 2012, p. 41), can be put under scrutiny in the form of a counter claim if there are other options available as a claim for action. The Directive does not, in fact, require the financial prerequisite but allows for also implementing other requirements. Thus, the opposition objected to the amendment on several grounds and employed the argument of Human Rights vastly in doing so.

> *It is understandable that when it comes to a widespread human crisis that touches families in distress escaping their countries, it is important that humanity and human rights are considered when the law is provided.* (Outi Mäkelä, National Coalition Party)

Relating to the unequal treatment of family reunification applicants of different backgrounds (cf. Fingerroos et al., 2016), opposition politicians argued that emphasising a secured income as a prerequisite would transgress the Human Rights of the applicants since it could lead to complete blocking of the reunification processes:

> *The question at hand is about the right to a family, which is a fundamental human right. (…) the fact that money determines who has the right to a family, and it is a quite untenable principle when the issue is the family.* (Tytti Tuppurainen, Social Democratic Party)

MP Tuppurainen's argument holds that the amendment transgresses Human Rights by denying the right to family. However, the question arises whether family reunification legislations factually hinder the respect for one's established family life – as has been established in the Article 12 of the Universal Declaration of Human Rights and in the Article 8 of the European Convention of Human Rights – or whether family reunification can be considered a Human Right, to begin with. John Searle (2010, p. 186) stresses in this context the difference between *negative rights* and *positive rights*, and the fact that only some of the Human Rights – such as the right to life – can be considered as imposing obligations on all human beings, i.e. being *positive rights*.

As family reunification is not explicitly defined as a Human Right, Halme-Tuomisaari (2016, p. 180) has discussed how applicants can derive from their formulation a basis to argue for reunification based on Article 13 which secures free movement out of a country and back for all individuals. However, her studies on juridical cases in Finland shows that even though applicants had referred in their letters of complaint upon Human Rights, the Highest Administrative Court had not once changed its negative decision based on Human Rights of the applicant (ibid., p. 189). Therefore, it can be concluded that despite of legally binding documents such as the European Convention on Human Rights, the deontic powers of Human Rights are not absolute when it comes to their implementation within national legislations and political decisions.

The negative consequences of the amendment are addressed by several MPs. A frequent concern is that the proposed action would weaken the position of those most vulnerable; the women and the children. This is based on the circumstantial premise (natural facts) that most asylum seekers are men whose families are kept waiting for family reunification. Thus, as the women and the children are still in need of international protection, the amendment would slow down their application processes:

> *Family reunification has provided a legal entry point for women and children, especially for vulnerable people who have not had the opportunity to go on a life-threatening journey to Europe*. (Hanna Sarkkinen, Left Alliance*)*

> *Government tightening guidelines give more power to human traffickers and other criminals. People are forced on dangerous routes and into the hands of human traffickers when the legitimate route is hindered.* (Matti Semi, Left Alliance*)*

However, the detrimental effects that the law amendment will have on individuals waiting for family reunification are evident, since those affected are mostly women and children and the "Temporary Protection" status which they have in Turkey, drives them into precarity as argued by Rygiel et al. (2016). Recent research done in Turkey (Gök & Çiftci, 2017) has established, that Syrian refugee children face serious problems such as child labour, prostitution, abuse and neglect both while living in the refugee camps as well as outside of the camps. Moreover, with approximately 1.6 million individuals remaining without shelter/housing offered in governmental

camps, and considering the limbo of poor health care resources, lack of proper education for children, no possibility of a permanent residency permit and no work permits (Öner & Genç, 2015). Hence, thousands of refugees have been forced to continue their journey from Turkey and opting for human trafficking as a getaway (Baban, Ilcan & Rygiel, 2016). Therefore, as the humanitarian situation speaks for the continual of refugee flows to the EU Member States, it can be concluded, that MP Sarkkinen's and MP Semi's arguments result in a total rebuttal of the goal presented in Orpo's argumentation, i.e. a successful control of immigration to Finland.

Similarly, MPs like Thomas Blomqvist doubt that the amendment would in any way contribute positively to the integration of the refugees into the Finnish society, thus opposing the original argument of the Government proposal[15] that a secured income would promote integration by pushing the newcomers into work life. This objective is in contradiction with research findings from Europe – with Sweden and Austria as reference countries – which have established, that any possibility for most refugees' immediate participation in the labour market is not only marked by weakened prospects due to lack of necessary skills and education when compared with resident populations but also by low-skill jobs and hence less income (Berger & Strohner, 2017, pp. 5-8). Logically, such circumstances in the Finnish case would lead to prolonged family reunification procedures as the beneficiaries would face difficulties in fulfilling the financial criteria. As Fingerroos et al. (2016, p. 13) have previously criticised the discursive framing of the financial prerequisite as superior in efficacy to other possible conditions, the opposition considers the presence of one's family a fundamental aspect of a successful integration process and its initiation:

> *We all know that the role of the family is important to adapt to the new country. I do not advocate a policy that consciously makes family reunification difficult (...) leading to the fact that (...) the risk of marginalisation increases.* (Thomas Blomqvist, Swedish People's Party)

Lastly, some MPs in the Opposition argue that the amendment is not even concordant with the Directive's overall goal, i.e. setting coherent rules for all member states to follow in ensuring the right for family reunification, but rather hinders it. It is moreover questionable, to which extent whether the EU should be considered as a trusted frame of action in terms of how influential it, in fact, is in unifying national legislations? Previous research has rather established that EU asylum policy has not been successful in distributing responsibilities among the Member States (Perusel, 2015) nor is there any "coherence" in practice regarding national regulations: any attempt to "unify" policies is rather a symbolic reflection of a "Europeanness" and an alleged "efficiency of the Union" which are instrumentalized to push national agendas (Carmel, 2014). This constructs a rebuttal of Orpo's claim for action by undermining the interconnection between his value and circumstances premises. Therefore, although the argument's validity is not challenged, the fallacy of the argument due to lack of consideration for negative consequences and certain circumstances is established (Fairclough & Fairclough, 2012, p. 64):

> *The aim of this Directive is to promote family reunification. The Directive also states that Member States are not, however, allowed to use the given flexibility by the Directive in a way that would be contrary to the objectives of the Directive. (...) How can you justify that this*

[15] Government Proposal HE 43/2016vp, PDF in Finnish https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Documents/HE_43+2016.pdf (last accessed, 17.7.2016)

amendment is consistent with the spirit of the Directive (…) when in black and white it is not? (Silvia Modig, Left Alliance)

Conclusion

In the aftermath of the refugee influx which in Finland reached its peak in 2015, Finnish politicians have argued that "pull factors", e.g. easy family reunification, should be eliminated. With the law amendment, however, newcomers would need to either has savings or a secured job in Finland. Otherwise their families would need to wait for a long period until the language skills, and education level of the reunification applicant is such that employment is possible. Although applications for family reunification without the income prerequisite would be possible within three months after a positive decision for asylum, the application process is severe since for many the way to the nearest Finnish Embassy or Consulate where they must hand in the applications is often through treacherous conflict zones. Thus, family reunification with an income prerequisite seems to be an inhuman solution that seems to prioritise the material interests of the host state over any compassionateness towards the human suffering of these victimised displaced people.

The analysis above (c.f. Fig. 1) shows that in Finland the refugee crisis is not merely a topic of domestic affairs, i.e. about controlling borders, but it is discursively framed in Finland's membership in the EU. On the one hand, this reflects Searle's theorisation of deontic powers in human institutional facts that regulate people's actions. On the other hand, however, in political discourse language can be used to created representations of social reality and thus Orpo's argumentation reproduces the institutional reality in a frame that reflects the scope of EU-wide directives' influence on national politics.

Using the Directive as an authority and validation for the amendment implies that the amendment is embedded in a bigger institutional context, in matters that are decided upon in Brussels. For the Finnish Government, Human Rights are not the priority, but Finland's EU membership and the concern to contribute to the common goal of obtaining a unified EU-wide immigration policy emerges are. Thus, the EU as an institutional fact and the Government program as values premises redirect the attention to the larger geo-political context and away from the domestic plane. However, the discrepancy between the amendment's contents and the actual "spirit" of the Directive is noticed by the opposition and the negative consequences and the counter represent the reality as a morally imperative situation that should not allow for the politics to restrict or hinder the entry of asylum seekers to safety and direct the attention to Human Rights as a more powerful reference of authority to follow than the EU Directive. Overall, the discussion around family reunification is centered around a conflict between humanitarian reasons not to tighten the financial prerequisites and political agenda of "integration measures" and the will to lessen the financial burden on the state.

This short analysis has shown that the way in which institutional facts in practice guide peoples' actions is based on an unequal degree of deontic modality. The EU is in the Finnish political context and the discourse on the refugee crisis constructed as a reference of authority. However, the Opposition's arguments indicate that the Finnish Government's decision pertaining to the implementation of the Directive is morally irresponsible, transgresses Human Rights and does not even serve the purpose of the Directive. Although the government's eye is on EU-wide changes in family reunification rules, and the advocates of the law amendment find fault with those who leave their family members behind, the parliamentary debate does not consider the wider institutional structures which drive the refugees to decide between heading further north. The politicians do not address the limbo-like conditions, in which the Syrian, Iraqi, Afghani and other

refugees living in Turkey; how the "Temporary Protection" regime builds structures, that drive these individuals to leave the country where they face difficulty to find accommodation, education and possibilities to earn a living, and how finally the EU policies have not contributed to a balanced share of responsibilities among member states, ending only in an illusion of a "unified" policy. Despite the opposition that was not only manifested by politicians but also representatives of NGOs, expert researchers and other members of the civil society[16], the law amendment was implemented on the 1 July 2016. The short-term and long-term effects of this policy on aspects of mental well-being, socio-economic status and security of the family members affected both in Finland and abroad, as well as on integration of these individuals into the Finnish society, remain to be revealed by future research.

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[16] The expert statements which were presented to the Administration committee after the parliamentary debate from April 2016 included inter alia statements by the Non-Discrimination Ombudsman as well as representatives of Amnesty International in Finland. Both rejected the amendment on several accounts. All the expert statements can be accessed in the database of the Finnish Parliament, under https://www.eduskunta.fi/FI/vaski/KasittelytiedotValtiopaivaasia/Sivut/HE_43+2016_asiantuntijalausunnot.aspx (last accessed, 17.7.2017).

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