

Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of the Interior, Finland

Aliens Act

(301/2004; amendments up to 1163/2019 included)

By decision of Parliament, the following is enacted:

Chapter 1

General provisions

Section 1

Objectives of the Act

The objective of this Act is to implement and promote good governance and protection under the law in migration affairs. A further objective is to promote managed migration and provision of international protection with respect for fundamental and human rights and in consideration of international treaties binding on Finland.

Section 2

Scope of application

This Act and the provisions issued under it apply to aliens' entry into, exit from, and residence and work in Finland.

Section 3

Definitions

In this Act:

- 1) *alien* means a person who is not a Finnish citizen;

- 2) *Union citizen or a similar person* means a citizen of a Member State of the European Union (EU) or a citizen of Iceland, Liechtenstein, Norway or Switzerland;

2a) *third-country national* means any person who is not a Union citizen or a similar person (358/2007)

3) *carrier* means a natural or legal person professionally engaged in passenger transport by air, land, rail or sea;

4) *visa* means a permit allowing an alien to enter the country and stay there for a short period if the other conditions for entry are met;

5) *residence permit* means a permit allowing an alien to repeatedly enter and stay in the country for a purpose other than tourism or a similar short-term stay;

5a) *long-term resident's EU residence permit* means a status and residence permit defined in Council Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents, as amended by Directive 2011/51/EU, issued to a third-country national by a Member State of the European Union; (668/2013)

6) *residence permit for an employed person* means a residence permit issued to an alien for gainful employment following a two-step procedure where an Employment and Economic Development Office first makes a partial decision on the matter before the final decision by the Finnish Immigration Service; (501/2016)

6a) *other residence permit for an employed person* means a residence permit issued to an alien for gainful employment without a partial decision by an employment and economic development office; (1218/2013)

6b) *right to work* means an alien's right under this Act to gainful employment in Finland or on board a Finnish vessel under a residence permit, the right of residence under chapter 10, a visa or a visa-free regime, or on some other grounds provided in this Act; (1218/2013)

7) *residence permit for an entrepreneur* means a residence permit issued to an alien for engaging in business activities following a two-step procedure where a Centre for Economic Development, Transport and the Environment first makes a partial decision on the matter before the final decision by the Finnish Immigration Service; (121/2018)

- 8) *gainful employment* means working against payment in a contractual or public service employment relationship or in another employment relationship;
- 9) *entrepreneur* means a person who is in a managerial position and engages in business activities; (121/2018)
- 10) *Refugee Convention* means the Convention relating to the Status of Refugees (Finnish Treaty Series 77/1968);
- 11) *refugee* means an alien who meets the criteria laid down in Article 1 of the Refugee Convention;
- 12) *refugee status* means status granted to an alien recognised as a refugee;
- 12a) *subsidiary protection status* means a status granted to an alien eligible for subsidiary protection; (323/2009)
- 13) *international protection* means refugee status or subsidiary protection status; (332/2016)
- 14) *asylum* means a residence permit issued to a refugee under the asylum procedure;
- 15) *sponsor* means a person residing in Finland whose residence is the basis for applying for a residence permit on the basis of family ties for a family member residing abroad;
- 16) *Council Regulation on determining the State responsible for examining an asylum application* means Regulation (EU) No 604/2013 of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person; (501/2016)
- 17) *Schengen Convention* means the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders concluded in Schengen on 19 June 1990;

18) *Schengen acquis* means a set of rules integrated on 1 May 1999 under the Treaty of Amsterdam as part of the acquis of the European Union, which comprise the 1985 Schengen Agreement, the 1990 Schengen Convention, the accession agreements of the Member States and the decisions and declarations issued by the Schengen Executive Committee, and any subsequent statutes based on the acquis;

19) *Schengen State* means a State applying the Schengen acquis;

20) *Schengen area* means the area of Schengen States;

21) *border control authority* means the Border Guard or other authority with the right to carry out border checks referred to in Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders, hereinafter the *Schengen Borders Code*; (1214/2013)

22) *trafficking in human beings* means the trafficking and aggravated trafficking in human beings referred to in chapter 25, sections 3–3a of the Criminal Code (39/1889); (619/2006)

23) *victim of trafficking in human beings* means an alien who can be reasonably suspected of being a victim of trafficking in human beings; (631/2011)

24) *biometric identifier* means an electronic identifier of a person which consists of a facial or fingerprint image; (631/2011)

25) *technical component* means a chip in a residence permit card or in a residence card of a family member of a Union citizen, given as proof of the residence permit, in which biometric identifiers and other personal data are stored; (1338/2011)

26) *EU Blue Card* means a residence permit referred to in Council Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (*Highly Qualified Workers Directive*) granted by a European Union Member State to third-country nationals which entitles its holder to reside and work in the territory of a Member State; (1338/2011)

27) *highly qualified employment* means work referred to in the Highly Qualified Workers Directive that requires specific professional qualifications attested by evidence of higher education qualifications. (1338/2011)

Section 4

Relationship with other acts

(1) The provisions of the Administrative Procedure Act (434/2003) shall be observed in considering matters referred to in this Act unless otherwise separately provided by law. The provisions of the Administrative Judicial Procedure Act (808/2019) shall be observed in matters of review referred to in this Act unless otherwise separately provided by law. (850/2019)

(2) The provisions of the Police Act (872/2011) on police investigation apply to the work performed by the police to establish the conditions for aliens' entry into, stay in and removal from the country. (501/2016)

(3) The provisions of section 27 of the Border Guard Act apply to investigations carried out by the Border Guard under this Act. (581/2005)

(4) In addition, the provisions of the Territorial Surveillance Act (755/2000) apply to the entry into the country of foreign military officials.

(5) The Act on Electronic Services and Communication in the Public Sector (13/2003) applies to e-transactions. (332/2016)

Section 5

Respect for rights of aliens

In the application of this Act aliens' rights may not be restricted any more than necessary.

Section 6

Applying the Act to minors

(1) In any decisions taken under this Act that concern a child under eighteen years of age, special attention shall be paid to the best interest of the child and to circumstances related to the child's development and health.

(2) Before a decision is made concerning a child who is at least twelve years old, the child shall be heard unless such hearing is manifestly unnecessary. The child's views shall be taken into account in accordance with the child's age and maturity. A younger child may also be heard if the child is sufficiently mature to have his or her views taken into account.

(3) Matters concerning minors shall be processed with urgency.

Section 6a (549/2010)

Medical age assessment

(1) A medical age assessment may be carried out to establish the age of a sponsor or an alien applying for a residence permit if there are reasonable grounds for suspecting the reliability of the information the person has given on his or her age.

(2) The performance of an assessment requires that the person to be tested has given an informed consent in writing of his or her own volition. The written consent of a person who has custody of him or her or his or her other legal representative is also required.

(3) Anyone who refuses to undergo an assessment is treated as an adult if there are no reasonable grounds for refusal. A refusal to undergo an assessment may not as such constitute grounds for rejecting an application for international protection.

(4) Before obtaining consent, the applicant or sponsor and the person who has custody of the applicant or sponsor, or his or her other legal representative shall be given information on the importance of age assessment, the examination methods used, potential health effects, and the consequences of having and of refusing an assessment. The information shall be given in the native language of the applicant or sponsor and the person who has custody of the applicant or sponsor, or his or her other legal representative or in a language which he or she may reasonably be expected to understand.

Section 6b (549/2010)

Performance of a medical age assessment

(1) A medical age assessment to establish the age of a sponsor or an alien applying for a residence permit in Finland is carried out by the National Institute for Health and Welfare at the request of the Finnish Immigration Service. Two experts shall draw up a joint statement on the assessment. At least one of the experts shall be an employee of the National Institute for Health and Welfare. An expert may be an approved medical practitioner or an approved dentist with the necessary competence. (501/2016)

(2) Actions required for the assessment may also, at the request of the National Institute for Health and Welfare, be performed by central hospitals, municipal health centres or private healthcare units. Persons performing actions necessary for assessments shall be healthcare professionals. For the purpose of the assessment, an official of the Finnish Immigration Service shall establish the identity of the person to be examined. The person who has custody of the person to be examined or the examined person's other legal representative has the right to be present when the assessment is performed. (501/2016)

(3) Further provisions on the performance of assessments may be given by government decree.

Section 7

General administrative procedures

(1) The authorities deciding on a matter shall give the party concerned an estimate of the time required for issuing the decision.

(2) The authorities shall ensure that the matter is examined. Parties shall provide evidence of the grounds for their claims, and also, in other respects, cooperate in the examination of their matter. The authorities shall tell the party what further evidence needs to be presented in the matter. A request for evidence shall be specified and proportionate to the means available to the party, considering his or her circumstances.

(3) If the decision to be issued on the matter could have a significant effect on the decision in another matter pending at the same time, these matters shall be prepared jointly and decisions on them made concurrently, if possible, unless such joint consideration would cause detrimental delay.

Section 8

Appearing in person and using attorneys and counsels

(1) An administrative matter under this Act shall be filed in person unless otherwise provided hereafter. To examine the matter, a person staying in Finland may also be required to appear before the authorities for the hearing of his or her views. A person who fails to comply with the obligation to appear before the authorities for the hearing of his or her views may be ordered to be brought before the authorities. Provisions on the obligation of the police to provide executive assistance are laid down in the Police Act.

(2) When an administrative matter is filed and considered, a party may use a counsel. When an administrative matter is filed and considered, the party may also use an attorney when it is not necessary to hear him or her in person or if his or her appearance in person is not necessary for examining the matter or establishing his or her identity.

(3) When a matter of review under this Act is filed or considered, a party may use a counsel or attorney. An alien may be required to appear in court in person as provided in the Administrative Judicial Procedure Act. (850/2019)

(4) Separate provisions are issued on the competence of counsels and attorneys and their obligation of secrecy.

Section 9

Legal aid

(1) Provisions on aliens' right to legal aid are laid down in the Legal Aid Act (257/2002).

(2) Legal aid does not cover the presence of a counsel at an asylum interview referred to in section 97a unless this is necessary on very serious grounds. However, legal aid for applicants who are unaccompanied minors under the age of 18 covers the presence of a counsel at an asylum interview. (646/2016)

(3) When considering a matter referred to in this Act, a court may grant legal aid to an alien without requiring evidence on the financial position of the applicant for legal aid. The counsel's fee is paid out of State funds as provided in the Legal Aid Act.

Section 10

Using interpreters or translators

(1) Aliens have the right to use an interpreter when an administrative matter or a matter of review under this Act is being considered. The authorities shall ensure interpretation as provided in section 203. In addition, aliens may also use an interpreter or translator at their own expense in an administrative matter or a matter of review.

(2) A person whose relationship with a party or the matter is such as to compromise his or her credibility or the safety of the party shall not be used as an interpreter or translator procured by authorities.

(3) Separate provisions are issued on interpreters' obligation of secrecy.

Section 10a (332/2016)

Payment of fees for processing applications

(1) After a residence permit application or other application made under this Act has been filed, it is required that the fee for processing the application has been paid before the processing can be continued.

(2) The application lapses if the fee is not paid within a reasonable time.

Chapter 2

Entry into Finland

Section 11 (121/2018)

Conditions for entry

(1) Aliens may enter Finland if:

1) they hold a required valid travel document entitling them to cross the border;

2) they hold a required valid visa, residence permit or residence permit for an employed person or a residence permit for an entrepreneur, unless otherwise provided by European Union law or any international treaty binding on Finland;

3) they can, if required, produce documents which indicate the purpose and conditions of their intended stay, and they can prove that they have sufficient financial resources, both for the duration of their intended stay and for the return to their country of origin or transit to a third country to which they are certain to be admitted, or that they can acquire such resources lawfully;

4) an entry ban has not been imposed on them; and

5) they are not considered a danger to public order or security or public health or Finland's international relations.

(2) Provisions on the entry conditions for third-country nationals for intended stays on the territory of the Member States of a duration of no more than 90 days in any 180-day period are laid down in the Schengen Borders Code.

(3) Provisions on the entry conditions for a Union citizen, or a similar person, or a family member of either are laid down in chapter 10 when the entry is based on European Union provisions on free movement.

Section 12 (630/2015)

Provisions on border crossing

(1) Provisions on the border crossing at the external borders of the European Union are laid down in the Schengen Borders Code.

(2) Provisions on the crossing and surveillance of the national border, border crossing points and their opening hours, and on the division of border check duties between the Border Guard, Police and Customs at the border crossing points as well as on the national duties and powers required by the Schengen Borders Code are laid down in the Border Guard Act (578/2005).

Section 13 (1214/2013)

List of travel documents entitling the holder to cross the external borders

(1) Provisions on the list of travel documents which entitle the holder to cross the external borders of the European Union and on a mechanism for compiling this list are laid down in Decision No 1105/2011/EU of the European Parliament and of the Council on the list of travel documents which entitle the holder to cross the external borders and which may be endorsed with a visa and on setting up a mechanism for establishing this list.

(2) The Ministry for Foreign Affairs gives the notifications required by the Decision referred to in subsection 1 to the European Commission.

Section 14 (1214/2013)

Travel documents

(1) When entering and staying in Finland, aliens shall hold a travel document referred to in part I, II or III of the list of travel documents referred to in section 13 that Finland recognises.

(2) Upon request, aliens shall present a travel document referred to in subsection 1 to border control authorities or the police.

(3) An alien's travel document shall state the holder's name, date of birth, sex and citizenship, and the validity, issuer and place of issue of the travel document. In addition, the travel document shall include a photograph from which the holder of the travel document is easily recognisable.

(4) An alien's spouse and children under sixteen years of age travelling with the holder of the travel document may use the alien's travel document if their names and dates of birth are stated in the travel document and the travel document includes a photograph of the spouse and a photograph of each child over seven years of age.

(5) Unless a travel document states a specific area of validity, it is considered to be valid in Finland.

Section 15 (1214/2013)

Documents substituting for travel documents

For special reasons, border control authorities may, in individual cases, also accept as a temporary travel document an identity card or other similar document which does not meet the requirements laid down for travel documents in section 14.

Section 16 (1214/2013)

Section 16 was repealed by Act 1214/2013.

Chapter 3

Visas

Section 17 (266/2011)

Provisions applied in processing visa matters

Instead of the Administrative Procedure Act, Regulation (EC) No 810/2009 of the European Parliament and of the Council establishing a Community Code on Visas, hereinafter the *Visa Code*, applies to the following:

- 1) lodging of visa applications;
- 2) verification of the competence of diplomatic and consular missions;
- 3) admissibility of applications;
- 4) processing of applications;
- 5) discontinuation of the processing of applications;
- 6) transfer of applications to the relevant authorities of the represented Schengen State;
- 7) issue of visas;
- 8) refusal of visas;
- 9) extension of visas;

- 10) annulment of visas;
- 11) revocation of visas;
- 12) decision-making procedure;
- 13) justification for decisions;
- 14) content of decisions;
- 15) notification of decisions.

Section 18

Visa requirements and exemptions

(1) Union citizens and similar persons may enter and stay in Finland without a visa if they hold a travel document accepted in Finland.

(2) Provisions on States whose citizens are subject to a visa requirement and States whose citizens do not need a visa for entry into and short stay in the Schengen area are laid down by Council Regulation.

(3) Article 3 of the Visa Code lays down provisions on third-country nationals required to hold an airport transit visa. (266/2011)

(4) Provisions on visa-free travel for holders of a refugee travel document are laid down in the European Agreement on the Abolition of Visas for Refugees (Treaty Series of the Statute Book of Finland 36/1990).

Section 19

Visa requirement at the expiry of a visa-free stay

Aliens whose visa-free stay in the Schengen area has expired are required to obtain a visa or residence permit.

Sections 20–26

Sections 20–26 were repealed by Act 266/2011.

Section 27 (266/2011)

Recourse to honorary consuls

(1) The Ministry for Foreign Affairs may grant honorary consuls the authority referred to in Article 42 of the Visa Code to perform one or more of the tasks referred to in Article 43(6) of the Visa Code, if it is necessary for the purpose of ensuring the availability of services, expediency or another reason.

(2) Article 42 of the Visa Code lays down provisions on the requirements set out for honorary consuls performing tasks referred to in subsection 1.

Section 28 (266/2011)

External service providers

(1) In situations laid down in Article 40(3) of the Visa Code, the Ministry for Foreign Affairs may decide to entrust an external service provider to perform one or more of the visa-related tasks enumerated in Article 43(6). The decision of the Ministry for Foreign Affairs may apply to one or more diplomatic or consular missions.

(2) The agreement concluded with the external service provider shall include the requirements set out in Article 43 of the Visa Code and provisions on the validity period of the agreement and its termination.

Section 29 (266/2011)

Activities carried out by external service providers

(1) Article 17 of the Visa Code lays down provisions on the external service providers' right to charge a service fee to visa applicants.

(2) In their activities, external service providers follow the principles of good governance, and protect personal data against accidental or unlawful destruction, accidental loss or alteration, and unauthorised disclosure or access.

(3) The Ministry for Foreign Affairs and the relevant Finnish diplomatic or consular mission, hereinafter *the Finnish mission*, monitor the activities of external service providers in accordance with Article 43 of the Visa Code.

Section 30 (266/2011)

Competence to process visa applications, make decisions on them and extend visas

(1) Article 4(1) to (4) of the Visa Code lays down provisions on the Schengen State authorities that process visa applications and make decisions on them.

(2) Decisions on extending visas under Article 33 of the Visa Code are made by local police departments.

Section 31 (266/2011)

Competence to annul and revoke visas

(1) A visa is annulled and revoked under Article 34 of the Visa Code by a Finnish mission if the alien resides abroad.

(2) In connection with border checks, visas are annulled and revoked by border control authorities.

(3) If the alien resides in the territory of Finland, the visa is annulled and revoked by the Finnish Immigration Service, a local police department or a border control authority.

Section 32 (266/2011)

Section 32 was repealed by Act 266/2011.

Chapter 4

Residence

General provisions

Section 33 (668/2013)

Types of residence permits

(1) Residence permits are either fixed-term or permanent.

(2) Fixed-term residence permits are issued for a residence of temporary nature (*temporary residence permit*) or of continuous nature (*continuous residence permit*). Permit authorities decide on the purpose of residence, taking account of the information given by the alien on the purpose of his or her entry into the country.

(3) Permanent residence permits are valid until further notice. A long-term resident's EU residence permit is considered equal with a permanent residence permit as regards its period of validity.

Section 33a (631/2011)

Residence permit cards

(1) A residence permit card is issued to indicate the residence permit. Provisions on the format and properties of the residence permit card, its security features, the biometric identifiers stored in the technical component as well as their capture, restrictions and purpose of use, and the right of the holder to verify the personal particulars stored in the technical component are laid down in Council Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals (*EU Residence Permit Regulation*) and in Council Regulation (EC) No 380/2008 amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals (*Amendment Regulation*).

(2) A residence permit card is issued for the validity period of the residence permit. The residence permit card may be issued for a shorter period for special reasons. The validity period of the residence permit card may, however, not exceed five years.

(3) When a residence permit card is issued as applied for, the applicant is provided with no separate administrative decision or instructions for requesting a judicial review.

(4) A special identity card is issued to indicate a residence permit issued by the Ministry for Foreign Affairs under section 69(3).

Section 33b (631/2011)

Security of data in the technical component of residence permit cards

(1) The Finnish Immigration Service is responsible for ensuring that the data stored in the technical component of the residence permit card be protected against intrusion, unauthorised reading, alteration, access and other unauthorised processing as laid down in the EU Residence Permit Regulation and the provisions on its application.

(2) A certificate related to the verification of the authenticity and integrity of the data stored in the technical component of the residence permit card and the reading of fingerprints is issued by the authority or agency designated by the Finnish Immigration Service.

Section 34 (668/2013)

Residence permit card entries

(1) The nature of residence is indicated in the residence permit card with a letter. A continuous residence permit bears the letter A, a temporary residence permit the letter B, a permanent residence permit the letter P and a long-term resident's EU residence permit the letters P-EU.

(2) The Directive on the basis of which the residence permit has been issued is also indicated in the residence permit card.

Section 34a (668/2013)

Entries in a long-term resident's EU residence permit issued to refugees or beneficiaries of subsidiary protection

(1) The name of the EU Member State granting international protection and the date on which international protection was granted shall be entered in the long-term resident's EU residence permit issued to a refugee or beneficiary of subsidiary protection. If the refugee status or subsidiary protection status has been granted by an EU Member State other than Finland, the Member State shall be requested to confirm that the refugee status or subsidiary protection status is still valid before the entry is made.

(2) The entry referred to in subsection 1 is made at the request of another EU Member State if that Member State grants refugee status or subsidiary protection status to a third-country national after Finland has issued the person a long-term resident's EU residence permit. The entry is amended independently or at the request of another EU Member State if the responsibility for granting refugee status is transferred from one Member State to another on the basis of the

European Agreement on Transfer of Responsibility for Refugees (Finnish Treaty Series 46/1990) after Finland has issued a long-term resident's EU residence permit.

(3) When a long-term resident's EU residence permit is amended as referred to in subsection 2 after it has been issued, the permit shall be provided no later than three months after the responsibility for granting refugee status was transferred to Finland or a request from another EU Member State concerning the entry was received.

Section 34b (668/2013)

Request directed at another EU Member State concerning a residence permit entry

(1) Finland shall request the EU Member State that issued a long-term resident's EU residence permit to make the residence permit entry referred to in section 34a(1) if Finland grants refugee status or subsidiary protection status to the residence permit holder before it has issued the person with a long-term resident's EU residence permit.

(2) Finland shall request the EU Member State that issued a long-term resident's EU residence permit to amend the residence permit entry referred to in section 34a(1) if the responsibility for granting refugee status to the residence permit holder is transferred to Finland on the basis of the European Agreement on Transfer of Responsibility for Refugees, before Finland has issued the person a long-term resident's EU residence permit.

Section 34c (668/2013)

Responding to confirmation requests regarding entries in residence permits

A request from an EU Member State regarding an entry in a long-term resident's EU residence permit concerning confirmation of the validity of refugee status or subsidiary protection status shall be answered no later than one month after receipt of the request.

Section 35 (332/2016)

Requirement for valid travel document

Issuing a residence permit requires that the alien has a valid travel document. However, a residence permit may be issued despite the absence of a valid travel document if the permit is issued under section 51, 52, 52a, 52d, 52e, 87, 88, 89 or 110.

Section 36 (668/2013)

General requirements for issuing residence permits

(1) A residence permit may be refused if the alien is considered a danger to public order or security or public health or to Finland's international relations, or the person's entry into or transit through the country must be prevented in accordance with an obligation under international law binding on Finland or a Council Decision adopted under the Treaty on European Union.

Endangering public health does not, however, prevent the issue of an extended permit if the requirements for issuing a permit are otherwise met. Endangering international relations does not, however, prevent the issue of a residence permit on the basis of family ties or issue of a residence permit to an alien if he or she has been issued with a long-term resident's EU residence permit by an EU Member State. (689/2015)

(2) A residence permit may be refused if there are reasonable grounds to suspect that the alien intends to evade the provisions on entry into or residence in the country.

(3) A residence permit on the basis of family ties may be refused if there are reasonable grounds to suspect that the sponsor has received a residence permit by circumventing the provisions on entry or residence by providing false information on his or her identity or family relations.

Section 37

Family members

(1) In the application of this Act, the spouse of a person residing in Finland, and unmarried children under 18 years of age of whom the person residing in Finland or his or her spouse has custody are considered family members. If the person residing in Finland is a minor, the person who has custody of him or her is considered a family member. A person of the same sex is also considered a family member if the partnership has been registered nationally. (380/2006)

(2) Persons living in a marriage-like relationship in the same household on a permanent basis are considered to be a married couple regardless of their sex. It is required that they have lived together for at least two years. This is not required if the persons have a child in their joint custody or if there are other serious reasons.

(3) An unmarried child under 18 years who is under actual care of the person who has a custody of him or her and is in need of such care on the date a decision is made on the residence permit application, but no official statement is available on the dependency status (a *foster child*), is considered a child under subsection 1. Treatment as a child under subsection 1 also requires reliable evidence that the persons who previously had custody of the child have died or are missing and that the sponsor or his or her spouse was the person who had actual custody of the child before the sponsor entered Finland. If the sponsor is a foster child residing in Finland, treatment as a child under subsection 1 requires reliable information which shows that the person concerned was the person who had actual custody of the sponsor before the sponsor entered Finland. (549/2010)

Section 38 (549/2010)

Requirement for a child to be a minor

(1) Issuing a residence permit on the basis of family ties to an unmarried minor child requires that the child is a minor on the date when the child's residence permit application is decided. Issuing a residence permit to a family member of a minor sponsor requires that the sponsor is a minor on the date when the sponsor's residence permit application is decided. A further requirement for the issue of a residence permit is that the sponsor had a residence permit on the date the matter was initiated.

(2) However, a residence permit may not be refused on the basis of subsection 1 if the processing of the application has been significantly delayed on grounds beyond the control of the applicant or sponsor and the applicant or sponsor have contributed to getting the matter resolved.

(3) Notwithstanding the provisions of subsection 1 on the requirements for issuing a residence permit to a family member of a minor sponsor, issuing a residence permit to a family member of an unaccompanied minor sponsor who is a beneficiary of international protection requires that the sponsor was a minor on the date when he or she lodged the application for international protection. A further requirement for the issue of the residence permit is that the residence permit on the basis of family ties is submitted within three months of the date on which the sponsor was served the decision that he or she has been granted international protection. In individual cases, derogations may be made from the time limit if there are exceptionally serious grounds for such a derogation. (437/2019)

Section 39

Requirement for sufficient financial resources when issuing a residence permit

(1) Issuing a residence permit requires that the alien has sufficient financial resources unless otherwise provided in this Act. In individual cases, a derogation may be made from the requirement if there are exceptionally serious grounds for such a derogation or if the derogation is in the best interest of the child. The requirement for sufficient financial resources does not apply if a residence permit is issued under chapter 6, unless otherwise provided in section 114(4).

(505/2016)

(2) When an alien's first residence permit is issued, the alien's financial resources are considered sufficient if the alien's residence is financed through gainful employment, pursuit of a trade, pensions, property or income from other sources considered normal so that the alien cannot be expected to become dependent on social assistance referred to in the Act on Social Assistance (1412/1997) or on other similar benefit to secure his or her financial resources. Social security benefits compensating for expenses are not regarded as such a benefit.

(3) When issuing extended permits, the alien's financial resources shall be sufficient as provided in subsection 2, provided, however, that temporary resort to social assistance or other similar benefit securing the alien's financial resource does not prevent the issue of the permit.

(4) The applicant shall submit to the authorities a statement on how his or her financial resource will be secured in Finland.

Residence, movement and transit

Section 40

Right of residence

(1) Under this Act, legal residence means:

1) residence under a residence permit issued by Finnish authorities;

2) residence without a residence permit for a maximum of three months if the alien comes from a State whose citizens do not need a residence permit;

3) residence without a visa for a maximum of three months within a period of six months following entry into the Schengen area if the alien comes from a State whose citizens do not need visas;

4) residence under a Schengen visa for a maximum of three months within a period of six months following entry into the country;

5) residence under a national visa of a Schengen State for a maximum of three months from the first day of the validity of the visa; (449/2012)

6) residence for a maximum of three months under a residence permit issued by a Schengen State; and (449/2012)

7) residence of a victim of trafficking in human beings or of a third-country national who has resided and worked in the country illegally as referred to in section 52d, during the reflection period referred to in section 52b. (449/2012)

(2) Provisions on the right of residence of Union citizens and similar persons are laid down in chapter 10.

(3) An alien may reside legally in the country while his or her application is being processed until there is a final decision on the matter or an enforceable decision on his or her removal from the country.

Section 41

Freedom of movement

An alien residing legally in the country has the right to move freely in the country and choose his or her place of residence.

Section 42

Right of transit

(1) Aliens may transit through Finland to another Schengen State if they hold a residence permit, national visa or re-entry visa issued by this other State.

(2) Aliens may transit through Finland to a third country if they hold a residence permit, visa or transit visa issued by a Schengen State.

(3) The use of the right of transit requires that an entry ban has not been imposed on the aliens in Finland or that they are not considered a danger to public order and security or public health.

Section 43

Cruise participants going ashore

(1) A cruise refers to a sea journey during which the vessel, which is not in scheduled service traffic, calls at two foreign ports at least in addition to a Finnish port. The cruise vessel may not take or leave passengers while in Finland.

(2) Persons participating in a cruise on board a passenger ship registered for passenger traffic may go ashore without a travel document or visa when the ship is in Finland. Border control authorities shall be given a list of passengers confirmed by the master of the ship before going ashore. Cruise participants shall return to the ship before it proceeds to another port of call.

Section 44

Ship, aircraft and train crews

(1) Seamen holding a seaman's identity document referred to in the Convention concerning Seafarers' National Identity Documents (Treaty Series of the Statute Book of Finland 64/1970) have the right to go ashore at the place where the port is located without a travel document or visa during the time the ship on which they are serving usually remains in port. Seamen shall return to the ship before it proceeds to another port of call.

(2) Members of the crew of an aircraft have the right to enter and leave the country in conjunction with a flight that is part of their normal engagement without a travel document or visa if they hold an identity document with a photograph issued by the aviation authorities of the home country as referred to in Annex 9 of the Convention on International Civil Aviation (Treaty Series of the Statute Book of Finland 11/1949). Members of the crew of an aircraft shall leave the country on the next scheduled flight under their engagement.

(3) Railway employees engaged in railway shipments may travel to a cross-border handover point on the train and stay at the cross-border handover point if they produce an identity document with a photograph as separately agreed in the agreement on railway transit traffic between Finland and Russia (Treaty Series of the Statute Book of Finland 48/1997).

(4) Seamen or members of an aircraft or train crew who have been prohibited from entering the country or are considered a danger to public order and security or public health do not have the right to enter or reside in the country specified in subsections 1 to 3.

Requirements for issuing fixed-term residence permits

Section 45 (720/2018)

Issue of temporary residence permits to persons residing abroad

(1) Temporary residence permits are issued to persons residing abroad for:

- 1) working on a temporary basis;
- 2) engaging in business activities on a temporary basis; or
- 3) other special reasons.

(2) A residence permit for an employed person or other residence permit is issued for working on a temporary basis. A residence permit for an entrepreneur is issued for engaging in business activities on a temporary basis. Further provisions on issuing a residence permit for an employed person and a residence permit for an entrepreneur are laid down in chapter 5.

(3) Family members of an alien who has been issued with a temporary residence permit are issued with a temporary residence permit for the same period.

Section 46 (720/2018)

Issue of residence permits for au pairing

An alien who is between the age of 17 and 30 at the time of submission of the application is issued with a temporary residence permit specified in section 45(1)(3) on the basis of au pairing for a maximum of one year if he or she:

- 1) has not previously worked as an au pair;
- 2) has basic knowledge of Finnish or Swedish and Finnish culture;
- 3) is not a close relative of a member of the host family;
- 4) has health and accident insurance throughout the stay;
- 5) presents a certificate of the state of health dated no more than three months previously which proves that he or she does not have a communicable disease that would prevent au pairing in the host family;
- 6) has concluded a written agreement with the host family which specifies:
 - a) his or her living arrangements in the host family and rights and obligations as an au pair, including subsistence costs and possible benefits;
 - b) his or her duties and the distribution of the 25-hour maximum period of weekly working time for these duties;
 - c) his or her free time and days off;
 - d) the courses that he or she will attend.

Section 47 (720/2018)

Issue of continuous residence permits to persons residing abroad

(1) A continuous residence permit is issued to a person residing abroad:

1) if he or she has been a Finnish citizen and has not lost his or her Finnish citizenship under section 33a of the Nationality Act (359/2003), or if at least one of his or her parents or grandparents is or has been a Finnish citizen by birth; (565/2019)

2) for employment of continuous nature; or

3) for engaging in business activities of continuous nature.

(2) A residence permit for an employed person or other residence permit is issued for continuous employment. A residence permit for an entrepreneur is issued for engaging in business activities of continuous nature. Further provisions on issuing a residence permit for an employed person and a residence permit for an entrepreneur are laid down in chapter 5.

(3) When an alien has been issued with a continuous or permanent residence permit, his or her family members are issued with a continuous residence permit. When an alien has been issued with a residence card referred to in chapter 10 as a family member of a Union citizen and he or she has retained his or her right of residence on personal grounds under section 161d or 161e, his or her family members are issued with a continuous residence permit.

(4) Issuing a continuous residence permit under subsection 1(1) is not conditional on the alien or his or her family members having sufficient financial resources.

(5) If an alien has been issued with a continuous or permanent residence permit on the basis of family ties, and the family tie that was the basis for issuing the permit is broken, a member of his or her family residing abroad may be issued with a continuous residence permit, provided that the family member has sufficient financial resources. When making the decision, however, account shall be taken of the possibility of the person already living legally in Finland to return to his or her home country or another country to live with his or her family there, if all his or her family ties can be considered to lie there.

Sections 47a–47f

Sections 47a–47f were repealed by Act 720/2018.

Section 47g (121/2018)

High-growth startup entrepreneur

A high-growth startup entrepreneur is an alien who intends to hold a responsible position on a full-time basis in such a company registered or to be registered in Finland whose business model and competence among the staff fulfil the requirements set out by the Innovation Funding Agency Business Finland for funding granted to innovative fast-growing startups.

Section 47h (121/2018)

Residence permit for a high-growth startup entrepreneur

(1) An alien is issued with a continuous residence permit if the Innovation Funding Agency Business Finland has given a favourable opinion on the work as a high-growth startup entrepreneur. A further requirement for the issue of the residence permit is that the alien meets the other requirements for issuing a residence permit laid down in this chapter.

(2) The residence permit application shall include the opinion of the Innovation Funding Agency Business Finland which was issued no more than two months before the residence permit application was filed.

(3) A continuous residence permit is issued to a high-growth startup entrepreneur and his or her family member upon application filed in Finland or abroad.

Section 48 (57/2011)

Issue of residence permits to persons coming from the former Soviet Union

(1) In addition to what is otherwise provided in this Act, a person from the former Soviet Union is issued with a continuous residence permit:

1) if the applicant was among those evacuated from Ingria to Finland between 1943 and 1944 and returned to the Soviet Union after the war; or

2) if the applicant served in the Finnish army during the period 1939–1945.

(2) Issuing a residence permit requires that the applicant has access to accommodation in Finland.

(3) Residence permits are also issued to family members of a person referred to in subsection 1 and to children in his or her custody who have not reached the age of eighteen before the applicant is issued with a residence permit on the grounds specified in subsection 1.

(4) Issuing a residence permit referred to in this section is not conditional on the applicant or his or her family members having sufficient financial resources.

Section 49

Issue of first fixed-term residence permits to aliens who have entered the country without residence permits

(1) An alien who has entered the country without a residence permit is issued with a temporary or continuous residence permit in Finland if the requirements for issuing such a residence permit abroad are met, and if:

1) the alien has been a Finnish citizen or at least one of his or her parents or grandparents is or has been a Finnish citizen by birth;

2) the alien has already, before entering Finland, lived together for at least two years with his or her spouse who lives in Finland, or has lived together on a permanent basis for at least two years in the same household in a marriage-like relationship with a person who lives in Finland;

3) refusing a residence permit for an employed person or a residence permit for an entrepreneur applied for in Finland would be unfounded from the alien's or employer's point of view; (121/2018)

Paragraph 4 was repealed by Act 720/2018.

4a) the alien holds an EU Blue Card and has, before entering Finland, resided in another Member State for at least 18 months for the purposes of highly qualified employment and applies for an EU Blue Card in Finland, filing the application no later than one month after entry to the country, or is a family member of such a person and the family was formed before entry into Finland; or (1338/2011)

5) refusing a residence permit would be manifestly unreasonable. (1338/2011)

(516/2008)

(2) A temporary or continuous residence permit is issued on the same grounds as an equivalent permit applied for abroad.

(3) Correspondingly, the provision in subsection 1(2) applies to registered partnerships of the same sex and to marriage-like relationships of two persons of the same sex living together in the same household on a permanent basis.

Section 49a (121/2018)

Issue of residence permits to third-country nationals who have been issued with a long-term resident's EU residence permit by another Member State of the European Union, and to their family members

(1) A third-country national who has been issued with a long-term resident's EU residence permit by another EU Member State is issued with a fixed term residence permit applied for in Finland or abroad:

- 1) for exercising an economic activity in an employed or self-employed capacity;
- 2) for pursuing studies or vocational training; or
- 3) for other purposes.

(2) A residence permit is issued as a temporary or continuous permit, taking the nature of the intended stay into account.

(3) A residence permit for an employed person or other residence permit is issued for the purpose of employment. A residence permit for an entrepreneur is issued for the purpose of engaging in business activities. Further provisions on issuing a residence permit for an employed person and a residence permit for an entrepreneur are laid down in chapter 5.

(4) When a third-country national with a long-term resident's EU residence permit issued by another EU Member State is issued with a temporary or continuous residence permit, the family

members are also issued with a temporary or continuous residence permit for the same period of time upon application filed in Finland or abroad.

Section 50 (360/2007)

Issue of residence permits to family members of Finnish citizens

(1) Family members of a Finnish citizen living in Finland and minor unmarried children of the family members are issued with a continuous residence permit on the basis of family ties upon application filed in Finland or abroad.

(2) Relatives other than family members of a Finnish citizen living in Finland are issued with a continuous residence permit if refusing a residence permit would be unreasonable because the persons concerned intend to resume their close family life in Finland or because the relative is fully dependent on the Finnish citizen living in Finland. Such other relatives must remain abroad while the application is processed.

(3) If a Finnish citizen has used the right of movement laid down in Directive 2004/38/EC of the European Parliament and of the Council on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (*Free Movement Directive*), by moving to another Member State or by residing in another Member State and the family member has accompanied or joined him or her, the provisions of chapter 10 apply to the entry and residence of the family member.

(4) Issuing a residence permit referred to in this section is not conditional on the alien having sufficient financial resources.

Section 50a (360/2007)

Issue of residence permits to family members of Union citizens residing in Finland

(1) A family member of a Union citizen or a similar person who is living in Finland and has registered his or her residence, or the family member's minor children whose right of residence cannot be registered or approved under chapter 10 are issued with a continuous residence permit

on the basis of family ties. The residence permit is issued upon application filed in Finland or abroad.

(2) Issuing a residence permit referred to in this section to a family member of a Nordic citizen or to his or her minor child is not conditional on the alien having sufficient financial resources.

Section 51 (674/2015)

Issue of residence permits in cases of obstacles to leaving the country

(1) Aliens residing in Finland are issued with a temporary residence permit if:

1) they cannot be returned to their home country or country of permanent residence for temporary reasons of health; or

2) their return to their home country or country of permanent residence is not actually possible.

(2) A residence permit is not issued on the basis of subsection 1(2) if the alien's return is not being accomplished because he or she does not agree to return to his or her home country or country of permanent residence or is hindering the arrangements for this return.

(3) Issuing the residence permit is not conditional on the alien having sufficient financial resources.

(4) If aliens are issued with a residence permit under subsection 1, their family members residing abroad are not issued with a residence permit on the basis of family ties.

Section 52

Issue of residence permits on a discretionary basis on humanitarian grounds

(1) Aliens residing in Finland are issued with a continuous residence permit if refusing a residence permit would be manifestly unreasonable with regard to their health, ties to Finland or on a discretionary basis on other humanitarian grounds, particularly in consideration of the circumstances they would face in their home country or of their vulnerable position.

(2) Issuing the residence permit is not conditional on the alien having sufficient financial resources.

(3) If aliens are issued with a residence permit under subsection 1, their family members are issued with a residence permit under section 47(3).

(4) If unaccompanied minor children who have entered Finland are issued with a residence permit under subsection 1, their minor siblings residing abroad are issued with a continuous residence permit. Issuing a residence permit requires that the children and their siblings have lived together and that their parents are no longer alive or the parents' whereabouts are unknown. A further requirement for the issue of a residence permit is that issuing the permit is in the best interest of the children. Issuing the residence permit is not conditional on the alien having sufficient financial resources.

Section 52a (619/2006)

Issue of a residence permit for a victim of trafficking in human beings

(1) A victim of trafficking in human beings staying in Finland is issued with a temporary residence permit if:

1) the residence of the victim of trafficking in human beings in Finland is justified on account of a criminal investigation or court proceedings concerning trafficking in human beings;

2) the victim of trafficking in human beings is prepared to cooperate with the authorities in apprehending those suspected of trafficking in human beings; and

3) the victim of trafficking in human beings no longer has any ties with those suspected of trafficking in human beings.

(2) If the victim of trafficking in human beings is in a particularly vulnerable position, the residence permit may be issued on a continuous basis regardless of whether the requirements laid down in subsection 1(1–2) are met.

(3) Issuing the residence permit is not conditional on the alien having sufficient financial resources.

(4) If a victim of trafficking in human beings is issued with a temporary residence permit, his or her family members residing abroad are not issued with a residence permit on the basis of family

ties. If he or she is issued with a continuous residence permit, family members are issued with a residence permit under section 47(3).

Section 52b (389/2015)

Reflection period for victims of trafficking in human beings who are in the country without right of residence

- (1) Before issuing a residence permit laid down in section 52a, a reflection period of at least thirty days and a maximum of six months may be granted to a victim of trafficking in human beings.
- (2) The reflection period may be continued if the victim's personal circumstances so require. The total duration of the reflection period may be no more than six months altogether.
- (3) During the reflection period, a victim of trafficking in human beings must decide whether he or she will cooperate with the authorities as referred to in section 52a(1)(2).
- (4) The reflection period may be suspended if the victim of trafficking in human beings has voluntarily and on his or her own initiative re-established relations with those suspected of trafficking in human beings or if the suspension is necessary on the grounds specified in section 36(1).

Section 52c (389/2015)

Deciding on the reflection period

- (1) The police or a border control authority decides on granting, continuing and suspending the reflection period.
- (2) The Joutseno reception centre that maintains the assistance system referred to in the Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings (746/2011) may decide on granting, continuing and suspending a reflection period if a victim of trafficking in human beings is admitted into the assistance system before the police or the border control authority have made a decision on the matter. The reception centre notifies the police of its reflection period decisions without delay.

(3) The victim of trafficking in human beings is notified of the reflection period and its continuation and suspension in writing. The notification shall give the purpose, start date and duration of the reflection period, make clear that the reflection period may be suspended, and give the grounds for suspending the reflection period.

Section 52d (449/2012)

Issue of a residence permit to a third-country national who has resided and worked in the country illegally

(1) A third-country national who is in Finland and has worked illegally is issued a temporary residence permit if he or she was residing in the country illegally during the period of work, and:

1) was a minor while working, or his or her work was performed under working conditions that indicate specific exploitation;

2) his or her residence in Finland is justified on account of a criminal investigation or court proceedings;

3) he or she is ready to cooperate with the authorities in apprehending suspected employers; and

4) he or she no longer has ties with any suspects in the crime.

(2) Issuing the residence permit is not conditional on the alien having sufficient financial resources.

(3) Family members of a person referred to in subsection 1 who are residing abroad are not issued a residence permit on the basis of family ties.

(4) The provisions of section 52b apply to the reflection period granted to a person referred to in subsection 1, and the provisions of section 52c apply to deciding on the reflection period.

Section 52e (90/2015)

Issue of residence permits to aliens in witness protection programmes

(1) An alien who is in a witness protection programme specified in the Witness Protection Programme Act (88/2015) is issued with a continuous residence permit. (501/2016)

(2) Issuing the residence permit is not conditional on the alien having sufficient financial resources. Only if there are compelling reasons related to public security may a residence permit not be issued.

(3) If a person in a witness protection programme is a Union citizen or a similar person, the provisions of chapter 10 apply.

Section 53 (720/2018)

Validity of first fixed-term residence permits

(1) Unless otherwise provided in this section, first fixed-term residence permits are issued for one year, however for no longer than the validity period for the travel document, unless requested for a shorter period.

(2) If a residence permit is issued on the basis of family ties, the validity period for the residence permit may not, however, exceed the validity period for the family member's residence permit which was the basis for issuing the residence permit.

(3) A residence permit may be issued for a period longer or shorter than one year if it is issued for carrying out a legal act or an assignment that will be completed within a set period. However, the duration of a fixed-term residence permit may not exceed two years.

(4) An alien who has been a Finnish citizen, or who has at least one parent or grandparent who is or has been a Finnish citizen by birth, is issued with a fixed-term residence permit for four years, unless requested for a shorter period.

(5) A member of the staff of a diplomatic or consular mission of a foreign State and his or her family member may be issued with a residence permit for the duration of the entire announced term of office.

(6) A residence permit for a victim of trafficking in human beings or for a third-country national who has resided and worked in the country illegally as referred to in section 52d is issued for a minimum of six months and a maximum of one year.

(7) A residence permit on the basis of refugee status or subsidiary protection is issued for four years.

(8) The EU Blue Card is issued for two years. If the term of employment is shorter than this, the EU Blue Card is issued for the term of employment plus a further three months. A family member of an EU Blue Card holder is issued with a residence permit for the corresponding period.
(1338/2011)

(9) A fixed-term residence permit for four years is issued to aliens who are in a witness protection programme specified in the Witness Protection Programme Act, and to aliens who are admitted to Finland on the basis of a government decision made under section 93 of this Act and for whom it is decided that a continuous residence permit will be issued under section 113(1).

(10) A first fixed-term residence permit may be issued for two years if it is granted under section 47h or 77(1)(1). A residence permit may also be issued for two years if it is granted to a family member of an alien referred to in these sections.

Requirements for issuing extended permits or permanent residence permits

Section 54 (121/2018)

Issue of extended permits

(1) A new fixed-term residence permit is issued if the requirements under which the alien was issued with his or her previous fixed-term residence permit are still met.

(2) If an alien has been issued with a residence permit on the basis of international protection, a new fixed-term residence permit is issued, unless it is likely on the basis of facts that have emerged that the requirements under which the alien was issued with the previous fixed-term residence permit are no longer met.

(3) An alien who has been issued with a temporary residence permit for employment or engaging in business activities under section 45(1) is issued with a continuous residence permit after two years of continuous residence in the country, if the requirements for issuing the permit are still met.

Subsection 4 was repealed by Act 720/2018.

(5) An alien who has been issued with a temporary residence permit under section 51 because he or she cannot be removed from the country, a victim of trafficking in human beings who has been issued with a temporary residence permit, and a third-country national who has resided and worked in the country illegally as referred to in section 52d and been issued with a temporary residence permit, is issued with a continuous residence permit after a continuous residence of two years in the country if the circumstances on the basis of which the alien was issued with the previous fixed-term permit are still valid.

(6) The period of validity of a temporary residence permit issued to a third-country national referred to in section 52d is extended until he or she has received the recovered amount of pay due to him or her.

(7) A new fixed-term residence permit is issued on new grounds if such grounds would qualify the alien for the first residence permit. An alien who has been issued with a temporary or continuous residence permit on the basis of family ties may, after these family ties are broken, be issued with a residence permit on the basis of close ties to Finland or on the grounds that his or her personal circumstances are particularly difficult, because his or her spouse committed or endorsed acts of violence or abuse against him or her or his or her child while their family ties were still in force, and it would be unreasonable to refuse the permit under the circumstances.

Section 54a (121/2018)

Extended permit for a high-growth startup entrepreneur

(1) An alien who has been issued with a residence permit for a high-growth startup entrepreneur referred to in section 47h is issued with a new fixed-term residence permit for the purpose of continuing the same or similar business activities, if these activities meet the requirements for profitable business, or if the business model of the company still fulfils the requirements set out by the Innovation Funding Agency Business Finland for funding granted to innovative fast-growing startups.

(2) The Finnish Immigration Service may request the Innovation Funding Agency Business Finland to give an opinion on whether the requirements referred to in subsection 1 are fulfilled.

Section 55 (720/2018)

Duration of extended permits

(1) A new fixed-term residence permit is issued for a maximum of four years.

(2) The provisions of section 53 on the duration of the first fixed-term residence permit apply to the cases referred to in section 54(3) and 54(5) if the temporary grounds for a residence permit become permanent.

(3) If a residence permit is issued on the basis of family ties, the validity period for the fixed-term residence permit may not, however, exceed the validity period of the sponsor's fixed-term residence permit used as the basis for issuing the residence permit.

(4) The EU Blue Card is issued for two years. If the term of employment is shorter than this, the EU Blue Card is issued for the term of employment plus a further three months. A family member of an EU Blue Card holder is issued with a residence permit for the corresponding period.

Section 56 (380/2006)

Issue of permanent residence permits

(1) A permanent residence permit is issued to aliens who, after being issued with a continuous residence permit, have resided legally in the country for a continuous period of four years if the requirements for issuing an alien with a continuous residence permit are still met and there are no obstacles to issuing a permanent resident permit under this Act. Residence is considered continuous if an alien has resided in Finland for at least half the validity period of the residence permit. Absence resulting from ordinary holiday or other travel or work at a work site abroad on secondment by a Finnish employer is not considered an interruption of continuous residence.

(2) An alien who has been issued with a fixed-term residence permit on the basis of family ties may be issued with a permanent residence permit even though the sponsor does not meet the requirements for the issuing of a permanent residence permit.

(3) The period of four years is calculated from the date of entry into the country if the alien held a residence permit for continuous residence upon entry. If the residence permit was applied for in

Finland, the period of four years is calculated from the first day of the fixed-term residence permit issued for the first continuous residence in the country.

(4) If a person has been issued with a residence permit on the basis of refugee status or subsidiary protection, the period of four years is calculated from the date of entry into the country. (332/2016)

Section 56a (668/2013)

Issue of long-term residents' EU residence permits

(1) A long-term resident's EU residence permit is issued to a third-country national who, after being issued with a continuous residence permit, has resided legally in the country for a continuous period of five years immediately before submitting a residence permit application, if the requirements for issuing a continuous residence permit are still met and there are no obstacles to issuing a long-term resident's EU residence permit under this Act.

(2) Periods of residence outside Finland of less than six consecutive months do not interrupt continuous residence if the periods of absence do not cumulatively exceed ten months. For special reasons residence may be considered continuous notwithstanding periods of absence that exceed those specified above, which, however, are not included in the total period of residence. If an applicant for a long-term resident's EU residence permit is an EU Blue Card holder, periods of residence outside the European Union of less than twelve consecutive months do not interrupt continuous residence if the periods of absence do not cumulatively exceed eighteen months.

(3) The period of five years is calculated from the first day of the fixed-term residence permit issued for the first continuous residence in the country or the date of entry, if the third-country national had a continuous residence permit when he or she entered the country. In the case of refugees and beneficiaries of subsidiary protection, the fixed term is calculated from the date of filing of the application for international protection. When calculating the continuous residence of five years, legal residence in another EU Member State is also taken into account if the third-country national is an EU Blue Card holder who, immediately before filing the residence permit application, resided legally in the country on a continuous basis for two years.

(4) Beneficiaries of humanitarian protection are not issued with a long-term resident's EU residence permit.

Section 57 (668/2013)

Obstacles to issuing permanent residence permits and long-term residents' EU residence permits

(1) A permanent residence permit and a long-term resident's EU residence permit may be refused if the alien:

1) is found guilty of an offence punishable by imprisonment:

2) is suspected of an offence punishable by imprisonment;

3) is found guilty of two or more offences; or

4) is suspected of two or more offences.

(2) The sentence passed for an offence need not be final. When the obstacles to issuing a residence permit are being considered, the nature and seriousness of the criminal act, the length of the alien's residence in Finland and his or her ties to Finland shall be taken into account.

(3) If an alien has been sentenced to unconditional imprisonment, a permanent residence permit may be issued if, on the date of decision on the application, three years have passed since the alien served his or her sentence in full. If the alien has been sentenced to conditional imprisonment, a permanent residence permit may be issued if more than two years have passed since the probationary period ended. In other cases, a permanent residence permit may be issued if the offence was committed more than two years before the date of decision on the application.

(4) A long-term resident's EU residence permit is not issued on the grounds of residence that is based on refugee status or subsidiary protection status if the status has been revoked under section 108(1).

Withdrawal and expiry of residence permits

Section 58 (668/2013)

Withdrawal of residence permits

(1) A fixed-term or permanent residence permit is withdrawn if the alien has moved out of the country permanently or has continuously resided outside Finland for two years for permanent purposes.

(2) A long-term resident's EU residence permit is withdrawn if the alien has resided outside the territory of the European Union for two consecutive years or outside Finland for six consecutive years.

(3) In the case referred to in subsection 1 or 2, an alien may, before the expiry of the periods specified above, file an application to prevent the withdrawal of his or her residence permit. If the application is granted, the decision shall state the period during which the residence permit is not withdrawn. The application may be granted if the alien has resided outside Finland or the Community for special or exceptional reasons.

(4) A fixed-term or permanent residence permit or a long-term resident's EU residence permit may be withdrawn if false information on the alien's identity or other matters relevant to the decision was knowingly given when the permit was applied for, or if information that might have prevented the issue of the residence permit was concealed. A long-term resident's EU residence permit may also be withdrawn if the grounds for its issue were residence based on refugee status or subsidiary protection status and if the status has been revoked under section 108(1).

(5) A fixed-term residence permit may be withdrawn if the grounds on which the permit was issued no longer exist.

(6) A fixed-term or permanent residence permit or a long-term resident's EU residence permit may be withdrawn if a Schengen State asks Finland to withdraw a residence permit issued to an alien by Finland on the grounds that the alien is the subject of an entry ban imposed by another Schengen State and ordered to be removed from the Schengen area on the grounds referred to in section 149(1)(2–3).

Section 58a (720/2018)

Section 58a was repealed by Act 720/2018.

Section 58b (1338/2011)

Withdrawal of EU Blue Cards

The provisions of section 58 on withdrawing residence permits also apply to withdrawal of EU Blue Cards. An EU Blue Card is also withdrawn if the card holder has been continuously unemployed for more than three months.

Section 59 (668/2013)

Expiry of residence permits

(1) A residence permit expires when an alien is deported from the country or acquires Finnish citizenship. In addition, a long-term resident's EU residence permit expires if another EU Member State issues him or her with a long-term resident's EU residence permit.

(2) An entry on the expiry is made in the Register of Aliens.

Permit procedure and competent authorities

Section 60 (121/2018)

Applications for residence permits

(1) A first residence permit shall be applied for in the country where the alien resides legally before entering Finland. A first residence permit may, however, be applied for in Finland under sections 47h, 49, 49a, 50, 50a, 51, 52, 52a and 52d.

(2) An extended permit, permanent residence permit and long-term resident's EU residence permit shall be applied for in Finland.

(3) In Finland, the application is filed with the Finnish Immigration Service. An application for a first residence permit is submitted abroad to a Finnish mission or to a mission of another Schengen State or to an external service provider.

(4) If the permit is issued by the Ministry for Foreign Affairs, the application for the permit may be filed with the Ministry after the applicant has already entered the country.

(5) Further provisions on the application procedure for residence permits may be given by government decree.

Section 60a (668/2013)

Application for a residence permit of a third-country national who has been issued with a long-term resident's EU residence permit in another EU Member State and of his or her family members, and processing the applications

(1) A residence permit for a third-country national who has been issued with a long-term resident's EU residence permit in another EU Member State and for his or her family members shall be applied for as soon as possible and no later than three months after the entry into the country. An application may also be filed before the entry into the country in the Member State that issued the residence permit referred to above.

(2) A decision on an application for a residence permit shall be made no later than four months after the filing of the application. The time for processing an application may be extended by up to three months, if all the necessary documents are not submitted with the application or for other special reasons.

Section 60b (668/2013)

Processing a long-term resident's EU residence permit

A decision on an application for a long-term resident's EU residence permit shall be served on the applicant no later than six months after the filing of the application. The period may be extended if the processing of the matter has run into exceptional difficulties.

Section 60c (668/2013)

Reapplying for a long-term resident's EU residence permit

(1) If a long-term resident's EU residence permit has been withdrawn under section 58(2) or expired under section 59(1), a new EU residence permit is issued on application. A permit is issued if the applicant meets the requirement for sufficient financial resources laid down in section 39, and there are no obstacles to issuing a permit under section 36.

(2) An application for a new residence permit shall be processed without delay.

Section 60d (121/2018)

Biometric identifiers for residence permit cards

(1) In connection with the filing of a residence permit application, the fingerprints of all fingers of the applicant shall be taken for the residence permit card by the Finnish Immigration Service or a Finnish mission, and in connection with the filing of an application for international protection, the fingerprints shall be taken by the police or the Border Guard. In connection with the filing of an extended permit, fingerprints are, however, taken only if there are special reasons for this or if more than five years have passed since the previous residence permit card for which the fingerprints were given was granted. Fingerprints are also taken when applying for a permanent residence permit and long-term resident's EU residence permit.

(2) The fingerprints of all fingers for the residence permit card may also be taken, in connection with the submission of a residence permit application, by a mission of another Schengen State or an external service provider, if an agreement has been made with it regarding performance of this task.

(3) If the taking of fingerprints is temporarily not possible at the time of filing of the application, the applicant may within a reasonable period of time be required to supplement the application by giving his or her fingerprints.

(4) The applicant shall enclose his or her facial image with the application.

Section 60e (631/2011)

Reading and comparison of biometric identifiers

(1) The biometric identifiers stored in the technical component of the residence permit card may be read by the Finnish Immigration Service, the police, the border control authorities and Finnish missions.

(2) The biometric identifiers of the holder of a residence permit may be taken and compared against the biometric identifiers stored in the residence permit card and travel document in order to verify the authenticity of the residence permit card and the identity of the holder of the residence permit. The data taken for comparison purposes may only be used for the duration of the comparison and shall be destroyed immediately thereafter.

(3) Decisions to grant foreign authorities read-only rights to the data stored in the residence permit card and to withdraw such rights are made by the Ministry of the Interior.

Section 60f (631/2011)

Expiry of residence permit cards

(1) Besides the provisions of section 33a(2), a residence permit card expires when

- 1) the residence permit is withdrawn;
- 2) the holder of the residence permit is issued with a new residence permit card;
- 3) the holder of the residence permit reports that the residence permit card has been lost or stolen;
- 4) the residence permit card contains an obvious error;
- 5) the residence permit card is damaged, the entries therein have been altered or the card contains entries other than those made by the authorities;
- 6) the certificate contained in the technical component of the residence permit card has been withdrawn by the authority which issued the certificate; or
- 7) the residence permit has expired under section 59.

(2) When a residence permit card has expired, the Finnish Immigration Service, the local police, the border control authorities or a Finnish mission shall take possession of the card and make an entry of the expiry of the card in the Register of Aliens. Cards taken into the possession of an authority are destroyed.

Section 60g (631/2011)

New residence permit cards

(1) The holder of a residence permit shall obtain a new residence permit card before the expiry of the card or if the data indicated in the card are no longer up to date or if the card has expired on the grounds provided in section 60f.

(2) Where a residence permit card is issued as applied for, the applicant is provided with no separate administrative decision or instructions for requesting a judicial review.

(3) The recipient of a new residence permit card shall surrender to the authority any earlier residence permit card. If a recipient is not in possession of the earlier card, he or she shall provide an explanation of the matter.

(4) A new residence permit card is issued by the Finnish Immigration Service. The application is filed with the Finnish Immigration Service. (501/2016)

(5) In connection with applying for a new residence permit card, the applicant is fingerprinted as laid down in section 60d. The applicant shall enclose his or her facial image with the application.

(6) The holder of a residence permit shall apply for a residence permit card without delay after the expiry of his or her travel document containing an entry of the residence permit which is still valid.

Section 61

Taking temporary possession of travel documents

(1) The authorities may take temporary possession of an alien's travel document while a matter related to a visa, residence permit or travel document is being processed if it is necessary for verifying the correctness of the alien's personal data or travel document or for entering a visa in the travel document. (631/2011)

(2) The travel document shall be returned to the alien as soon as its possession by the authorities is no longer necessary for processing the matter. The alien has the right to regain possession of the travel document temporarily for travelling or taking care of necessary affairs.

(3) The Finnish Immigration Service, the police or a border control authority shall issue a certificate of taking temporary possession of a travel document. (501/2016)

Section 62 (631/2011)

Application procedure for residence permits on the basis of family ties

To establish whether the requirements for a residence permit are met, the applicant and the sponsor shall be provided with an opportunity to be heard before a decision is issued on the matter, unless the application is rejected immediately as unfounded.

Section 63 (501/2016)

Statements on applications for a residence permit on the basis of family ties

(1) The Finnish Immigration Service may obtain a statement on an application for a residence permit on the basis of family ties from the social welfare or healthcare authorities of the sponsor's domicile or place of residence. A statement on the sponsor's social situation or health may be requested if the sponsor is an unaccompanied minor, if the applicant is a relative who is not part of the immediate family or if there are other special reasons related to establishing the family's situation.

(2) For the purpose of an application for a residence permit on the basis of family ties, in their statement referred to in subsection 1, social welfare or healthcare authorities are obliged to submit to the Finnish Immigration Service, notwithstanding secrecy provisions, any information that they have on the person's social situation or health that is necessary for a decision on issuing a residence permit on the basis of family ties.

Section 64

Oral hearing when applying for a residence permit on the basis of family ties

(1) When applying for a residence permit on the basis of family ties, the applicant, sponsor or other relative may be heard orally to establish whether the conditions for entry or for a residence permit are met.

(2) The hearing is conducted by the Finnish Immigration Service or by an official of a Finnish mission. (501/2016)

Section 65

Establishing family ties by means of DNA analysis

(1) The Finnish Immigration Service may provide an applicant or sponsor with an opportunity to prove their biological kinship with DNA analysis paid from state funds if no other adequate

evidence of family ties based on biological kinship is available and if it is possible to obtain material evidence of the family ties through DNA analysis. (973/2007)

(2) A party shall be given proper information on the purpose and nature of DNA analysis and any consequences and risks involved. Carrying out DNA analysis requires that the person to be tested has given a written consent based on information and free will. Results of the analysis may not be used for any purposes other than establishing the family ties required for issuing a residence permit in cases as specified in the person's consent.

(3) If a party has deliberately given false information on his or her family ties, as a result of which the person and the family member indicated by him or her have been ordered to take a DNA test, the Finnish Immigration Service shall order the person concerned to reimburse the cost of the test to the State unless this is unreasonable under the circumstances. The decision of the Finnish Immigration Service is enforced as provided in the Act on the Recovery of Taxes and Charges through Execution (367/1961). (973/2007)

The Act on the Recovery of Taxes and Charges through Execution (367/1961) was repealed by the Act on Enforcement of Taxes and Charges (706/2007).

Section 66 (242/2019)

Carrying out DNA analyses

(1) DNA analyses are carried out at the Finnish Institute for Health and Welfare. The operator carrying out a DNA analysis shall send a statement based on the DNA analysis to the Finnish Immigration Service without delay. When the Finnish Immigration Service has issued a decision on the matter, it shall inform the operator who carried out the analysis that the samples and the data concerning DNA identification shall be destroyed.

(2) The sample required for a DNA analysis is collected from the inner lining of the mouth or as a blood sample. The sample from the inner lining of the mouth is collected by the person concerned, an official of the Finnish Immigration Service or the Foreign Service, or another person suitable for the purpose. The blood sample is taken by a healthcare professional. An official of the Finnish Immigration Service or the Foreign Service sends the sample to the operator specified in subsection 1 who carries out the analysis.

(3) The taking of samples shall be supervised and the identity of the person tested verified by an official of the Finnish Immigration Service or the Foreign Service. The official shall be present in person during the whole time when the sample is taken.

(4) Further provisions on carrying out DNA analyses may be given by government decree.

Section 66a (380/2006)

Consideration in connection with an application made on the basis of family ties

If a residence permit has been applied for on the basis of family ties, account shall be taken of the nature and closeness of the alien's family ties, the duration of his or her residence in the country and his or her family, cultural and social ties to the home country when considering the refusal of the permit. The same applies to consideration when deciding on the withdrawal of a residence permit issued on the basis of family ties or on the removal from the country of the sponsor or his or her family member.

Section 67 (973/2007)

Finnish Immigration Service as the residence permit authority

(1) The Finnish Immigration Service issues and withdraws a residence permit. (501/2016)

(2) The Finnish Immigration Service withdraws a residence permit on the grounds specified in section 58, 58a and 58b. (501/2016)

(3) Decisions not to withdraw a residence permit in the cases referred to in section 58(3) are taken by the Finnish Immigration Service.

(4) The Finnish Immigration Service is the contact point responsible for the exchange of information as laid down in Article 25 of Council Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents, as amended by Directive 2011/51/EU, and in Article 22 of the Highly Qualified Workers Directive. (668/2013)

Section 68 (501/2016)

Section 68 was repealed by Act 501/2016.

Section 69

Foreign Service as the residence permit authority

(1) Finnish missions receive applications for residence permits from persons abroad and check that the applications are correctly filled in and contain the required documents and information.

(675/2015)

(2) Applications for residence permits may also be received abroad by other Finnish missions if the Ministry for Foreign Affairs has given the required authorisation to a specified Finnish citizen serving at the mission.

(3) The Ministry for Foreign Affairs issues temporary residence permits to members of the staff of a diplomatic or consular mission representing the sending State in Finland, or members of the staff of a body of an international organisation operating in Finland or their family members, or to persons who are privately employed by the staff and are citizens of the sending State. The Ministry for Foreign Affairs issues temporary residence permits to aliens for the construction, repair or maintenance of a diplomatic or consular mission.

(4) The Ministry for Foreign Affairs withdraws residence permits it has issued.

Subsection 5 was repealed by Act 631/2011.

Section 69a (1338/2011)

Decision on an application made on the basis of family ties

A decision on an application for a residence permit made on the basis of family ties shall be served on the applicant no later than nine months after the filing of the application. A decision on an application made by an EU Blue Card holder's family member for a residence permit on the basis of family ties shall be served on the applicant no later than six months after the filing of the application. In exceptional circumstances the decision may be served at a later date.

Section 69b (675/2015)

Assigning residence permit tasks of a Finnish mission to another Schengen State or an external service provider

(1) The Ministry for Foreign Affairs may, after hearing the views of the Ministry of the Interior, agree on assigning residence permit tasks of a Finnish mission to a mission of another Schengen State.

(2) If the assignment of tasks to a mission of another Schengen State is not possible, the Ministry for Foreign Affairs may, after hearing the views of the Ministry of the Interior, agree on assigning tasks to an external service provider referred to in section 28, for it to perform in special circumstances or for reasons related to the situation locally.

Section 69c (675/2015)

Tasks assigned through outsourcing

(1) A mission of another Schengen State or an external service provider may be entrusted with the performance of one or more of the following residence permit tasks:

1) providing general information on applying for a residence permit;

2) informing the applicant of the required supporting documents, on the basis of a checklist;

3) receiving data, applications and processing fees and transmitting them to a Finnish mission;

4) checking the identity of applicants;

5) obtaining and storing biometric identifiers;

6) managing the appointments for appearance in person at a Finnish mission or at the external service provider;

7) managing arrangements for hearing the views of residence permit applicants;

8) communicating requests for further evidence in relation to applications, and the answers received;

9) effecting service of decisions.

(2) The agreement also states that the applicant will be directed to a Finnish mission if, in connection with management of the tasks, there emerges a suspicion about the reliability of a document showing the applicant's identity or about the authenticity of any other document presented, or if the mission or the Finnish Immigration Service considers that examination of a matter requires that the applicant appears in person at the mission.

Section 69d (675/2015)

Service fee

An external service provider has the right to charge the residence permit applicant a service fee. The service fee and its amount are agreed between the Ministry for Foreign Affairs and the external service provider. The service fee shall be reasonable and also proportionate to the costs incurred by the external service provider when it performs the tasks assigned to it.

Section 69e (675/2015)

Requirements for outsourcing

(1) An external service provider may be a legal person:

- 1) that is not bankrupt and has a good financial standing;
- 2) whose employees and persons in charge of the operation are ascertained as reliable and are trained to manage the tasks specified in section 69c and are committed to data protection compliance even after no longer managing the tasks;
- 3) that has secure premises, telecommunications connections and information systems required for appropriate management of the tasks, and other technical and operational resources;
- 4) that has the necessary operating licences, registrations and agreements, and for whom it has been assured there is no conflict of interest;
- 5) that undertakes to observe, in all activities, strict data protection and the procedural and other instructions issued by the Ministry for Foreign Affairs for management of the tasks;

6) whose personnel treat clients with respect regardless of the client's sex, race, ethnic origin, religion, belief, disability, age or sexual orientation.

(2) To ensure data protection, any unauthorised reading, copying, modification or deletion of data, especially during their transmission to a Finnish mission, shall be prevented at all times. The data shall be transmitted in accordance with instructions and in encrypted form as soon as possible, and they shall be destroyed without delay after their transmission. However, the applicant's name, contact details and passport information may be stored for any further transactions until service of the decision is effected. The protection of personal data against accidental or unlawful destruction, accidental loss, alteration and unauthorised disclosure or access shall also be ensured, and data shall be processed only for the purpose agreed in performance of the tasks.

(3) An agreement made with another Schengen State shall include not only the provisions of section 69c but also subsection 1(3), 1(5) and 1(6) and subsection 2 of this section and provisions on the agreement's validity period and termination and monitoring of its operation. An agreement made with an external service provider shall include these provisions and also provisions from subsection 1(1), 1(2) and 1(4), provisions on contractual penalties and a provision that civil matters concerning the agreement shall be governed by Finnish law and litigated in a Finnish court.

Section 69f (675/2015)

Oversight of outsourced activities

(1) The Ministry for Foreign Affairs and the Finnish mission concerned shall oversee the activities of the mission of another Schengen State and the external service provider, and shall conduct inspections to establish that they are observing the terms of the agreement. The oversight covers the activities in their entirety and especially the realisation of data protection.

(2) For the purposes of conducting oversight, the external service provider shall allow entry to its premises without prior notice, the monitoring of systems and the efficient performance of oversight actions in other agreed ways.

(3) The mission of another Schengen State and the external service provider shall report oversight activities which they conduct themselves to the Ministry for Foreign Affairs and notify without

delay the Ministry for Foreign Affairs and the Finnish mission concerned of any security breaches and any observations concerning data misuse and unauthorised access.

Section 69g (675/2015)

Cancellation of agreement

(1) The Ministry for Foreign Affairs shall cancel an agreement it has made if the mission of another Schengen State or the external service provider no longer satisfies the requirement of section 69e(1) or does not observe the provisions of subsection 2 of the same section.

(2) If deficiencies are observed in the activities of the mission of another Schengen State or the external service provider and it has not rectified its activities to comply with the agreement within the time limit provided for this, the Ministry for Foreign Affairs shall cancel the agreement. The Ministry for Foreign Affairs may also cancel an agreement if its confidence in the activities of an external service provider is significantly compromised.

(3) The Ministry for Foreign Affairs shall notify the Ministry of the Interior and the Finnish Immigration Service without delay of the cancellation of the agreement and of the deficiencies in activities referred to in subsection 2.

Chapter 5

Employment

Residence permits for employed persons and entrepreneurs and other residence permits for employed persons (121/2018)

Section 70

Purpose of the system of residence permits for employed persons

The purpose of the system of residence permits for employed persons is to support the availability of labour in a systematic, prompt and flexible manner, with consideration for the legal protection of employers and foreign employees and the employment opportunities for labour already in the labour market.

Section 71 (1426/2009)

Cooperation with labour market organisations

The social partners participate in monitoring and assessing practices related to issuing residence permits for employed persons, and in preparing national and regional policies related to the general requirements for using foreign labour. National guidelines referred to in this section are issued by a government decision, and regional policies by a decision of the relevant Centre for Economic Development, Transport and the Environment.

Section 72 (1218/2013)

Application for a residence permit for an employed person and the attachments

Provisions on applying for residence permits are laid down in section 60. An employer shall attach to an application for a residence permit for an employed person:

- 1) information on the principal terms of work referred to in chapter 2, section 4 of the Employment Contracts Act (55/2001);
- 2) an assurance that the terms comply with the provisions in force and the relevant collective agreement or, if a collective agreement is not applied, that the terms correspond to those applied to employees in the labour market doing similar work;
- 3) upon request by an Employment and Economic Development Office, a statement confirming that the employer has met and will be able to meet his or her obligations as an employer.

Section 73 (1218/2013)

Partial decisions of the Employment and Economic Development Offices concerning residence permits for employed persons

(1) Issuing residence permits for employed persons is based on consideration in order to:

- 1) establish whether any labour suitable for the work is available in the labour market within a reasonable time;
- 2) ensure that issuing a residence permit for an employed person will not prevent a person referred to in paragraph 1 from finding employment;

3) ensure that, where the work requires specific qualifications or an accepted state of health, a residence permit for an employed person is only issued to persons who meet the requirements;

4) ensure that the information and assurance attached to the application by the employer comply with the provisions of section 72.

(2) When considering the issue of residence permits for employed persons, account shall be taken of the policies referred to in section 71.

(3) The alien's financial resources shall be sufficient with income obtained through gainful employment during the validity period of the residence permit.

Section 74 (1218/2013)

Residence permits for employed persons with regard to specific professional fields and employers

(1) A residence permit for an employed person entitles the holder to work in one or more professional fields.

(2) For special reasons, a residence permit for an employed person may be restricted for work in one or more professional fields for a certain employer.

Section 75 (1218/2013)

Advance information on the requirements for issuing residence permits for employed persons

Upon written application by an employer or contractor, an Employment and Economic Development Office submits advance written information on the requirements for issuing a residence permit for an employed person in the case referred to in the application. The Employment and Economic Development Office shall provide the advance information without delay. At the employer's request, the Employment and Economic Development Office shall observe the advance information for the duration specified in the advance information when a residence permit for an employed person is applied for.

Section 76 (121/2018)

Centre for Economic Development, Transport and the Environment's partial decision on an application for a residence permit for an entrepreneur

(1) Issuing residence permits for entrepreneurs is based on consideration to ensure that the intended business activities meet the requirements for profitable business.

(2) The alien's financial resources shall be sufficient with income obtained through gainful employment, business activities or in other ways during the validity period of the residence permit.

Section 77 (720/2018)

Other residence permits for employed persons

(1) Other residence permits for employed persons are issued to aliens who:

1) work in expert duties in the middle or top management of a company or in expert duties that require special expertise;

2) are professional athletes, coaches or referees;

3) work in the service of a religious community or non-profit association;

4) are engaged professionally in science, culture or the arts, researchers and restaurant musicians excluded;

5) work in an international organisation or in duties concerning official cooperation between States;

6) are engaged professionally in the field of mass media, unless their employer or contractor has place of business in Finland;

7) do market research, prepare for a company's establishment in Finland, negotiate and acquire customer orders or supervise the fulfilment of orders or have other similar duties, unless their employer or contractor has place of business in Finland;

8) have completed a degree or qualification or research in Finland and the main purpose of their stay in the country is employment; (437/2019)

9) work as a visiting teacher, lecturer, trainer or consultant on the basis of an invitation or agreement if the work lasts for a maximum of one year;

10) carry out an individual assignment under a supply contract related to an individual machine, device, product line or expert system imported into or to be exported from the country if such work lasts for a maximum of six months; or

11) carry out work that is part of an intergovernmental agreement or an exchange programme organised by non-governmental organisations if such work lasts for a maximum of 18 months.

(2) If the work lasts longer than what is laid down in subsection 1(9–11), the alien is required to apply for a residence permit for an employed person.

(3) The alien's means of support shall be secured with income obtained through gainful employment during the validity period of the residence permit.

Right to work (1218/2013)

Section 78 (121/2018)

Right to work by virtue of a residence permit

(1) Aliens who have been issued with a residence permit for an employed person have the right to work, subject to the restrictions defined in section 74.

(2) Aliens who have been issued with other residence permits for an employed person have the right to work on the basis of the permit. A holder of a residence permit issued on some other basis also has the right to perform work referred to in section 77(1)(1–5).

(3) The right to work also pertains to aliens:

1) who have been issued with a permanent residence permit, a long-term resident's EU residence permit specified in 56a or a continuous residence permit on grounds other than employment;

2) who have been issued with a residence permit on the basis of family ties;

3) who have been issued with a temporary residence permit on the basis of temporary protection or other humanitarian immigration;

Paragraph 4 was repealed by Act 720/2018.

5) who have been issued with a temporary residence permit under section 52a or 52d;

6) whose residence permit has been issued under section 51 due to there being an obstacle to leaving the country;

7) who have been issued with a residence permit by the Ministry for Foreign Affairs for the construction, repair or maintenance of a mission.

(4) An entry concerning the right to work under this section shall be made in the alien's residence permit except for the residence permit referred to in subsection 3(7).

Subheading was repealed by Act 1218/2013.

Section 79 (720/2018)

Right to work without a residence permit

(1) Aliens have the right to gainful employment without a residence permit if they:

1) arrive in the country on the basis of an invitation or agreement to work as interpreters, teachers, experts or referees for a maximum of three months;

2) arrive in the country on the basis of an invitation or agreement to work as professional artists or athletes, including assisting, technical or training staff, for a maximum of three months;

3) work as seamen either on board a vessel entered in the list of merchant vessels in international trade or, if they have entered the service outside Finland, on board a vessel which mainly sails between foreign ports;

4) arrive in the country as permanent employees of a company operating in another Member State of the European Union or the European Economic Area to perform temporary contracting or subcontracting under the freedom to provide services, if they hold permits entitling them to reside and work in that other State, and if the permits remain in force once they have completed the work in Finland.

(2) Aliens who have applied for international protection or filed a subsequent application referred to in section 102 have the right to gainful employment without a residence permit when they:

1) have produced a document referred to in section 11(1)(1) and have stayed in the country for three months after filing the application;

2) have stayed in the country for six months after filing the application.

(437/2019)

(3) If the employer or contractor has no office in Finland, an alien has the right to gainful employment without a residence permit:

1) as a product demonstrator or member of a film crew for a maximum of three months;

2) as a member of the crew of a motor vehicle in foreign ownership or possession, with the alien driving the vehicle, the cross-border transport of which consists of taking the vehicle to its destination or collecting the vehicle from its place of departure, or if the traffic in Finland is connected with a regular service between locations at least one of which is abroad, and the alien has no place of residence in Finland;

3) as the leader of a tourist group travelling to Finland from abroad.

Section 80 (720/2018)

Duration of right to work

(1) If an application for an extended residence permit for an employed person concerning the same employer or professional field was lodged while the previous residence permit was still in force, the alien may continue the work referred to in the previous permit until a residence permit

has been issued following the new application or a negative decision has become final. In other cases, the right to work under the previous permit will cease upon the expiry of the permit's validity period. The right to work under the new residence permit will begin when the permit is issued.

(2) If an alien's right to work is based on a residence permit other than a residence permit for an employed person and the application for an extended residence permit was lodged while the previous residence permit was still in force, the right to work will continue in accordance with the previous permit until a residence permit has been issued following the new application or a negative decision has become final.

(3) If an alien's residence permit was issued under section 77(1)(9–11), the right to work will cease upon the expiry of the permit's validity period.

(4) If an alien's right to work is based on a visa or visa exemption, the right will last for no more than the period provided in section 79. Applying for a residence permit while a visa or visa exemption is valid will not extend the duration of the right to work. Notwithstanding the provisions of section 79, the right to work will cease when a decision to deny the person admittance or stay is enforceable.

(5) If the right to work is based on a residence permit and the person is to be deported, the right to work will cease when the deportation decision is enforceable.

(6) If the right to work is based on applying for international protection, the right to work will cease when the decision to remove the alien from the country is enforceable or his or her application for international protection has lapsed. (437/2019)

EU Blue Cards (1218/2013)

Section 81 (1218/2013)

Issue of EU Blue Cards

(1) EU Blue Cards are issued to third-country nationals if they present an employment contract or binding offer of employment concerning highly qualified employment for at least one year and the general requirements for issuing a residence permit are satisfied. A further requirement is that the

salary agreed in the employment contract or binding offer of employment shall be at least 1.5 times the average gross salary.

(2) The provisions of chapter 5 on issuing residence permits for employed persons apply to the issuing of Blue Cards, with the exception of the consideration referred to in section 73(1)(1–2).

Section 81a (1218/2013)

Decisions concerning applications for an EU Blue Card

A decision on an EU Blue Card shall be served on the applicant no later than 90 days after the application was made. Any time spent supplementing the application will not be included as part of this period.

Section 81b (1218/2013)

Re-entry to Finland and residence for EU Blue Card holders and their family members after moving to another Member State

If holders of an EU Blue Card issued by Finland are refused a Blue Card by another EU Member State, they and their family members, having received a negative decision, can re-enter Finland and reside in the country for three months, even if the Blue Card issued by Finland is no longer valid.

Sections 81c and 81d

Sections 81c and 81d were repealed by Act 1218/2013.

Procedure and competent authorities (1218/2013)

Section 82 (1218/2013)

Decision on an application made on grounds of employment

(1) The competent authority shall make a decision on an application concerning a residence permit for an employed person or other residence permit for an employed person no later than four months after the authority's receipt of a duly completed application with attachments. If the application is filed electronically, the processing time is calculated from when the applicant visits

the authority in person for it to obtain his or her biometric identifiers specified in section 60d and for the applicant to present the originals of the attachments for the application.

(2) The longer processing time provided in subsection 1 is possible where there are exceptional circumstances that are connected with the complexity of an investigation into an application. If the competent authority has to request or obtain further evidence in the matter, the passage of the processing time will be suspended until the necessary evidence has been obtained.

Section 83 (1218/2013)

Competence to issue residence permits for employed persons

(1) Employment and Economic Development Offices take decisions regarding the conditions laid down in section 73 for issue of residence permits for employed persons. Employment and Economic Development Offices decide whether the employment is temporary or continuous.

(2) After a favourable partial decision has been made by an Employment and Economic Development Office under subsection 1, the Finnish Immigration Service issues the alien with a residence permit for an employed person, unless otherwise provided in section 36. The Finnish Immigration Service decides whether the grounds are unfounded as referred to in section 49(1)(3). (501/2016)

(3) If a new application concerns the same professional field as the residence permit for an employed person that is valid at the time of submission of the application, the Employment and Economic Development Office does not exercise the discretion referred to in section 73(1)(1–3). (501/2016)

(4) If a new application does not concern the same professional field as the residence permit for an employed person that is valid at the time of submission of the application and the alien has worked by virtue of the residence permit for an employed person for at least one year, the Employment and Economic Development Office does not exercise the discretion referred to in section 73(1)(1–2). (437/2019)

Section 84 (121/2018)

Competence to issue residence permits for entrepreneurs

(1) Centres for Economic Development, Transport and the Environment decide whether the requirements for issuing a residence permit for an entrepreneur laid down in section 76 are met. Centres for Economic Development, Transport and the Environment decide whether the business activities are temporary or continuous.

(2) After a favourable partial decision has been made by a Centre for Economic Development, Transport and the Environment under subsection 1, the Finnish Immigration Service issues the alien with a residence permit for an entrepreneur, unless otherwise provided in section 36. The Finnish Immigration Service decides whether the grounds are unfounded as referred to in section 49(1)(3).

Section 85 (1218/2013)

Competent Employment and Economic Development Offices

The Employment and Economic Development Offices in the municipalities with the most relevance to the mobility of foreign labour as specified by decree of the Ministry of Economic Affairs and Employment are competent to perform the duties laid in this Act.

Section 86 (1218/2013)

Occupational safety and health authorities

(1) Separate provisions are issued on the supervision of remuneration and other terms of employment falling under the responsibility of occupational safety and health authorities.

(2) If occupational safety and health authorities have reasonable grounds to suspect that unauthorised use of foreign labour referred to in chapter 47, section 6a of the Criminal Code (39/1899), a violation of the Aliens Act laid down in section 185(1) of this Act, or an employer's violation of the Aliens Act laid down in section 186 has been committed, they shall report the matter to the police.

(3) Occupational safety and health authorities shall, if necessary, be provided with an opportunity to be present and to be heard when offences referred to in subsection 2 are considered in a criminal investigation or in court.

(4) Occupational safety and health authorities supervise compliance with the obligations provided in section 86a and 86b. Provisions on supervision are laid down in the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006).

Section 86a (1218/2013)

Employer's obligations

(1) An employer shall ensure that an alien entering his or her service and working in his or her employment has the required residence permit for an employed person or that the alien does not need a residence permit.

(2) An employer who employs a person other than a Union citizen or similar person or his or her family member shall submit the information and assurance referred to in section 72 to the Employment and Economic Development Office without delay, and inform the shop steward, the elected representative and the occupational safety and health representative of the alien's name and the applicable collective agreement.

(3) An employer shall keep the information on the aliens in his or her employment and on the grounds for their right to work easily available at the workplace for inspection by occupational safety and health authorities, if necessary. The employer shall store the information for four years after the end of the alien's employment relationship.

Section 86b (454/2016)

Contractor's obligations

If employees are working for a foreign contractor or subcontractor or as agency employees of a foreign employer, the employer's obligations referred to in section 72 and 86a(1–2) apply to the main contractor or client operating in Finland. Provisions on the employment contract terms of the employees referred to in the Act on the Posting of Workers (447/2016) are laid down in the said Act.

Chapter 6

International protection

Conditions for providing international protection

Section 87

Asylum

(1) Aliens residing in the country are granted asylum if they reside outside their home country or country of permanent residence owing to a well-founded fear of being persecuted for reasons of ethnic origin, religion, nationality, membership in a particular social group or political opinion and if they, because of this fear, are unwilling to avail themselves of the protection of that country.

(2) Asylum is not granted to aliens if they have committed, or if there are reasonable grounds to suspect that they have committed:

1) a crime against peace, war crime or crime against humanity as defined by international treaties concerning such crimes;

2) a serious non-political crime outside Finland before entering Finland as refugees; or

3) an act which violates the purposes and principles of the United Nations.

(3) Asylum is not granted to persons who are eligible for protection or help from bodies or offices of the United Nations other than the United Nations High Commissioner for Refugees (UNHCR). Once such protection or help has ceased without final regulation of the status of the person in accordance with the valid resolutions adopted by the United Nations General Assembly, the person is entitled to refugee status. If the person has voluntarily relinquished the protection specified above by leaving the safe area for reasons other than those related to a need for protection, his or her right of residence is examined under this Act.

(4) Aliens are refused asylum if the competent authorities in the country where they have settled have granted them the rights and obligations attached to the citizenship of this country.

(323/2009)

Section 87a (323/2009)

Acts of persecution

(1) Acts are considered as persecution if they are sufficiently serious by their nature or repetition as to constitute a severe violation of fundamental human rights. An accumulation of various measures of the same level of seriousness, including violations of human rights, is also considered persecution.

(2) Acts of persecution may take the form of:

1) acts of physical or mental violence, including acts of sexual violence;

2) legal or administrative measures or police or judicial measures which are in themselves discriminatory or which are implemented in a discriminatory manner;

3) prosecution or punishment which is disproportionate or discriminatory;

4) absence or denial of judicial redress resulting in a disproportionate or discriminatory punishment;

5) prosecution or punishment for refusal to perform military service in a conflict where performing military service would include acts under section 87(2);

6) acts of gender-specific or child-specific nature.

Section 87b (422/2014)

Reasons for persecution

(1) When assessing the reasons for persecution, account shall be taken at least of factors related to origin, religion, nationality and political opinion, or membership of a particular social group, as provided later in this section.

(2) As reasons for persecution:

1) origin means, in particular colour, descent or membership of a particular ethnic group;

2) religion includes, in particular the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in

community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief;

3) nationality includes citizenship of a State, or lack thereof and membership of a group determined by its cultural, ethnic or linguistic identity, common geographical or political origins or its relationship with the population of another State;

4) political opinion means, in particular an opinion, thought or belief on potential actors of persecution and on their policies or methods.

(3) When assessing the reasons for persecution, a group can be considered to form a particular social group if:

1) the members of the group share a common background or an innate characteristic or belief that is so fundamental to identity or conscience that they cannot be forced to renounce it; and

2) the group is perceived as being different by the surrounding society.

(4) A common characteristic of a social group may also be sexual orientation, which, when assessing reasons for persecution, cannot be understood to include acts considered to be criminal. When determining membership of a social group or the characteristics of such a group, gender identity and other gender-related aspects shall also be taken into account.

(5) When assessing if the applicant has a well-founded fear of being persecuted, it is immaterial whether the applicant actually possesses the origin-specific, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.

Section 88 (323/2009)

Subsidiary protection

(1) An alien residing in Finland is issued with a residence permit on grounds of subsidiary protection if the requirements for granting asylum under section 87 are not met, but substantial grounds have been shown for believing that the person, if returned to his or her country of origin or country of former habitual residence, would face a real risk of being subjected to serious harm,

and he or she is unable, or owing to such risk, unwilling to avail him or herself of the protection of that country. Serious harm means:

1) the death penalty or execution;

2) torture or other inhuman or degrading treatment or punishment;

3) serious and individual threat as a result of indiscriminate violence in situations of international or internal armed conflicts.

(2) An alien is not issued with a residence permit on the basis of subsidiary protection if there are reasonable grounds to suspect that he or she has committed:

1) a crime against peace, war crime or crime against humanity as defined by international treaties concerning such crimes;

2) a serious crime; or

3) an act which violates the purposes and principles of the United Nations.

Section 88a (332/2016)

Section 88a was repealed by Act 332/2016.

Section 88b (323/2009)

Need for international protection after departure

The well-founded fear of being persecuted referred to in section 87(1) or the real risk of being subjected to serious harm referred to in section 88(1) may be based on incidents after the applicant's departure from his or her home country or country of permanent residence or on acts that the applicant has participated in after his or her departure.

Section 88c (323/2009)

Actors of persecution or serious harm

Actors of persecution or serious harm include:

- 1) the State;
- 2) parties or organisations controlling the State or a substantial part of the territory of the State;
or
- 3) non-State actors, if it can be demonstrated that the actors under section 88d are unable or unwilling to provide protection against persecution or serious harm.

Section 88d (422/2014)

Providing protection

Protection can be provided by a State or by an international organisation controlling a State or a substantial part of the territory of a State that is willing and able to provide protection. Protection shall be effective and of a permanent nature.

Section 88e (422/2014)

Internal protection alternative

(1) An alien may be refused asylum or a residence permit under section 88 or 88a, if he or she, in a part of his or her home country or country of permanent residence, does not have a well-founded reason to fear to be persecuted or face a real risk of being subjected to serious harm, or if he or she has access to protection in that part of the country as referred to in section 88d. He or she shall also be able to get safely and legally to the part of the country in question and reasonably be expected to reside there.

(2) When assessing if a part of the country is in accordance with subsection 1, account shall be taken of the general circumstances prevailing in that part of the country and of the applicant's personal circumstances.

Section 89 (332/2016)

Issue of residence permits when exception clauses are applied

Aliens residing in Finland who are not granted asylum or a residence permit on the basis of subsidiary protection because they have committed, or there are reasonable grounds to suspect that they have committed, an act referred to in section 87(2) or 88(2) are issued with a temporary

residence permit for a maximum of one year at a time if they cannot be removed from the country because they are under the threat of the death penalty, torture, persecution or other treatment violating human dignity.

Section 90

Refugee quota

(1) Under the refugee quota, Finland may admit for resettlement persons considered refugees by UNHCR or other aliens in need of international protection.

(2) The refugee quota means admitting into the country, in accordance with the grounds confirmed in the Budget for each year, aliens who need international protection and are to be resettled.

Section 91 (1252/2011)

Allocation of the refugee quota

The Ministry of the Interior, in cooperation with the Ministry for Foreign Affairs and the Ministry of Economic Affairs and Employment, prepares a proposal for the Government on the territorial allocation of the refugee quota.

Section 92

Requirements for admitting aliens into the country under the refugee quota

The grounds for issuing a residence permit under the refugee quota are as follows:

- 1) The alien is in need of international protection with regard to his or her home country.
- 2) The alien is in need of resettlement from the first country of asylum.
- 3) The requirements for admitting and integrating the alien into Finland have been assessed.
- 4) There are no obstacles under section 36 to issuing a residence permit.

Section 93

Other humanitarian immigration

(1) The Government may decide in a plenary session on admitting aliens into Finland on special humanitarian grounds or to fulfil international obligations.

(2) The Ministry of the Interior, the Ministry for Foreign Affairs and the Ministry of Economic Affairs and Employment prepare a joint proposal for a government decision. (1252/2011)

Asylum procedures

Section 94

Asylum procedure

(1) An application based on a need for international protection which is lodged with the authorities at the Finnish border or on Finnish territory is processed in the asylum procedure.

(2) An alien who refers to his or her endangered human rights is considered to be applying for asylum unless he or she specifically states otherwise.

(3) Granting the right of residence is also considered and decided on other emerging grounds in conjunction with the asylum procedure.

Section 95 (194/2015)

Lodging applications for international protection

(1) An application for international protection shall be lodged with police or border control authorities upon entry into the country or as soon as possible after the entry.

(2) An application may be lodged later if:

1) the circumstances in the alien's home country or country of permanent residence have changed during his or her residence in Finland;

2) the alien has not been able to present evidence in support of his or her application until later;

or

3) there are other reasonable grounds for it.

(3) The police or the border control authority shall register the application without delay. If an application for international protection is made to personnel of the Finnish Immigration Service, a reception centre, detention unit or Customs, the applicant shall be directed to lodge the application to the police or border control authority and the application shall be registered within six weekdays of it being made. If the number of applications has increased dramatically, the police or border control authority may extend the registration time limit to ten weekdays. The party extending the time limit shall notify the Commission of this on at least an annual basis, and shall give immediate notification should there no longer be a need to extend the time limit.

(4) When the application has been lodged, the police, border control authority or the Finnish Immigration Service may take possession of the applicant's travel document and keep it until the applicant is granted a residence permit or he or she leaves the country. The travel document taken into possession may be transferred to another competent authority that will be responsible for keeping the travel document after the transfer. The police, border control authority or the Finnish Immigration Service shall issue a certificate of taking possession of the travel document.

(437/2019)

Section 95a (194/2015)

Provision of information to persons applying for international protection

(1) Persons applying for international protection are informed of asylum procedures and of their rights and responsibilities throughout the process. The police or border control authorities shall provide such information to the applicant upon receipt of the application for international protection. This information may also be provided by the Finnish Immigration Service or the reception centre as soon as possible after the application has been submitted. The information is provided in the applicant's native language or in a language which, on reasonable grounds, he or she can be expected to understand.

(2) If a decision concerning an application for international protection cannot be made within six months of the application being submitted, the applicant shall be informed of the processing delay. If requested by the applicant, information shall also be given on the reason for the delay and on when a decision can be expected.

Section 95b (432/2009)

Cancellation of applications for international protection

(1) An applicant may cancel his or her application for international protection by submitting to the Finnish Immigration Service, or a police or border control authority, or at a reception centre to its director or deputy director a personal written notification showing unambiguously that the applicant intends to cancel his or her application. The notification shall be signed and dated.

(501/2016)

(2) The authority receiving the notification of cancellation shall ask the applicant to give his or her opinion on the possible removal from the country and entry ban, and call two competent witnesses to confirm the cancellation. The witnesses may be public officials or employees of the Finnish Immigration Service or a reception centre, or police or border control officials. (501/2016)

(3) When the Finnish Immigration Service makes a decision on the expiry of the application, it may decide that the alien be removed from the country and made the subject of an entry ban, if the requirements for removal from the country and the entry ban under this Act exist.

Section 95c (432/2009)

Expiry of applications for international protection

(1) The Finnish Immigration Service makes a decision on the expiry of an application for international protection, if the applicant has died or left the country or if he or she is considered, in all likelihood, to have left Finland. The applicant is considered, in all likelihood, to have left Finland if his or her residence, based on the information available at the reception centre, has been unknown for at least two months, or it has been impossible to contact him or her for at least two months using the latest contact information that he or she has provided.

(2) If the applicant reports to the competent authority after the Finnish Immigration Service has made a decision on the expiry of his or her application under section 1, he or she will be informed of the right to file a new application.

Section 96

Card for a pending application

(1) An alien who applies for international or temporary protection or who has entered Finland under the refugee quota may be issued with a card showing that an application concerning him or her is pending in Finland. The card is issued by the police, the Border Guard or the Finnish Immigration Service. (501/2016)

(2) The card bears the applicant's name, date of birth, citizenship and photograph. If it has been impossible to verify the identity of the applicant, an entry about this is made in the card. The card is valid for a fixed term in Finland, but no longer than until a final decision on the matter has been issued or the person has left the country or obtained a travel document.

(3) An alien shall return the card when a final decision has been issued on his or her application or when he or she leaves the country or has obtained a travel document. When the card has expired, border control authorities, the police or the Finnish Immigration Service may take possession of the card. (973/2007)

Section 96a (194/2015)

Special procedural guarantees

Applicants with special needs arising from a vulnerable status referred to in section 6 of the Act on the Reception of Persons Applying for International Protection (746/2011) or otherwise ascertained during the asylum procedure are given support to ensure that they can benefit from the rights connected with the asylum procedure and comply with the related responsibilities.

Section 97 (501/2016)

Asylum examination

(1) The Finnish Immigration Service determines the identity, travel route and entry into the country of aliens applying for a residence permit on the grounds of international protection, and establishes orally the information necessary to determine the State responsible for processing the application for asylum. When establishing an applicant's identity, personal data on the applicant's family members and other relatives are collected.

(2) The Finnish Immigration Service conducts an asylum interview to establish orally the grounds given by the applicant for the persecution he or she has faced in his or her home country or country of permanent residence or for other violations of his or her rights or related threats.

(3) The police may take part in an asylum interview if Finland's national security or international relations so require.

Section 97a (194/2015)

Asylum interview

(1) When an applicant is heard at the asylum interview, a family member is allowed to be present only on reasonable grounds. Section 6 of this Act and section 14 of the Administrative Procedure Act apply to hearing a minor applicant.

(2) At the asylum interview, the applicant shall be asked in particular to give his or her opinion on the possibility of being removed from the country and sent to a safe country of origin and on an entry ban. In particular, the applicant shall be asked to give the grounds on which he or she believes that the State in question is not safe for him or her. In addition, the authorities shall establish whether there are grounds other than international protection for giving the applicant the right of residence.

(3) The asylum interview may be tape-recorded or videotaped. The applicant shall be informed of the tape-recording or videotaping before its start.

(4) A transcript is drawn up of the asylum interview. After the interview has finished, the transcript will be interpreted to the applicant, and he or she will receive information on his or her opportunity to amend the entries in the transcript or add new details to it. The applicant shall confirm the content of the transcript with his or her signature. The applicant will receive a copy of the transcript immediately or as soon as possible after the interview.

(5) A representative referred to in section 39 of the Act on the Reception of Persons Applying for International Protection or other representative of a minor shall be present at the asylum interview of an unaccompanied minor.

Section 97b (194/2015)

Acquisition of information in individual cases related to international protection

(1) The authorities referred to in this Act may not obtain information in individual cases related to international protection in a manner that would result in the actors of persecution or serious harm

being informed of the case, thereby jeopardising the security of the person concerned or that of his or her family.

(2) A medical examination is arranged for the applicant, with his or her consent, to examine factors related to earlier persecution or serious harm if this is necessary for evaluating an application concerning international protection.

Section 98

Deciding on applications for international protection

(1) Applications for international protection are examined in a normal or accelerated procedure.

(2) The requirements for issuing a residence permit are assessed individually for each applicant by taking account of the applicant's evidence on his or her circumstances in the State in question and of real time information on the circumstances in that State obtained from various sources.

(432/2009)

(3) After obtaining the available evidence, the authorities shall decide on the matter in favour of the applicant on the basis of his or her statement if the applicant has contributed to the examination of the matter as far as possible and if the authorities are convinced of the veracity of the application with regard to the applicant's need for international protection.

(4) If the application is rejected, a decision on denial of admittance or stay or deportation is issued at the same time, unless special reasons have arisen for not making a decision on removing the applicant from the country.

Section 98a (501/2016)

Decisions on applications for international protection

(1) Decisions on applications for international protection shall be made within six months of the lodging of the application or, where the mechanism under the Council Regulation on determining the State responsible for examining an asylum application is applied, of the date when Finland was determined the State responsible for the processing and the applicant has arrived in the territory of Finland and the Finnish Immigration Service has taken over responsibility for the applicant.

(2) A decision shall be made within 15 months if it cannot be made within the period specified in subsection 1 for one of the following reasons:

1) the case involves complicated issues related to factual or legal circumstances;

2) it is very difficult in practice to finish the procedure within a period of six months because a large number of third-country nationals or stateless persons are applying for international protection at the same time;

3) the delay is clearly due to the fact that the applicant has failed to contribute to the examination of his or her application.

(3) A decision shall be made within 18 months if it cannot be made within the period specified in subsection 2 because a longer time is needed to ensure a proper and reasoned examination of the application for international protection.

(4) Where a decision cannot be made within the periods specified in subsections 1–3 because the situation in the country of origin is unstable, it shall nevertheless be made no later than 21 months after the start of the period specified in subsection 1.

(5) The provisions of subsection 4 do not restrict the granting of refugee or subsidiary protection status.

Section 99 (194/2015)

Safe countries of asylum

When deciding on an application in the asylum procedure, a State may be considered a safe country of asylum for the applicant if:

1) it is a signatory, without geographical reservations, to the Convention relating to the Status of Refugees, the International Covenant on Civil and Political Rights (Treaty Series of the Statute Book of Finland 8/1976) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Treaty Series of the Statute Book of Finland 60/1989) and adheres to them; and

2) in that State, the applicant has received and may continue to receive the protection referred to in section 87 or 88 or protection that is otherwise sufficient.

Section 99a (194/2015)

Safe third countries

(1) When deciding on an application in the asylum procedure, a State may be considered a safe third country for the applicant if:

1) it is a signatory, without geographical reservations, to the Convention relating to the Status of Refugees, the International Covenant on Civil and Political Rights (Treaty Series of the Statute Book of Finland 8/1976) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Treaty Series of the Statute Book of Finland 60/1989) and adheres to them; and

2) in that State, the applicant could have received the protection referred to in section 87 or 88 or protection that is otherwise sufficient.

(2) An alien who is returned to a safe third country is issued with a document in the language of that country stating that his or her application was not examined in substance in Finland.

Section 100

Safe countries of origin

(1) When deciding on an application in the asylum procedure, a State where the applicant is not at risk of persecution or serious violations of human rights may be considered a safe country of origin for the applicant.

(2) When assessing a safe country of origin, particular account is taken of:

1) whether the State has a stable and democratic social system;

2) whether the State has an independent and impartial judicial system, and whether the administration of justice meets the requirements for a fair trial; and

3) whether the State has signed and adheres to the main international human rights treaties, and whether serious violations of human rights have taken place in the State.

Section 101 (194/2015)

Manifestly unfounded applications

An application may be considered manifestly unfounded if:

1) no grounds specified in section 87(1) or 88(1) or other grounds that are related to non-refoulement have been presented, or if the claims presented are clearly implausible;

2) the applicant obviously intends to abuse the asylum procedure:

a) by deliberately giving false, misleading or deficient information on matters that are essential to the decision on the application;

b) by presenting forged documents without an acceptable reason; or

c) by lodging his or her application only for the purpose of delaying or frustrating the enforcement of a decision already made or imminent that would mean his or her removal from the country; or

3) the applicant comes from a safe country of origin where he or she may be returned.

Section 102 (194/2015)

Subsequent applications

(1) A subsequent application means an application for international protection made by an alien after he or she has received the final decision made by the Finnish Immigration Service or an administrative court concerning his or her previous application while he or she still resides in the country, or if he or she has left the country for a short time after receiving the decision. However, an application made after the Finnish Immigration Service has made an expiry decision under section 95c is not considered a subsequent application.

(2) If a new application is made while the matter is still being processed, the information given by the applicant is submitted to the authorities processing the matter to be considered as new evidence in the matter.

(3) The admissibility of a subsequent application requires that the application includes new elements or findings, or these have otherwise arisen in the matter, which significantly add to the likelihood of the applicant qualifying as a beneficiary of international protection. The admissibility of an application also requires that the applicant was, through no fault of his or her own, incapable of presenting these elements or findings in connection with the processing of the earlier application or the related request for review. The Finnish Immigration Service may examine the criteria for admissibility solely on the basis of written submissions. (437/2019)

Section 103 (437/2019)

Considering applications inadmissible

An application for international protection may be considered inadmissible if the applicant:

1) has arrived from such a safe country of asylum defined in section 99 or a safe third country defined in section 99a where he or she may be returned;

2) may be sent to another State which, under the Council Regulation on determining the State responsible for examining an asylum application, is responsible for processing the asylum application;

3) has been granted international protection in another EU Member State, to which he or she may be sent; or

4) has made a subsequent application which does not meet the conditions laid down in section 102(3) for the admissibility of an application.

Section 104 (194/2015)

Applying an accelerated procedure

(1) An application for international protection may be examined in an accelerated procedure if the application is considered manifestly unfounded under section 101.

(2) An application lodged by an unaccompanied minor may be examined in an accelerated procedure only on the grounds provided in section 101, paragraph 3.

(3) If it is not possible to give the support referred to in section 96a in an accelerated procedure, the accelerated procedure may not be applied.

(4) When using an accelerated procedure, the Finnish Immigration Service shall make a decision on the application within five months of its submission.

Section 105 (194/2015)

Asylum applications by citizens of the European Union

The Finnish Immigration Service shall notify the Ministry of the Interior immediately of any application for asylum made by a citizen of the European Union if it does not consider the State in question a safe country of origin for the applicant and if it does not apply section 101, paragraph 3 and section 104 to a decision on the application. The Ministry of the Interior notifies the Council of the European Union of the matter.

Section 105a (749/2011)

Right to obtain information

(1) Notwithstanding secrecy provisions, the Finnish Immigration Service, the police and the Border Guard have the right, upon request, to obtain information from a reception centre on an unaccompanied minor asylum seeker's date of birth, family members and their whereabouts necessary for these authorities to establish the minor's identity, travel route or grounds for entry into the country or issuing a residence permit, or for the Finnish Immigration Service to endeavour under section 105b to trace his or her parents or some other person responsible for the actual custody of the unaccompanied minor asylum seeker. When requesting information, the best interest of the child shall be a primary consideration for the authorities.

(2) An unaccompanied minor shall be notified that information referred to in subsection 1 may, regardless of his or her consent, be disclosed to the Finnish Immigration Service, the police and the Border Guard. When providing information, account shall be taken of the child's age and maturity.

(3) Before the reception centre provides the Finnish Immigration Service, the police or the Border Guard with information referred to in subsection 1, the representative assigned to the minor under section 39 of the Act on the Reception of Persons Applying for International Protection shall be notified of the matter.

Section 105b (389/2015)

Tracing a parent or some other person responsible for the actual custody of an unaccompanied minor

(1) To further the interest of an unaccompanied minor applying for international protection, the Finnish Immigration Service shall take measures without delay to trace his or her parents or some other person responsible for his or her actual custody. If necessary, tracing shall be continued after the minor has been granted international protection.

(2) The Finnish Immigration Service shall also take immediate steps to trace the parents or other person responsible for the actual custody of a child victim of trafficking in human beings who is an unaccompanied minor and in an assistance system referred to in the Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings.

(3) The information on the parent or some other person responsible for the minor's actual custody shall be collected, processed and disclosed on a confidential basis, as provided in the Act on the Openness of Government Activities (621/1999).

Refugee status

Section 106 (323/2009)

Refugee status and subsidiary protection status

(1) Refugee status is granted to:

1) aliens who have been granted asylum in Finland;

2) aliens who have been admitted to Finland under the refugee quota and issued with a residence permit on the basis of refugee status;

3) family members of aliens referred to in paragraph 1 or 2 who have been issued with a residence permit on the basis of family ties and who are considered refugees.

(2) Subsidiary protection status is granted to:

1) aliens who have been issued with a residence permit on the basis of subsidiary protection;

2) family members of aliens referred to in paragraph 1 who have been issued with a residence permit on the basis of family ties and who are considered to be in need of subsidiary protection.

Section 107 (422/2014)

Ending refugee status and subsidiary protection status

(1) A person's refugee status is ended if he or she

1) voluntarily re-avails him or herself of the protection of his or her country of nationality;

2) having lost his or her citizenship, regains it of his or her own free will;

3) acquires citizenship of another State and may avail him or herself of the protection of the new country of nationality;

4) voluntarily settles in the country from which he or she fled and outside which he or she stayed for fear of persecution; or

5) is no longer in need of protection as the circumstances under which he or she became a refugee no longer exist.

(2) A person's subsidiary protection status is ended if the circumstances which led to the granting of subsidiary protection status have ceased to exist or have changed to such a degree that protection is no longer required.

(3) The change of circumstances referred to in subsection 1(5) and subsection 2 shall be significant and non-temporary. However, the provisions of subsection 1(5) and subsection 2 do not apply to persons who may, on the basis of compelling grounds arising from persecution or serious

harm previously experienced, refuse to avail themselves of the protection of their country of nationality or former country of permanent residence.

(4) When considering the ending of refugee status or subsidiary protection status, an individual investigation shall be conducted.

Section 108 (323/2009)

Revocation of refugee status and subsidiary protection status

(1) Refugee status or subsidiary protection status is revoked if:

1) the applicant has, when applying for international protection, knowingly given false information which has affected the outcome of the decision;

2) the applicant has, when applying for international protection, concealed a fact that would have affected the outcome of the decision; or

3) the applicant should have been refused asylum under section 87(2–4) or a residence permit under section 88(2).

(2) When considering a revocation of refugee status or subsidiary protection status, an individual investigation shall be conducted.

Temporary protection

Section 109

Temporary protection

(1) Temporary protection may be given to aliens who need international protection and who cannot return safely to their home country or country of permanent residence, because there has been a massive displacement of people in the country or its neighbouring areas as a result of an armed conflict, some other violent situation or an environmental disaster. Providing temporary protection requires that the need for protection may be considered to be of short duration.

Temporary protection lasts for a maximum of three years in total.

(2) The Government decides in a plenary session on population groups that may be given temporary protection and on the period when residence permits may be issued on the basis of temporary protection.

Section 110

Issue of residence permits on the basis of temporary protection

(1) Aliens in need of temporary protection are issued with a residence permit for a maximum of one year at a time.

(2) Issuing the residence permit is not conditional on the alien having sufficient financial resources.

(3) A residence permit on the basis of temporary protection is refused if the alien is considered a danger to public order or security or if there are reasonable grounds to suspect that the alien has committed an act referred to in section 87(2).

Section 111

Processing asylum applications filed by aliens under temporary protection

(1) Processing an asylum application filed by an alien is suspended for the time during which the alien's residence permit issued on the basis of temporary protection is valid. However, the asylum application may be processed during the period of temporary protection if reasonable grounds for it emerge. The asylum application shall be taken up for processing if a procedure for removing the applicant from the country is initiated while he or she enjoys temporary protection.

(2) Once the temporary protection ends, the processing of the asylum application shall cease unless the applicant, upon written inquiry from the Finnish Immigration Service, requests that the application be processed. The Finnish Immigration Service delivers the inquiry to the applicant either by post against an acknowledgement of receipt or by a process server. (973/2007)

(3) The processing of an asylum application shall cease if the alien cancels his or her application or moves out of the country during the validity period or after the expiry of the residence permit issued on the basis of temporary protection.

Issue of residence permits and competence of authorities

Section 112

Issue of temporary residence permits

(1) A temporary residence permit is issued to aliens:

- 1) who enjoy temporary protection under section 109;
- 2) who are admitted to Finland on the basis of a government decision under section 93; or
- 3) whose residence permit is issued under section 89.

(2) If aliens have been issued with a temporary residence permit referred to in subsection 1(1), their family members are issued with a residence permit for the same period.

Section 113

Issue of continuous residence permits

(1) A continuous residence permit is issued to aliens who are granted asylum or a residence permit under the refugee quota or on the basis of subsidiary protection. A continuous residence permit may be issued to aliens who are admitted to Finland on the basis of a Government decision made under section 93. (332/2016)

(2) Aliens who have been issued with a residence permit under section 112 are issued with a continuous residence permit after three years of continuous residence in the country if the grounds for issuing a residence permit still exist.

(3) If aliens have been issued with a continuous residence permit referred to in subsection 1 or 2, or if the aliens reside in Finland under a permanent residence permit, their family members are issued with a continuous residence permit.

(4) A continuous residence permit is issued to other family relations of aliens referred to in subsection 1, if refusing a residence permit would be unreasonable because the persons concerned intend to resume their close family life in Finland or because the relative is fully dependent on the person living in Finland.

Section 114

Issue of residence permits to family members of beneficiaries of international or temporary protection

(1) A residence permit is issued on the basis of family ties to a family member of a refugee or an alien who has been issued with a residence permit on the basis of subsidiary protection, or who has enjoyed temporary protection if:

1) the sponsor lives in Finland or has been issued with a residence permit for the purpose of moving to Finland; and

2) the applicant is not considered a danger to public order or security or public health.

(332/2016)

(2) If any of the circumstances specified in subsection 1(2) emerge, an overall consideration is made taking account of the sponsor's possibilities for leading a family life with the applicant in a third country. In the consideration, the importance of the family tie for the parties concerned shall be taken into account.

(3) If the sponsor has been granted a residence permit on the basis of subsidiary protection, and the ground for issuing the permit was an armed conflict, or if he or she has been granted a residence permit on the basis of temporary protection, account is taken in the overall consideration of the fact that there is no absolute impediment to the sponsor's return to his or her home country. (332/2016)

(4) Issuing a residence permit referred to in this section requires that the alien has sufficient financial resources. However, the requirement for sufficient financial resources does not apply if:

1) the application for a residence permit on the basis of family ties has been submitted within three months of the date on which

a) the sponsor was served the decision that he or she has been granted asylum; or

b) the sponsor was served the decision that he or she has been admitted to Finland under the refugee quota;

2) the sponsor's family was established

a) before the sponsor arrived in Finland in cases where he or she has been granted asylum; or

b) before the sponsor was admitted to Finland under the refugee quota; and

3) family reunification is not possible in a third country to which the sponsor or family member has special ties.

(505/2016)

Section 115

Issue of residence permits to other family relations of beneficiaries of international or temporary protection

(1) A residence permit is issued to family relations other than family members of a refugee or an alien who has been granted a residence permit on the basis of subsidiary protection or enjoyed temporary protection, if refusing the residence permit would be unreasonable because the persons concerned intend to resume their close family life in Finland or because the family relation is fully dependent on the sponsor living in Finland. If the applicant is considered a danger to public order or security or public health or Finland's international relations, an overall consideration is carried out as provided in section 114(2). (332/2016)

(2) Issuing a residence permit referred to in this section requires that the alien has sufficient financial resources. However, the requirement for sufficient financial resources does not apply if the residence permit is issued to a minor sibling residing abroad of a minor who has arrived in Finland unaccompanied, if the siblings have lived together and if their parents are deceased or their whereabouts are unknown. (505/2016)

Section 116 (501/2016)

Competence of the Finnish Immigration Service with regard to international protection

(1) The Finnish Immigration Service:

1) issues and withdraws a residence permit;

2) decides on ending and revoking refugee status and subsidiary protection status;

3) at the request of another Contracting State, decides on taking charge of or taking back an asylum seeker in accordance with the Council Regulation on determining the State responsible for examining an asylum application, and requests a similar decision on taking charge of or taking back an asylum seeker from another Contracting State;

4) issues an alien who is returned to a safe third country with a document stating that his or her application was not examined in substance in Finland.

(2) The Finnish Immigration Service decides on issuing an alien admitted to Finland under the refugee quota with a residence permit on the basis of refugee or subsidiary protection status after receiving the statement of the Finnish Security Intelligence Service.

Section 117 (501/2016)

Laissez passer

A local police department issues an alien who is returned to a State applying the Council Regulation on determining the State responsible for examining an asylum application with a laissez passer under the Regulation.

Chapter 7

Precautionary measures and monitoring of aliens (193/2015)

Section 117a (813/2015)

General conditions for imposing precautionary measures

(1) Precautionary measures referred to in sections 118–122 and 122a may be imposed on an alien if this is essential and proportionate for:

1) establishing that the alien meets the conditions for entry into or stay in the country; or

2) preparing a decision to remove the alien from the country or ensuring the enforcement of such a decision, or otherwise supervising his or her departure from the country.

(49/2017)

(2) The precautionary measures are imposed by the authorities preparing the matter referred to in subsection 1 or the enforcement authorities. The alien who is subject to the precautionary measures shall be notified of the grounds for the precautionary measures.

(3) Unless otherwise provided below, the precautionary measures are in force until it has been established that the alien meets the conditions for entry into or stay in the country, a decision on removal from the country has been enforced or the processing of the matter has ended otherwise. However, the precautionary measures shall be immediately ordered to end when they are no longer essential for ensuring the issue or enforcement of a decision.

Section 118 (813/2015)

Obligation to report

(1) An alien may be obliged to report to police or border control authorities or at a reception centre at regular intervals.

(2) If an alien who is obliged to report at a reception centre does not comply with this obligation, the reception centre shall notify the neglect of this obligation immediately to the authority that imposed the obligation.

(3) The provisions on criminal liability for acts in office apply to the reception centre personnel overseeing compliance with the obligation to report. Provisions on liability for damages are laid down in the Tort Liability Act (412/1974).

Section 119 (813/2015)

Other obligations

An alien may be ordered to hand over his or her travel document and travel ticket to police or border control authorities or to give them the address where he or she may be reached.

Section 120 (813/2015)

Obliging to give a security

(1) An alien may be obliged to give a security to the State for the expenses related to his or her residence and return.

(2) The security shall be released or returned when it is no longer necessary to establish whether the alien meets the conditions for entry into or stay in the country or to prepare a decision to remove the alien from the country or to ensure the enforcement of such a decision. In other cases, the security is used to cover the expenses related to the alien's residence or return. The remainder of the security after such expenses have been paid shall be returned immediately.

Section 120a (49/2017)

Residence obligation

(1) If the precautionary measures referred to in sections 118–120 are insufficient, an alien who has applied for international protection may be ordered to reside in a specified reception centre and report to the centre one to four times a day. When deciding on the number of reporting times, it is essential to ensure on the basis of individual assessment that the rights of the person on whom the residence obligation has been imposed are not restricted any more than necessary and that the purpose of the precautionary measure is achieved.

(2) The residence obligation shall remain in force for a maximum of 14 months from the start of the obligation.

(3) The authority which imposed the precautionary measure may, after consulting the director of the reception centre, grant an alien ordered to reside in the reception centre permission to cease reporting to the centre temporarily for important personal reasons.

(4) If an alien who is ordered to reside in a reception centre does not comply with the residence obligation, the reception centre shall notify the neglect of the obligation immediately to the authority that imposed it.

(5) The provisions on criminal liability for acts in office apply to the reception centre personnel overseeing compliance with the residence obligation. Provisions on liability for damages are laid down in the Tort Liability Act.

Section 120b (49/2017)

A child's residence obligation

(1) An unaccompanied child aged 15 years or more who has applied for international protection and been issued with a removal decision that has become enforceable may be ordered to reside in a specified reception centre and report to the centre one to four times a day instead of being detained, provided that the conditions for detaining a child laid down in section 122(1) are met. When deciding on the number of reporting times, it is essential to ensure on the basis of individual assessment that the rights of the person on whom the residence obligation has been imposed are not restricted any more than necessary and that the purpose of the precautionary measure is achieved. The provisions of section 120a(4–5) apply to the reception centre and its personnel.

(2) A child on whom a child's residence obligation has been imposed must stay within the grounds of the reception centre. The authority which imposed the precautionary measure may, after consulting the director of the reception centre, grant the child permission to leave the grounds of the centre temporarily for important personal reasons.

(3) The child shall be released after one week from the start of the residence obligation at the latest. The child's residence obligation can be extended by no more than one week if this is necessary to ensure enforcement of the removal from the country.

(4) If the child does not comply with the residence obligation, he or she can be detained provided that the conditions laid down in section 122(1) and (3) are still met.

(5) The procedures laid down on decision-making and court proceedings concerning detention apply to imposition of a child's residence obligation.

Section 121 (813/2015)

Conditions for detention

(1) If the precautionary measures referred to in sections 118–120 are insufficient, the alien may be detained on the basis of an individual assessment, if:

1) taking account of the alien's personal or other circumstances, there are reasonable grounds to believe that the alien will hide, abscond or in some other way considerably hinder the issue of a decision concerning him or her or the enforcement of a decision to remove him or her from the country;

2) detention is necessary for establishing the alien's identity;

3) the alien has committed or is suspected of having committed an offence and the detention is necessary to secure the preparations for or the enforcement of a decision on removal from the country;

4) the alien has, while in detention, lodged a new application concerning international protection predominantly for delaying or disrupting the enforcement of a decision on removal from the country;

5) the detention is based on Article 28 of the Council Regulation on determining the State responsible for examining an asylum application; or

6) taking account of the alien's personal and other circumstances, there are reasonable grounds to believe that he or she will pose a threat to national security.

(2) Provisions on the conditions for detaining a child are laid down in section 122.

Section 121a (49/2017)

Risk of absconding

The risk of absconding may arise if the precautionary measures referred to in sections 118–120 and 120a have been used but have proved to be insufficient, or if the alien has changed his or her place of residence without notifying the contact details to the authorities. In assessing the risk of absconding, the person's full circumstances shall be taken into consideration.

Section 122 (813/2015)

Detaining a child

(1) For a child to be detained, it is necessary that:

- 1) the condition for detention provided in section 121(1) is met and, on the basis of individual assessment, the precautionary measures referred to in sections 118–120, 120a and 120b have been ascertained to be insufficient and detention declared necessary as a last resort;
- 2) the child has been heard in accordance with section 6(2) before the decision is made; and
- 3) a social worker in a public-service employment relationship who has been appointed by the body responsible for social services has been reserved an opportunity to be heard.

(49/2017)

(2) In the case of a child held in detention with the person who has custody of him or her, a further condition is that the detention is essential for maintaining the family contact between the child and the person who has custody of him or her.

(3) An unaccompanied child under 15 years of age may not be detained. An unaccompanied child aged 15 years or more who is applying for international protection may not be detained before a decision on his or her removal from the country has become enforceable.

(4) A detained unaccompanied child shall be released no later than 72 hours after the start of the detention. For special reasons the detention may be extended by up to 72 hours.

Section 123 (813/2015)

Deciding on detention

(1) A decision to detain an alien, when taken by the police, is made by a commanding police officer at the local police department, the National Bureau of Investigation or the Finnish Security Intelligence Service, and when taken by the Border Guard, by an official of the Border Guard with the power of arrest or a border guard of at least the rank of lieutenant.

(2) The person detained or his or her legal representative shall be notified in writing immediately, in a language that he or she understands or which he or she can reasonably be expected to understand, of the grounds for detention and shall be given information about the processing of the matter on which the detention is based and of the possibility of obtaining legal aid.

Section 123a (813/2015)

Placement of detained aliens

(1) A detained alien shall, as soon as possible, be placed in a detention unit referred to in the Act on the Treatment of Detained Aliens and on Detention Units (116/2002).

(2) An official referred to in section 123(1) may decide on placing a detained alien exceptionally in police custody facilities if:

1) the detention units are temporarily full; or

2) the alien is detained far from the nearest detention unit, in which case the detention in police custody facilities may last for a maximum of four days.

(3) In a situation referred to in subsection 2(2) the alien may exceptionally be placed in Border Guard custody facilities instead of police custody facilities, however, for a maximum of 48 hours.

(4) If the detained alien is a child, he or she may not be placed in police or Border Guard custody facilities but shall always be placed in a detention unit.

(5) A detained applicant for international protection shall ordinarily be placed in a detention unit.

(6) Provisions on the law applicable to aliens placed in police or Border Guard custody facilities are laid down in section 1(3) of the Act on the Treatment of Detained Aliens and on Detention Units. The provisions of section 6a(2) of the Act on the Treatment of Detained Aliens and on Detention Units apply to the right of the Non-Discrimination Ombudsman to visit police or Border Guard custody facilities and to talk confidentially with detained aliens.

Section 124 (813/2015)

Detention notification and court proceedings

(1) The official who decided on detention, the exceptional placement referred to in section 123a(2) or a child's residence obligation shall, without delay and no later than the day after the detention or the start of the obligation, give notification of the matter to the district court of the place of detention or, in urgent cases, another district court, as specified by Ministry of Justice decree. The notification may be made by telephone or electronically. A notification made by telephone shall be submitted without delay to the district court in writing. (49/2017)

(2) The district court shall hear a matter concerning detention, the exceptional placement referred to in section 123a(2)(1) or a child's residence obligation referred to in section 120b without delay and no later than four days after the person was detained or the obligation started. In the case referred to in section 123a(2)(2) and in the case of the detention of an unaccompanied child, the matter shall be heard without delay and no later than 24 hours after notification. (49/2017)

(3) In matters concerning detention, the chairman alone constitutes a quorum of a district court. A district court hearing may be held at a time and place other than the one laid down in the provisions on district court hearings.

(4) The provisions of section 5 of the Act on the Calculation of Statutory Time Limits (150/1930) do not apply to the determination of time limits referred to in this section.

Section 125 (813/2015)

District court procedure

(1) The official or the person delegated by this who decided on detention or the exceptional placement referred to in section 123a(2–3) shall be present at the hearing of the matter at a district court.

(2) When the matter is heard by a district court, the court shall be presented with a statement on the conditions for detention or the exceptional placement of a detained alien. The detained alien shall be present in the district court session to answer questions concerning the conditions for the detention or exceptional placement.

(3) If the district court deems it appropriate, a matter concerning detention and exceptional placement may, however, be heard without the courtroom presence of the detained alien or the

official referred to in subsection 1, by using video conferencing or other suitable technical means of communication in which the hearing participants are in audio and visual contact with each other. If the district court considers it necessary, the detained alien shall be brought to the court.

(4) The hearing of the matter may be deferred only for special reasons. The detention will continue until the next hearing of the matter unless otherwise ordered by the district court.

Section 125a (813/2015)

District court hearing of a matter concerning detention of a child

When a district court hears a matter concerning detention of a child, the public official referred to in section 122(1)(3) shall provide the district court with his or her written statement on the matter. The statement shall be available no later than when the district court deals with the matter in accordance with section 124(2).

Section 126

Decision of a district court

(1) A district court shall order a detained alien to be released immediately if there are no grounds for holding him or her in detention. The decision shall state the grounds for detention or transfer. The decision shall be pronounced immediately after the hearing.

(2) If the district court orders that the detention of the alien be continued, the alien shall be ordered to be sent to detention facilities referred to in section 123a(1) or (2). If the grounds for holding the alien in custody facilities for remand prisoners no longer exist, the district court shall order that the alien be returned to the detention facilities for aliens. (49/2017)

(3) If the decision on detention or transfer is made by a district court other than the district court of the place of detention, the district court shall immediately notify the district court of the place of detention of its decision.

Section 127

Releasing detained aliens

(1) The authorities handling the matter shall order a detained alien to be released immediately once the grounds for detention cease to exist. A detained alien shall be released no later than six months after the decision on detention was made. The period of detention may be longer than this, however not exceeding 12 months, if the detained alien does not cooperate in enforcing the return or if the third country fails to produce necessary return documents, and the enforcement of the removal is delayed for these reasons. (195/2011)

(2) If the district court has decided that the detention of the alien be continued, the authorities shall immediately notify the district court of the place of detention of the alien's release. The notification may be made by telephone or electronically. A notification made by telephone shall be submitted without delay to the district court in writing.

Section 128 (646/2016)

Rehearing at a district court

(1) Where a detained alien has not been ordered to be released, the district court with jurisdiction over the place of detention shall, at the request of the person detained, rehear the matter concerning the detention or exceptional placement referred to in section 123a(2–3). The matter shall be reheard without delay and no later than four days after the submission of the request. However, a detention matter does not have to be reheard earlier than two weeks after the decision of the district court to continue the detention of the alien at the facility concerned. The provisions of section 5 of the Act on the Calculation of Statutory Time Limits (150/1930) do not apply to the determination of time limits referred to in this section.

(2) At the request of the person detained, the district court shall also rehear the matter earlier than what is provided in subsection 1 where this is deemed necessary due to a circumstance revealed after the previous hearing. The authority considering the matter shall notify the person detained and his or her counsel without delay of any essential change in the circumstances that gives rise to a rehearing, unless the person detained has been ordered to be released under section 127(1).

(3) If the district court considers it appropriate, the rehearing of a matter concerning detention or exceptional placement may take place using video conferencing or other technical means of communication referred to in section 125(3). However, if the district court considers it necessary, the detained alien shall be brought to the court.

(4) When a decision concerning the detention of a child held in detention with the person who has custody of the child is reheard by the district court, the court shall reserve the opportunity for a social worker to provide his or her statement. The district court shall release the child, unless there are special reasons for continuing the detention.

Section 129

Request for review of detention

(1) No judicial review may be requested by way of appeal in respect of a decision on detention made by the authorities or a district court.

(2) The person detained may make a complaint about the decision of a district court. There is no deadline for the complaint. The complaint shall be handled with urgency.

Section 129a (193/2015)

Monitoring of aliens

(1) The monitoring of aliens means the supervision of compliance with this Act and the provisions issued under it, and the prevention of illegal stay in the country. Provisions on border checks are laid down in the Schengen Borders Code.

(2) Measures taken in the monitoring of aliens shall be justifiable in relation to the aims of the monitoring and the urgency of the task, and in relation to other factors influencing the overall assessment of the situation. The monitoring shall be carried out with respect for the rights of the monitoring subjects as provided in section 5.

(3) The monitoring of aliens shall be based on the monitoring authority's general information and experience of illegal entry to and stay in the country. The monitoring measures shall be based on observations made and on tip-off information or analysis data received. The monitoring measures may not be based solely or to a decisive extent on the person's actual or assumed ethnic origin.

Section 129b (193/2015)

Right of inspection of the police and Border Guard

(1) For the purposes of the monitoring of aliens, where this is justifiable for establishing an alien's personal identity, nationality, right to be in the country or right to work, the police and the Border Guard have the right:

1) to obtain information from the monitoring subject and to inspect the necessary documents on his or her personal identity, nationality and right to stay in the country and to work;

2) to gain entry to premises that are protected by the right to privacy of public premises referred to in chapter 24, section 3 of the Criminal Code, or to other places, premises or vehicles to which there is no public access and which do not constitute facilities used for residence of a permanent nature, for the purpose of inspection referred to in paragraph 1;

3) to order a vehicle to stop for the purpose of conducting an inspection, as referred to in paragraph 1, on the persons in the vehicle;

4) to obtain information on aliens in the service of an employer that has hired aliens and on the grounds for their right to work, and information from a contractor referred to in section 86b indicating that the contractor has attended to its obligations under section 86a(1) and (2).

(2) The person performing the inspection made under subsection 1 shall, during the course of the inspection, if possible, tell the party who is immediately affected by the inspection, about the aims of the inspection, the conducting of it and further measures. The inspection shall be carried out without causing undue inconvenience to the monitoring subject or the owner of the premises to be inspected.

(3) The start of an inspection to be made on the basis of subsection 1(2) and the grounds for it shall be notified to the possessor of the premises or the possessor's representative as soon as possible without compromising the performance of the measures. The inspection may be made even if the possessor of the premises or the possessor's representative is not present or cannot be reached. The provisions of section 39 of the Administrative Procedure Act shall be observed in inspections.

Section 130

Establishing identity and providing information on residence

(1) At the request of the police or other authorities considering a matter concerning an alien, the alien shall present his or her travel document or prove his or her identity in some other reliable manner.

(2) When summoned, an alien shall appear before police or border control authorities or the Finnish Immigration Service to submit the necessary information on his or her residence.
(973/2007)

(3) An alien who is not a Union citizen or similar person shall report to the authorities within three days of his or her entry into the country. Further provisions on reporting may be given by Ministry of the Interior decree.

Section 131

Recording of personal identifying characteristics

(1) For the purpose of identifying aliens or for processing, making decisions on and supervising matters concerning aliens' entry into and departure from the country and their residence and employment, and for protecting national security, the police or the border control authority may take fingerprints and a photograph and record other personal identifying characteristics of aliens:

1) who have applied for asylum or a residence permit on the basis of subsidiary protection or temporary protection; (332/2016)

2) who have applied for a residence permit on the basis of family ties;

3) who have been issued with a residence permit as aliens admitted to Finland under the refugee quota;

4) to whom the authorities have decided to deny admittance or stay or whom they have decided to deport from the country; or

5) whose identity is unclear.

(631/2011)

(2) The personal identifying characteristics referred to in subsection 1 are recorded in a register maintained by the police. The information shall be kept separate from the personal identifying characteristics of criminal suspects and from the fingerprints collected for the purpose of residence permit applications, residence permit card applications or applications for residence cards of family members of Union citizens which are recorded in the Register of Aliens under section 3b of the Act on the Register of Aliens (1270/1997). The information shall be deleted in compliance with the provisions of section 34 of the Act on the Processing of Personal Data by the Police (616/2019). (635/2019)

(3) The fingerprint data referred to in subsection 1 may be compared with the fingerprint data recorded, under this section, for the purpose specified in section 5 of the Act on the Processing of Personal Data by the Police and with the fingerprint data recorded in the sub-register of applications and the sub-register of alien's passports and refugee travel documents associated with the Register of Aliens and referred to in section 3 of the Act on the Register of Aliens. In addition, in order to establish the conditions for entry into the country, the fingerprint data recorded may be compared with the fingerprints included in the personal identifying characteristics referred to in section 6 of the Act on the Processing of Personal Data by the Police and specified in the Coercive Measures Act (806/2019) insofar as the fingerprint data already registered relates to an offence for which the most severe punishment by law is at least one year's imprisonment. (635/2019)

(4) Notwithstanding secrecy provisions, personal data referred to in subsection 1 may be disclosed to foreign authorities for the identification of the alien with due regard to the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), the Act on the Processing of Personal Data in Criminal Matters and in Connection with Maintaining National Security (1054/2018) and the Act on Processing of Personal Data by the Police. (635/2019)

Section 132

Taking possession of travel documents by the authorities

(1) Police or border control authorities, the Finnish Immigration Service or Finnish missions may take possession of false or forged travel documents, or travel documents intended for giving false personal data, held or presented by an alien. (973/2007)

(2) Police or border control authorities may conduct a non-intimate body search of an alien to take possession of a document held by him or her.

(3) False or forged travel documents taken into possession by the police or border control authorities are sent to the Crime Laboratory of the National Bureau of Investigation. Travel documents intended for giving false personal data may be sent to the mission of the State in question. In connection with denial of admittance or stay, the travel documents may also be sent to the authorities of the receiving State.

(4) Forged travel documents or travel documents intended for giving false personal data taken into possession by a Finnish mission may be sent to the authorities that issued them.

(5) If travel documents taken into possession are sent to the authorities of a foreign State, the safety of the person who has applied for international protection or the safety of his or her relatives shall not be endangered.

(6) No judicial review may be requested separately by way of appeal in respect of the authorities' decision to take possession of a travel document.

Section 133 (749/2011)

Registration in the event of a mass influx of migrants

(1) If the number of migrants entering the country is exceptionally high, which makes it impossible to establish that the conditions for entry are met and to register the aliens in the normal procedure, the Government may decide in a plenary session that persons whose conditions for entry or identity are unclear may be sent to the registration centre referred to in section 3 of the Act on the Reception of Persons Applying for International Protection for the purposes of registration.

(2) The government decision is issued for a fixed term, not exceeding three months, however.

(3) Police or border control authorities or, under the supervision of these, a public official assigned to the duty by the Ministry of the Interior may, in conjunction with registration, record the personal identifying characteristics referred to in section 131(1) of the persons entering the country. A person entering the country is obliged to stay at the registration centre for the duration

of the registration, unless otherwise required by the state of his or her health or for other important personal reasons.

(4) Registration shall be carried out without delay.

Chapter 8

Travel documents issued to aliens in Finland

Section 133a (458/2009)

Application of the Passport Act

The provisions of the Passport Act (671/2006) on the security features in passports, fingerprinting, the technical component of the passport, checking the data stored in the technical component, security of the data in the technical component, and on reading the fingerprints stored in the technical component also apply to travel documents referred to in this chapter. Besides the provisions laid down in the Passport Act, the fingerprints stored in the technical component of an alien's passport or a refugee travel document may be read by the Finnish Immigration Service to establish the authenticity of the document and the identity of the document holder where the performance of duties laid down for it by law so requires.

Section 134

Issue of alien's passports

(1) Alien's passports may be issued to aliens residing in Finland if the alien cannot obtain a passport from the authorities of his or her home country, if he or she is stateless or if there are other special reasons for issuing an alien's passport to him or her.

(2) Aliens who have been issued with a residence permit on the basis of subsidiary protection are issued with an alien's passport. (323/2009)

(3) Aliens who have been issued with a residence permit on the basis of temporary protection are issued with an alien's passport if they hold no valid travel document.

(4) Aliens residing abroad who have been issued with a residence permit in Finland are issued with an alien's passport for return to Finland in replacement of a lost or damaged alien's passport or refugee travel document.

(5) Alien's passports may be issued for a maximum of five years. Aliens residing abroad may, however, be issued with an alien's passport for a maximum of one month. (673/2006)

Section 135

Issue of refugee travel documents

(1) Refugee travel documents are issued to aliens who have been granted refugee status referred to in section 106 and whose refugee status has not been ended or revoked.

(2) Refugee travel documents may be issued for a maximum of five years. (673/2006)

Section 136 (673/2006)

Contents of alien's passports and refugee travel documents

(1) The person's family name, first names, sex, personal identity code, citizenship, place of birth, the date of issue, the last day of validity, the authority issuing the passport and the passport number are entered on an alien's passport. Citizenship information may be left out if the alien in question does not want the citizenship information to be entered and there are security-related grounds for the omission. The passport also contains the photograph and signature of the passport holder.

(2) The person's family name, first names, sex, personal identity code, place of birth, the date of issue, the last day of validity, the authority issuing the passport and the passport number are entered on a refugee travel document. The passport also contains the photograph and signature of the passport holder.

Subsections 3 and 4 were repealed by Act 458/2009.

(5) If it is impossible to verify the identity of the alien, an appropriate entry is made in the alien's passport or the refugee travel document.

Section 137 (973/2007)

Handing over travel documents carried by aliens

Aliens shall hand the travel document they hold over to the Finnish Immigration Service before they are given an alien's passport or a refugee travel document.

Section 138

Withdrawal of alien's passports and refugee travel documents

(1) An alien's passport and a refugee travel document is withdrawn if:

- 1) the holder of the document has been issued with another travel document or if it emerges that he or she already has another travel document;
- 2) the holder of the document has acquired Finnish citizenship;
- 3) the residence permit of the holder of the document has been withdrawn or has expired; or
- 4) the document has been lost.

(2) An alien's passport or a refugee travel document may be withdrawn if:

- 1) the document has been damaged or any entries in it have been altered;
- 2) facts have emerged since the document was issued on the basis of which the document would have been refused, in all likelihood, when the issue of the document was under consideration;
- 3) the document is used or held by a person other than the one to whom it was issued; or
- 4) the Digital and Population Data Services Agency has, for special reasons, withdrawn the certificate related to establishing the authenticity and integrity of the data stored in the technical specifications of the document or to reading fingerprints. (1163/2019)

(458/2009)

(3) A refugee travel document is also withdrawn if the holder of the document is no longer a refugee or the responsibility for the refugee has transferred to another State.

Section 139

Competence to issue and withdraw alien's passports or refugee travel documents

(1) The Finnish Immigration Service decides on issuing alien's passports and refugee travel documents to aliens residing in Finland and on withdrawing these. (973/2007)

(2) Finnish missions decide, after consulting the Finnish Immigration Service, on issuing alien's passports to aliens residing abroad. (973/2007)

Subsection 3 was repealed by Act 501/2016.

Section 140

Taking possession of alien's passports and refugee travel documents by the authorities

(1) The authorities take possession of an alien's passport or a refugee travel document when a decision is made to withdraw the document.

(2) The authorities may take temporary possession of the document before the decision to withdraw the document is issued if the document is damaged or entries in it have been altered, or if it is used or held by a person other than the one to whom it was issued.

(3) No judicial review may be requested separately by way of appeal in respect of a decision to take possession of a document.

Section 141

Competence to take possession of alien's passports and refugee travel documents by the authorities

(1) The police, border control authorities, the Finnish Immigration Service or a Finnish mission may take possession of an alien's passport or a refugee travel document. (973/2007)

(2) The authorities may conduct a non-intimate body search of an alien to take possession of a document.

(3) An alien's passport or a refugee travel document taken possession of by the authorities shall be sent to the Finnish Immigration Service without delay. (973/2007)

Section 141a (673/2006)

Model of and an application form for an alien's passport and a refugee travel document

The Ministry of the Interior approves the form used in the application for and issue of alien's passports and refugee travel documents and decides on the model of alien's passports and refugee travel documents and other matters related to their production.

Chapter 9

Removal from the country

Definitions

Section 142 (1214/2013)

Refusal of entry and denial of admittance or stay

(1) In this Act, *refusal of entry* means preventing a third-country national from entering the country at the external border as provided in Article 13 of the Schengen Borders Code.

(2) In this Act, *denial of admittance or stay* means:

1) denying entry to the country at the external border to a Union citizen, or a similar person, or a family member of either enjoying the Union right of free movement;

2) denying entry to the country at the external border to a third-country national holding a residence permit issued for more than three months who is seeking to enter the country for the first time during the validity of the residence permit;

3) denying entry to the country at the external border to a third-country national holding a residence permit or national visa of another EU Member State entitling him or her to stay in the

Schengen area for over three months who is not the subject of an entry ban imposed by Finland;
or

4) removing from the country an alien not holding a residence permit if he or she has not been issued with a residence permit or residence card after entry or if his or her right of residence has not been registered after entry as provided in this Act.

Section 143 (565/2019)

Deportation

In this Act, *deportation* means removing from the country an alien who:

1) resides in the country under a fixed-term or permanent residence permit issued by Finnish authorities;

2) resides in the country and whose residence has been registered as provided in this Act; or

3) continues to reside in the country after his or her residence permit, registered residence or residence card has expired; or

4) has lost Finnish citizenship.

Section 144

Entry ban

In this Act, *entry ban* means prohibiting entry into one or more Schengen States for a fixed term or until further notice.

Common provisions on removal from the country

Section 145 (1214/2013)

Opportunity to be heard

An alien and his or her spouse or similar partner residing in Finland shall be provided with an opportunity to be heard in a matter related to refusal of entry, denial of admittance or stay, deportation or an entry ban concerning him or her.

Section 146

Overall consideration

(1) When considering refusal of entry, denial of admittance or stay, deportation or an entry ban and the duration of the entry ban, account shall be taken of the facts on which the decision is based and the facts and circumstances otherwise affecting the matter as a whole. When considering the matter, particular attention shall be paid to the best interest of the child and the protection of family life. Other facts to be considered shall include the duration and purpose of the alien's residence in Finland, the nature of the residence permit issued to him or her, the alien's ties to Finland and his or her family-related, cultural and social ties to his or her home country. Should the refusal of entry, denial of admittance or stay, deportation or the related entry ban be on the basis of the criminal activity of the alien, account shall be taken of the seriousness of the act and the detriment, damage or danger caused to public or private security. (1214/2013)

(2) When considering an entry ban and its duration, account shall also be taken of whether the alien has any such family or work ties to Finland or to another Schengen State that would suffer unreasonably from the entry ban. When considering an entry ban and its duration for an alien whose application for international protection has been dismissed or rejected, the facts on which the dismissal or rejection was based and whether the alien has, by his or her own actions, hampered the processing of his or her application for asylum may also be taken into account.

Section 146a (1214/2013)

Return

In this Act, *return* means a procedure for removal from the country during which a third-country national who has received a decision on refusal of entry, denial of admittance or stay or deportation either leaves the country voluntarily or is removed from the country to:

1) the country of origin;

2) a transit country in accordance with a readmission agreement between the European Union or Finland and a third State, or other arrangements; or

3) another third country, to which the third-country national decides to return voluntarily and to which he or she is accepted.

Section 147 (1214/2013)

Non-refoulement

No one may be denied admittance or stay and sent back, deported or, as a result of refusal of entry, returned to an area where he or she could be subject to the death penalty, torture, persecution or other treatment violating human dignity or from where he or she could be sent to such an area.

Section 147a (194/2015)

Voluntary return

(1) A decision on denial of admittance or stay or on deportation sets a time limit of at least seven and no more than thirty days within which the alien may leave the country voluntarily. The time limit for voluntary return is counted from the day the decision is enforceable. The time limit may be extended for special reasons. No time limit is set if a third-country national is refused entry or denied admittance or stay immediately after crossing the border or if an alien is denied admittance or stay or deported because he or she is subject to a criminal sanction.

(2) No time limit is set for voluntary return, if there is a risk of absconding, if the person is considered to present a danger to public order or security, if the residence permit application has been refused on the basis of an evasion of provisions on entry, or if the application for international protection is dismissed under section 103 or the accelerated procedure referred to in section 104 is applied. The risk of absconding is assessed as laid down in section 121a.

(3) This section does not apply if a decision on denial of admittance or stay or deportation is made under chapter 10.

Section 147b (1214/2013)

Removal from the country by air

During removal from the country by air, attention shall be given to the common guidelines on security provisions for joint removals by air which form the Annex of the Council Decision on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders (2004/573/EC).

Grounds for removal from the country, and entry bans

Section 148

Grounds for denial of admittance or stay

(1) An alien may be denied admittance or stay if:

1) he or she does not meet the conditions for entry laid down in section 11(1); (1214/2013)

2) he or she refuses to give the necessary information on his or her identity or journey, or deliberately gives false information on these;

3) upon application for a visa or residence permit, he or she deliberately gave false information on his or her identity or journey, which affected the issue of the visa or residence permit;

4) during his or her short stay in Finland, he or she has rendered him or herself incapable of sustaining him or herself;

5) there are reasonable grounds to suspect that he or she may earn income through dishonest means;

6) there are reasonable grounds to suspect that he or she may sell sexual services;

7) he or she crossed the border from outside or through a border crossing point without permission to cross the border at a time when the border crossing point was closed;

8) on the basis of an earlier sentence of imprisonment, or on other reasonable grounds, there is reason to suspect that he or she may commit an offence which is punishable by imprisonment in Finland, or there is reason to suspect that he or she may commit repeated offences;

9) he or she was sentenced for an offence during his or her stay in Finland;

10) on the basis of his or her earlier activities or otherwise, there are reasonable grounds to suspect that he or she may engage in activities that endanger Finland's national security or relations with a foreign State; or

11) a decision referred to in Articles 1–3 of Council Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third country nationals has been issued to remove him or her from the country.

(2) An alien who has entered the country without a residence permit and who is required to hold a visa or residence permit to stay in Finland but who has not applied for one or has not been issued with one may also be denied admittance or stay.

Section 149 (565/2019)

Grounds for deportation

(1) An alien who has resided in Finland under a residence permit or who has lost Finnish citizenship may be deported if:

1) he or she resides in Finland without the required residence permit;

2) he or she is found guilty of an offence carrying a maximum sentence of imprisonment for a year or more, or if he or she is found guilty of repeated offences;

3) he or she has, through his or her behaviour, shown that he or she presents a danger to other people's safety; or

4) he or she has been engaged, or on the basis of his or her previous activities or otherwise there are reasonable grounds to suspect that he or she may engage in activities that endanger Finland's national security.

(2) In addition, an alien may be deported on grounds provided in subsection 1(2) if his or her punishment has been waived due to their lack of criminal responsibility under chapter 3, section 4 of the Criminal Code.

(3) A refugee may be deported in the cases referred to in subsection 1(2–4). A refugee may not be deported to his or her home country or country of permanent residence against which he or she still needs international protection. A refugee may only be deported to a State which agrees to admit him or her.

(4) An alien who has been issued with a long-term resident's EU residence permit in Finland may be deported only if he or she poses an immediate and sufficiently serious threat to public order or security. If the person to be deported has refugee status or subsidiary protection status in accordance with an entry, and with confirmation requested from the Member State specified in the entry, in a long-term resident's EU residence permit, he or she shall be deported to the Member State in question. However, a refugee may also be deported to another State as provided in subsection 3.

Section 149a (668/2013)

Responding to confirmation requests concerning deportation to Finland of persons with a long-term resident's EU residence permit issued in another EU Member State and readmission of deported persons

(1) When another EU Member State decides to deport a person who has a long-term resident's EU residence permit in that State, and requests confirmation of the validity of refugee status or subsidiary protection status from Finland, a response shall be given to the request no later than one month after its receipt.

(2) When another EU Member State decides to deport to Finland a person who has a long-term resident's EU residence permit in the State in question and has refugee status or subsidiary protection status in Finland, the person and his or her family members shall be readmitted immediately and dispensing with the formalities.

Section 149b (1214/2013)

Requirement to leave for another Member State

A third-country national who is staying in the country illegally or whose residence permit application has been rejected and who has a valid residence permit or other authorisation offering a right to stay issued by another EU Member State, shall be required to leave for the territory of

that other Member State immediately . If the third-country national does not comply with this requirement or if his or her immediate removal is necessary for ensuring public order or security, a decision shall be taken to remove the person from the country.

Section 150 (1214/2013)

Imposing and withdrawing entry bans

(1) In a decision on refusal of entry, denial of admittance or stay or deportation, an entry ban may be imposed on an alien. Unless otherwise provided in section 146, an entry ban is imposed if no time limit has been set for voluntary return under section 147a(2), or if the alien has not left the country voluntarily within the fixed time limit. An entry ban is not imposed on an alien who has been issued with a residence permit under section 52a and who has not been issued with a new residence permit or whose residence permit has been withdrawn, unless he or she has refused compliance with the obligation to return or he or she is a danger to public order or security. An entry ban may be imposed in a separate decision if the alien has not left the country voluntarily within the fixed time limit.

(2) An entry ban is imposed for a fixed term of no more than five years or until further notice. An entry ban may be imposed until further notice on an alien who has been sentenced to punishment for a serious or professional offence if he or she is a danger to public order or security.

(3) An entry ban is restricted to Finland if the alien has a residence permit in another Schengen State, and the permit is not withdrawn.

(4) An entry ban may be withdrawn on the basis of a change in circumstances or for important personal reasons. Consideration shall also be given to withdrawal of an entry ban when an alien on whom the entry ban has been imposed on grounds other than there being no time allocated for voluntary return or that an obligation to return has not been complied with, can verifiably prove that he or she has left the country in full compliance with the return decision.

Competent authorities

Section 151 (1214/2013)

Police and border control authorities

(1) The police or the border control authority shall take steps to ensure the refusal of entry, denial of admittance or stay or the deportation of an alien, or present a requirement to leave for another EU Member State as referred to in section 149b if the alien does not satisfy the conditions for entry to or residence in the country. Police or border control authorities may decide on denial of admittance or stay within three months of the alien's entry into the country. After that period, police or border control authorities shall submit a proposal to the Finnish Immigration Service to the effect that the alien be denied admittance or stay or deported, unless the Finnish Immigration Service has already taken action to remove the alien from the country. Irrespective of the three-month time limit, the police or the border control authority may also decide on denial of admittance or stay in the event that a third-country national has not complied with a requirement to leave for another EU Member State under section 149b.

(2) The police or the border control authority may impose a maximum of two years' entry ban on an alien if he or she is refused entry under Article 5(1)(e) of the Schengen Borders Code or denied admittance or stay under section 148(1)(5–8), or if the alien has not left the country during the time limit set for voluntary return referred to in section 147a.

(3) The police or the border control authority shall submit a proposal to the Finnish Immigration Service to the effect that the alien be refused entry or denied admittance or stay if they are not competent to deny admittance or stay or if they consider that an entry ban should be imposed on the alien for more than two years. Police or border control authorities may also submit a proposal to the Finnish Immigration Service to the effect that the alien be denied admittance or stay if it is important for the application of section 148 in other similar cases.

(4) The police or the border control authority may, in connection with denial of admittance or stay and deportation, make the necessary entries concerning the removal in the travel document of the person to be removed from the country. However, the entries shall not be made if there is reason to assume that they would cause serious harm to the person to be removed from the country.

(5) The police or the border control authority issues the person to be removed from the country a European travel document for return laid down in Regulation (EU) 2016/1953 of the European Parliament and of the Council on the establishment of a European travel document for the return of illegally staying third-country nationals, and repealing the Council Recommendation of 30 November 1994. (1022/2018)

Section 152 (1214/2013)

Finnish Immigration Service

(1) The Finnish Immigration Service shall, at its own initiative, present the requirement to leave for another EU Member State, as referred to in section 149b, to a third-country national, and shall decide based on a proposal by a local police department or border control authority on denial of admittance or stay and refusal of entry or decide at its own initiative on denial of admittance or stay.

(2) With the exception of the situation referred to in section 151(1), the Finnish Immigration Service decides on denial of admittance or stay if more than three months have passed since the alien's entry into the country, or if the alien has applied for a residence permit on the basis of international or temporary protection.

(3) Deportation is decided by the Finnish Immigration Service upon a proposal by the local police department or the border control authority or on its own initiative.

(4) The Finnish Immigration Service decides on imposing entry bans for a fixed term or until further notice and decides on withdrawing entry bans.

Section 152a (283/2007)

Carrying out removals from the country through Finnish territory

(1) The police or the border control authority may, under an international treaty or other obligation binding on Finland, give competent authorities of another State permission to remove a third-country national from the country through Finnish territory. The permission shall specify the authorities performing the transit and the powers of the other State's authorities and their right to use force.

(2) Transit is performed by the police or the border control authority, and competent officials of the other State may participate in it. If the police or the border control authority cannot perform a transit without delay, they may give the other State's competent officials permission to perform the transit independently.

(3) Competent officials of the other State participating in a transit performed by the police or the border control authority have, when staying in Finnish territory, the right to use such powers available to a police officer or border guard, including use of force, that a police officer or border guard may accord them within their competence.

(4) The officials of the other State performing a transit independently have the right to give any necessary binding orders and prohibitions to the persons being removed. The police or the border control authority may give them the right to use force in Finnish territory to prevent the escape of persons being removed, to overcome resistance and to prevent an immediate risk of an offence or some other dangerous act or event. The use of force shall be necessary and justifiable considering the circumstances. A further requirement for the use of force by a foreign State's officials is that any competent Finnish officials are not immediately in a position to use force themselves.

Section 152b (1341/2014)

Overseeing the enforcement of removals from the country

It is the duty of the Non-Discrimination Ombudsman to oversee the enforcement of removals from the country at all their stages.

Chapter 10

Residence of citizens of the European Union or similar persons

Section 153 (360/2007)

Scope of application of the chapter

(1) This chapter applies to Union citizens and similar persons and their family members and other relatives.

(2) This chapter lays down provisions on:

1) the conditions on how Union citizens and their family members can use their right to move and reside freely within the territory of the Member States;

2) the right of Union citizens and their family members to reside within the territory of the Member States on a permanent basis;

3) restrictions concerning the rights referred to in paragraphs 1 and 2 on grounds of public order or security or public health.

(3) The chapter applies to Union citizens who move to Finland or reside in Finland, and to their family members who accompany them or join them later. (432/2010)

(4) The chapter applies to family members of a Finnish citizen if the Finnish citizen has exercised his or her right of free movement under the Free Movement Directive by settling in another Member State, and the family member accompanies him or her to Finland or joins him or her later. (432/2010)

Section 153a (360/2007)

Exception to the scope of application of the chapter

(1) Union citizens whose right of residence cannot be registered or approved under the provisions of this chapter may, as an exception, be issued with a residence permit under chapter 4.

(2) A family member of a Union citizen, who is not a Union citizen and to whom the provisions of this chapter do not apply, is issued with a residence permit under chapter 4.

Section 154 (360/2007)

Union citizens' family members

(1) The following persons are considered family members of a Union citizen:

1) his or her spouse;

2) his or her direct relatives in the descending line who are under the age of 21 or dependent on him or her, and relatives of similar status of his or her spouse;

3) his or her direct relatives in the ascending line who are dependent on him or her, and relatives of similar status of his or her spouse.

(2) If the Union citizen living in Finland is a minor, the person who has custody of the minor is considered a family member.

(3) In the application of this chapter, persons living in a marriage-like relationship in the same household on a permanent basis are considered to be a married couple regardless of their sex if they have lived in the same household for at least two years. In the application of this chapter, the relationship between them is equivalent to a marriage. However, the requirement for living together for at least two years does not apply if the persons living in the same household have a child in their joint custody or if there are other serious grounds.

(4) Other relatives are considered to be family members of Union citizens, regardless of their citizenship, if:

1) the relative is, in the country of departure, dependent on a Union citizen who has the primary right of residence, or the relative lived in the same household with the Union citizen in question; or

2) serious health grounds absolutely require the Union citizen in question to give the relative personal care.

Section 155 (360/2007)

Union citizens' entry into and residence in the country

(1) Union citizens entering into and residing in the country are required to have a valid identity card or passport.

(2) If a Union citizen or his or her family member who is not a Union citizen does not have the necessary travel document or, where required, the necessary visa, he or she shall, before being refused entry, be given an opportunity to obtain the necessary documents or to have them delivered to him or her, or prove by other means that he or she has a right to move and reside freely in the country.

Section 155a (266/2011)

Entry of Union citizens' family members

(1) A family member of a Union citizen who is not a Union citizen entering into and residing in the country are required to have a valid passport. Such a family member may be required to have a visa if the family member is a citizen of a State for which, under a Council Regulation, a visa is required.

(2) A family member who holds a valid residence card referred to in the Free Movement Directive, is not required to have a visa, and no entry or exit stamp is placed on his or her passport. The residence card shall be presented when entering the country from outside the Schengen area.

(3) Visa applications filed by Union citizens' family members are processed as soon as possible and free of charge under an accelerated procedure. Visa applicants or their family members may be heard orally when the issuing of a visa for them is considered. The Finnish mission hears applicants who reside abroad, and a local police department those who reside in Finland. Persons residing in Finland may be heard by an official of the Finnish mission processing the application related to the hearing, if this is required to resolve the visa issue.

(4) A decision to refuse, annul or revoke a visa shall be given to the applicant in writing, and it shall be justified unless this is contrary to the security interests of Finland or another EU Member State.

Section 156 (360/2007)

Public order and security

(1) A condition for a Union citizen's and his or her family member's entry into and residence in the country is that they are not considered a danger to public order or security.

(2) Preventing entry into and removal from the country on grounds of public order or security shall be based exclusively on the personal conduct of the alien and not merely on any previous criminal convictions. The personal conduct of the alien shall represent a genuine, immediate and sufficiently serious threat affecting a fundamental interest of society. Justifications that are isolated from the particulars of the case or that rely on considerations of general prevention will not be accepted.

Section 156a (360/2007)

Public health

(1) Entry into and residence in the country by a Union citizen and his or her family members may be restricted on grounds of public health. The restrictions may apply only on the basis of a disease with epidemic potential as defined by the relevant instruments of the World Health Organization and other infectious diseases which would justify restrictions to the freedom of a Finnish citizen

who had caught the disease or who was suspected of having caught the disease, so as to prevent the disease from spreading.

(2) A disease posing a threat to public health that occurs after a three-month period from the date of arrival may not constitute grounds for removal from the country.

(3) A Union citizen or his or her family members may, within three months of the date of arrival, and if it is clearly necessary, be required to undergo a free medical examination to certify that they are not suffering from any of the diseases referred to in subsection 1. Such medical examinations may not be required of all applicants as a matter of routine.

Section 157

Nordic citizens' entry into and residence in the country

(1) Citizens of Iceland, Norway, Sweden and Denmark have the right to enter the country directly from any of these States without a passport and to reside in Finland without registering their right of residence. (360/2007)

(2) Citizens of Iceland, Norway, Sweden and Denmark shall be able to prove their identity and citizenship in a reliable way.

(3) Nordic citizens entering the country for a purpose other than short-term residence shall register their residence as agreed between the Nordic Countries on population registration. (34/2006)

Section 158 (360/2007)

Union citizens' short-term residence

(1) Union citizens may reside in Finland without registering their right of residence for a maximum of three months without any conditions or any formalities other than the requirement to hold a valid identity card or passport.

(2) The provisions of subsection 1 also apply to family members of Union citizens who are not Union citizens and who hold a valid passport.

(3) A Union citizen may reside in Finland as a jobseeker for a reasonable time beyond the three-month limit without registering his or her right of residence if he or she continues to look for employment and if he or she has a genuine chance of being employed.

Section 158a (432/2010)

Right to reside in the country for more than three months

(1) Union citizens may reside in Finland for more than three months if they:

1) are engaged in economic activity as paid employees or self-employed persons;

2) have for themselves and their family members sufficient financial resources and, if necessary, health insurance so that, during their time of residence, they do not become a burden on Finland's social security system by resorting repeatedly to social assistance provided in the Act on Social Assistance or other equivalent benefits or in some other similar manner;

3) are enrolled at an accredited educational institution in Finland for the principal purpose of following a course of study and they have, for themselves and their family members, sufficient financial resources for their residence and, if necessary, health insurance, so that, during their time of residence, they do not become a burden on Finland's social security system by resorting repeatedly to social assistance provided in the Act on Social Assistance or other equivalent benefits or in some other similar manner; or

4) are family members of a Union citizen meeting the requirements laid down in paragraph 1, 2 or 3.

(2) The right of residence laid down in subsection 1 also applies to family members of a Union citizen who are not themselves Union citizens, if the Union citizen meets the requirements laid down in paragraph 1, 2 or 3 of that subsection.

(3) Family members of Nordic citizens have a right of residence even if they do not have sufficient financial resources.

Section 159 (360/2007)

Registering Union citizens' right of residence

(1) Union citizens residing in Finland for more than three months shall register their residence. The application for registering the right of residence is submitted to the Finnish Immigration Service within three months of the date of entry into the country. (501/2016)

(2) A Union citizen who has provided proof that he or she meets the requirements of registration shall be immediately issued with a registration certificate, giving his or her name and address, and the date of registration.

Section 159a (360/2007)

Proof required in connection with registration

A valid identity card or passport and the following documents shall be presented in connection with the application for a registration certificate:

1) if the applicant is gainfully employed, a confirmation of engagement from the employer or a certificate of employment;

2) if the applicant is self-employed, proof of self-employment;

3) if the applicant is a Union citizen referred to in section 158a(1)(2), proof that the applicant has sufficient financial resources for him or herself and for his or her family members and, if necessary, proof of health insurance;

4) if the applicant is a student referred to in section 158a(1)(3), proof that he or she is enrolled at an accredited educational institution in Finland and that he or she has sufficient health insurance coverage and personal assurance or any other sufficient proof that he or she has sufficient financial resources for him or herself and for his or her family members; the applicant cannot be required to refer to any specific amount of resources in his or her personal assurance.

Section 160 (360/2007)

Retaining the status of employed or self-employed person

In cases referred to in section 158a(1)(1), Union citizens who are no longer employed or self-employed persons, will retain their status as employed or self-employed persons even if:

- 1) they are temporarily unable to work as a result of an illness or accident;
- 2) after having been employed for more than one year they become unemployed involuntarily and are registered as jobseekers with the relevant employment office;
- 3) after completing a fixed-term employment contract of less than a year or during the first twelve months of employment they become unemployed involuntarily and are registered as jobseekers with the relevant employment office; in this case they retain their status as employees for six months; or
- 4) they embark on vocational training that is related to their previous employment or, if they are involuntarily unemployed, on other vocational training.

Section 161 (360/2007)

Residence card

- (1) Family members of Union citizens who are not Union citizens are, on application, issued with a residence card of a family member of a Union citizen, if the sponsor meets the conditions laid down in section 157 or 158a.
- (2) A residence card is issued to family members planning to stay in Finland for more than three months.
- (3) The provisions of this Act concerning the residence permit card and the biometric identifiers stored therein also apply to the residence cards of family members of Union citizens. (631/2011)

Section 161a (360/2007)

Applying for a residence card

- (1) The application for a residence card of a family member of a Union citizen shall be filed within three months of the date of entry.
- (2) The following shall be presented in connection with the application for a residence card:
 - 1) a valid passport;

- 2) a document attesting to the existence of a marriage or a registered partnership;
- 3) the registration certificate of the Union citizen whom the applicant is accompanying or joining;
- 4) in cases referred to in section 154(1)(2) or 154(1)(3), a document attesting to a family relationship;
- 5) in cases referred to in section 154(3), proof of existence of a durable relationship with the Union citizen in question;
- 6) in cases referred to in section 154(4), a document issued by an authority in the country of origin or the country of departure certifying that the other family members are dependants of a Union citizen or members of the same household or proof of the existence of serious health grounds which absolutely require the personal care of the family member by the Union citizen.

(3) When filing a residence card application, the applicant is fingerprinted as provided in section 60d. The applicant shall enclose his or her facial image with the application. (631/2011)

Section 161b (360/2007)

Issue of a residence card

The residence card of a family member of a Union citizen shall be issued within six months of the submission of the application. A certificate of application for the residence card shall be issued immediately.

Section 161c (360/2007)

Validity of the residence card

(1) The residence card for a family member of a Union citizen is issued for five years or, if the envisaged period of residence is less than five years, for the envisaged period of residence.

(2) When considering the validity of the residence card, consideration is not given to temporary absences not exceeding six months a year, or to longer absences to undertake compulsory military service or to one absence of a maximum of twelve consecutive months for important reasons such

as pregnancy or childbirth, serious illness, study or vocational training, or a posting in another EU Member State or a third country.

Section 161d (360/2007)

Retention of the right of residence by family members in the event of death or departure from Finland

(1) A Union citizen's death or departure from the country does not affect the right of residence of his or her family members who are Union citizens. However, before being granted the right of permanent residence, the family member shall meet the requirements laid down in section 158a(1).

(2) Union citizens' family members who are not Union citizens and who have resided in Finland as family members for at least one year before the death of the Union citizen do not lose their right of residence at the death of the Union citizen. Before family members are granted the right of permanent residence, they are subject to the requirement that they are employees or self-employed, or that they have, for themselves and their family members, sufficient financial resources so that they or their family members do not become a burden on the social assistance system of Finland, and comprehensive health insurance coverage in Finland, or that they are members of the family, already constituted in Finland, of a Union citizen meeting these requirements. Such family members retain their right of residence solely on personal grounds.

(3) When a Union citizen dies or leaves the country, his or her children or the parent who has actual custody of the children do not, irrespective of nationality, lose their right of residence before the children have completed their studies, if the children reside in Finland and are enrolled at an educational institution for the purpose of studying there.

Section 161e (360/2007)

Retention of the right of residence of family members in the event of divorce

(1) A marriage of a Union citizen ending in divorce does not affect the right of residence of a family member of the Union citizen, if the family member is a Union citizen. However, before being granted the right of permanent residence, the family member shall meet the requirements laid down in section 158a(1).

(2) Family members of a Union citizen who themselves are not Union citizens do not lose their right of residence in the event of divorce if:

1) the marriage has lasted at least three years, including one year in Finland;

2) by agreement between the spouses or a court decision, the spouse who is not a Union citizen has custody of the children of the Union citizen;

3) it is warranted by particularly difficult circumstances such as violence in the marriage; or

4) by agreement between the spouses or by a court decision, the spouse who is not a Union citizen has a right of access to a minor, and the court has ruled that the access must be in Finland.

(3) Before family members referred to in subsection 2 who are not Union citizens are granted the right of permanent residence, they are subject to the requirement that they are employees or self-employed, or that they have, for themselves and their family members, sufficient financial resources so that they or their family members do not become a burden on the social assistance system of Finland, and comprehensive health insurance coverage in Finland, or that they are members of the family, already constituted in Finland, of a Union citizen meeting these requirements. Such family members retain their right of residence solely on personal grounds.

Section 161f (360/2007)

Retention of the right of residence

(1) Union citizens and their family members have the right to short-term residence laid down in section 158 if they do not, by resorting repeatedly to social assistance provided in the Act on Social Assistance or other equivalent benefits or in other similar manner, become an unreasonable burden on Finland's social security system during their residence.

(2) Union citizens and their family members have the right to stay in Finland for more than three months, as laid down in section 158a, 161d or 161e, if they meet the requirements laid down in these sections.

(3) In specific cases, if there are reasonable grounds to suspect that a Union citizen or his or her family member does not meet the requirements laid down in section 158a, 161d or 161e, the fulfilment of the requirements may be reviewed.

Section 161g (360/2007)

Right of permanent residence

(1) Union citizens who have resided legally in Finland for a continuous period of five years have the right of permanent residence. The provisions on the requirements for short-term residence or residence for more than three months do not apply to this right.

(2) The provisions of subsection 1 also apply to family members of a Union citizen who are not Union citizens and who have legally resided in Finland with the Union citizen for a continuous period of five years.

(3) Continuity of residence is not affected by temporary absences not exceeding six months a year, or longer absences to undertake compulsory military service, or one absence of a maximum of twelve consecutive months for important reasons such as pregnancy or childbirth, serious illness, study or vocational training, or a posting in another EU Member State or a third country.

Section 161h (360/2007)

Document certifying the right of permanent residence of Union citizens

(1) Union citizens who have the right of permanent residence are, on application, issued with a document certifying permanent residence.

(2) The document shall be issued as soon as possible after the period of residence has been verified.

Section 162 (360/2007)

Permanent residence card

(1) Family members of a Union citizen who are not Union citizens and who have the right of permanent residence are, on application, issued with a permanent residence card within six months of filing the application.

(2) The application for a permanent residence card shall be filed before the expiry of the validity of the residence card.

(3) Interruptions to residence not exceeding a maximum of two consecutive years do not affect the validity of the permanent residence card.

Section 163 (360/2007)

Right of permanent residence of persons who are no longer working or engaged in self-employment

(1) Employees and self-employed persons have the right of permanent residence before completing a continuous period of five years of residence, if they:

1) at the time they stop working, have reached the age entitling them to an old-age pension and have been working or self-employed in Finland for at least the preceding 12 months and have lived in Finland for a continuous period of at least three years; self-employed persons not entitled to an old-age pension are granted the right to permanent residence when they reach the age of 60;

2) have stopped working as a result of permanent incapacity to work after having lived in Finland for a continuous period of two years; or

3) after working and living in Finland for a continuous period of three years, have moved to work in the territory of another Member State but still live in Finland and return to Finland on a regular basis every day or at least once a week.

(2) If the incapacity to work referred to in subsection 1(2) is the result of an accident at work or an occupational disease that entitles a Union citizen to a statutory pension in Finland, the period of stay has no relevance for the granting of a right of permanent residence.

(3) For obtaining a right of permanent residence under subsection 1(1) or 1(2), employment within the territory of another Member State will also be taken into consideration in the applicant's favour. Any periods of involuntary unemployment not attributable to the applicant and recorded by the relevant employment office, or any breaks in self-employment not attributable to the applicant, or any absences due to illness or accident are considered periods of employment.

(4) The requirements concerning the length of residence and employment laid down in subsection 1(1), or the length or residence in subsection 1(2), do not apply if the employed or self-employed person's spouse is a Finnish citizen or has lost his or her Finnish citizenship upon marriage to that employed or self-employed person.

(5) Family members of an employed or self-employed person who has obtained the right of permanent residence under subsection 1 or 2 have the right of permanent residence in Finland.

(6) If the employed or self-employed person dies while still working but before obtaining the right of permanent residence in Finland under subsection 1 or 2, his or her family members residing in Finland with him or her have the right to stay in Finland permanently, if:

1) the employed or self-employed person had lived in Finland continuously for two years before his or her death;

2) the death of the employed or self-employed person was due to an accident at work or an occupational disease; or

3) the spouse of the deceased employed or self-employed person has lost his or her Finnish citizenship upon marriage to the employed or self-employed person.

Section 164 (121/2018)

Employment and engaging in business activities

A person with the right of residence under this chapter has an unrestricted right to gainful employment without a residence permit for an employed person, or to engage in business activities without a residence permit for an entrepreneur.

Section 165 (360/2007)

Withdrawal of registration of the right of residence or a residence card

(1) The registration of the right of residence or a fixed-term residence card is withdrawn if:

1) the person whose right of residence has been registered or who has been issued with a fixed-term residence card has permanently moved away from Finland;

2) the person whose right of residence has been registered or who has been issued with a fixed-term residence card has resided outside Finland continuously for two years with the intention of staying there permanently; or

3) the grounds for registering the right of residence or issuing a fixed-term residence card no longer exist.

(2) The right of permanent residence or a permanent residence card is withdrawn, if a Union citizen or his or her family member has continuously resided outside Finland for over two years.

(3) Registration of the right of residence, the right of permanent residence, or a fixed-term or permanent residence card is withdrawn, if it was obtained by knowingly providing false information about the applicant's identity or other relevant facts, or by concealing such information, or by other abuse of rights.

(4) A person who has moved away from Finland may apply for non-withdrawal of the registration of his or her right of residence or residence card within two years of moving from Finland. If the application is granted, the decision shall state the period during which withdrawal will not be made.

Section 166 (360/2007)

Expiry of registration of the right of residence or a residence card

The registration of the right of residence or a residence card expires if the person whose right of residence has been registered or who has been issued with a residence card is deported from Finland or acquires Finnish citizenship.

Section 167 (360/2007)

Grounds for denial of admittance or stay of Union citizens, their family members or other relatives

Union citizens or their family members can be denied admittance or stay, if their right of residence has not been registered or they have not been issued a residence card, and if they:

1) do not meet the conditions for entry laid down in section 155, 156 or 156a;

2) by resorting repeatedly to social assistance provided in the Act on Social Assistance or other equivalent benefits or in other similar manner during their short-term stay, become an unreasonable burden on Finland's social security system;

3) would be required to have their right of residence registered or a residence card issued in order to continue their residence in Finland, but do not meet the requirements for registering the right of residence or for being issued with a residence card; or

4) have been imposed an entry ban on grounds of public order or security.

Section 168 (565/2019)

Grounds for deportation of Union citizens and their family members

(1) Union citizens whose right of residence has been registered, or their family members who have been issued with a residence card, may be deported if they fail to meet the requirements for the right of residence laid down in section 158a, 161d or 161e, or if they are considered a danger to public order or security subject to the conditions laid down in section 156 or to public health subject to the conditions laid down in section 156a.

(2) Union citizens who have been granted a right of permanent residence, or their family members who have been granted a permanent residence card, may only be deported on serious grounds of public order or security.

(3) Union citizens who have resided in the country legally for the previous ten years may only be deported on imperative grounds of public security.

(4) A Union citizen who is a minor can only be deported on imperative grounds of public security, unless the deportation is in the best interest of the child.

(5) Imperative grounds as laid down in subsections 3 and 4 are considered to exist where a Union citizen is guilty of an act which is punishable by no less than one year of imprisonment, and where he or she, on grounds of the seriousness of the crime or of continued criminal activity, is considered a danger to public security, or where there are grounds for suspecting that he or she is seriously endangering the national security of Finland or another State.

(6) The provisions above also apply to Union citizens and their family members who have lost Finnish citizenship.

Section 168a (360/2007)

Removal of an employee or a jobseeker from the country

By derogation from section 167, paragraph 2 or section 168(1), a Union citizen or his or her family member may be denied admittance or stay or deported from the country only on grounds of public order or security subject to the conditions laid down in section 156, or on grounds of public health subject to the conditions laid down in section 156a, where the Union citizen is an employed or self-employed person, or has entered the country in order to seek employment and can provide evidence that he or she has a genuine chance of being employed.

Section 168b (360/2007)

Overall consideration of deportation

Before a decision concerning deportation on grounds of public order or security, account shall be taken of the duration of residence of the Union citizen or his or her family member, his or her age, state of health, and family and economic situation, and how well the person has become integrated into Finnish society and culture. In addition, consideration shall be given to the Union citizen's and his or her family member's links with their country of origin.

Section 169 (565/2019)

Grounds for denial of admittance or stay or deportation of Nordic citizens from the country

(1) Citizens of Iceland, Norway, Sweden or Denmark whose residence in Finland has not been registered as laid down in section 157(3) may be denied admittance or stay if they are considered a danger to public order or security subject to the conditions laid down in section 156 or to public health subject to the conditions laid down in section 156a.

(2) Citizens of Iceland, Norway, Sweden or Denmark whose residence in Finland has been registered as laid down in section 157(3) may be deported if they are considered a danger to public order or security or to public health.

(3) If a citizen of Iceland, Norway, Sweden or Denmark has resided in Finland for over five years, he or she may only be deported on serious grounds of public order or security, and if the residence has lasted for more than ten years, he or she can only be deported on imperative grounds of public security.

(4) The provisions of section 2 and 3 also apply to citizens of Iceland, Norway, Sweden or Denmark who have lost Finnish citizenship.

Section 170 (360/2007)

Imposing and withdrawing entry bans

(1) If removal of a Union citizen or his or her family member from the country is based on the fact that the person is considered a danger to public order or security or to public health, the decision on denial of admittance or stay or on deportation may prohibit him or her from entering the country for a maximum of fifteen years.

(2) Upon application, an entry ban may be withdrawn in part or in full on the basis of a change in circumstances or for important personal reasons. A decision in the matter shall be reached within six months of filing the application.

Section 171

Competent authorities

(1) The Finnish Immigration Service enters the applicant's right of residence into the Register of Aliens and issues a fixed-term or permanent residence card. (501/2016)

(2) A registered right of residence and a fixed-term or permanent residence card is withdrawn by the Finnish Immigration Service. It also decides, on application, on non-withdrawal of the registration of right of residence or of a residence card in the case referred to in section 165(4). (501/2016)

(3) The Finnish Immigration Service decides on an entry ban under section 170. (973/2007)

(4) The provisions of sections 151 and 152 apply to the competence of the authorities to make decisions on removal from the country.

Section 172 (1022/2018)

Enforcing removal of Union citizens or their family members from the country

The provisions of sections 199, 201a and 202 apply to the removal of Union citizens or their family members from the country.

Section 172a (360/2007)

Abuse of rights

Any rights conferred in this chapter may be refused, terminated or withdrawn, if they have been obtained by knowingly providing false information about the applicant's identity or other relevant facts, or by concealing such information, or by other abuse of rights, such as marriages entered into solely for the purpose of obtaining rights under this chapter.

Section 172b (360/2007)

Further provisions on residence of Union citizens

Further provisions on administrative procedures concerning the entry into, residence in and removal from the country of Union citizens and similar persons and members of their family may be given by government decree.

Chapter 11

Obligations and financial penalties on carriers

Section 173 (1214/2013)

Carriers' obligation to check

A carrier shall ensure that an alien whom it brought to Finland across the external border and who is not a Union citizen or similar person holds a travel document required for entry into the country and the required visa or residence permit.

Section 174 (581/2005)

Obligation of vehicle drivers and carriers to check and control

(1) The driver of a vehicle, the master of a vessel or aircraft and the representative of the carrier on board another vehicle are obliged to ensure that people not entitled to enter the country do not enter it without the permission of border control authorities. The master of a vessel shall notify border control authorities in advance of any stowaway detected on board.

(2) Provisions on the obligation of vehicle drivers and carriers to report are laid down in sections 24 and 26 of the Act on the Processing of Personal Data by the Border Guard (639/2019).
(644/2019)

Section 175

Obligation to transport

(1) If an alien is denied admittance or stay or refused entry, the carrier which transported him or her across the external border to Finland is obliged to transport him or her to:

1) the country of embarkation;

2) the country which issued the alien with the travel document on which he or she travelled; or

3) any country to which the alien is certain to be admitted.

(1214/2013)

(2) The provisions of subsection 1 also apply to the carrier if a third-country national in transit through Finland is refused entry and if:

1) another carrier, which was supposed to transport the alien to the country of destination, refuses to take him or her on board; or

2) the authorities of the country of destination have denied the alien admittance or stay and he or she has been sent back to Finland.

(3) If border control authorities have allowed the alien's entry into the country, the carrier is not under the obligation provided in subsection 1 unless the alien has at the border applied for asylum or a residence permit on the basis of subsidiary protection or temporary protection. (332/2016)

Section 176 (1214/2013)

Costs of return transport

(1) If an alien who has been denied admittance or stay or refused entry does not have funds for his or her return journey, the carrier which transported him or her across the external border is obliged to arrange his or her transport at its own cost. If immediate transport is not feasible, the carrier also bears any costs that arise from the alien's stay.

(2) If an alien has stayed in the country after disembarking from a vehicle without the required travel document, visa, residence permit or sufficient financial resources for his or her residence in the country, the carrier is obliged to reimburse any costs incurred by the State as a result of the alien's residence and denial of admittance or stay or refusal of entry. If the alien has stayed in the country after disembarking from a vessel, the master of the vessel, the shipowner and the shipping agent used by the shipowner are jointly and severally liable for the compensation.

Section 177

Escorts

(1) When enforcing the removal of an alien from the country, police or border control authorities may order a necessary number of escorts if the security of the vehicle or the enforcement of the decision on the alien's removal so requires. An escort may also be ordered if an alien leaves the country voluntarily without a decision on removal. The carrier responsible for transporting the alien may submit a request for ordering an escort.

(2) No judicial review may be requested separately by way of appeal in respect of the authorities' decision on ordering an escort.

Section 178

Costs of escorts

(1) If an alien is denied admittance or stay at the border or is refused entry and the refusal is based on his or her not holding the required travel document, visa, residence permit or sufficient financial resources for his or her residence in the country, and the alien needs an escort, the carrier which transported him or her across the external border to Finland is also obliged to pay for

the costs arising from the escort. The carrier is not entitled to receive compensation from the State for the costs arising from the transport. (1214/2013)

(2) The carrier's obligation under subsection 1 to pay the costs arising from the escort also applies if the alien has applied for asylum at the border and the decision on denial of admittance or stay is issued within three months of entry into the country.

(3) If the authorities escort the alien in cases other than those referred to in subsection 1 or 2 without the carrier's request, the police or the border control authorities bear the costs arising from the escort.

Section 179 (755/2014)

Financial penalties on carriers

(1) A carrier who violates the obligation to check laid down in section 173 or the obligation to submit information laid down in section 26 of the Act on the Processing of Personal Data by the Border Guard is liable to financial penalty (*financial penalty on a carrier*). The penalty for violation of section 173 amounts to EUR 3,000 per transported person. The penalty for violation of section 26 of the Act on the Processing of Personal Data by the Border Guard amounts to EUR 3,000 per each journey where passenger information is missing or inadequate, or where false information has been supplied. (644/2019)

(2) No financial penalty on a carrier is imposed if:

1) the carrier can prove that it has fulfilled its obligation to ensure that the alien held the required travel document and the required visa or residence permit when taken on board;

2) the required travel document, visa or residence permit has proved to be a forgery and the forgery has not been easy to detect;

3) the transport of a person without the required travel document, visa or residence permit, or the mistake in supplying passenger data for air transport or professional vessel or rail transport has been the result of an excusable oversight, all circumstances considered; or

4) imposing a penalty would be otherwise unreasonable under the circumstances.

(3) Subsection 2(1) does not apply to a penalty imposed for violation of sections 25 and 26 of the Act on the Processing of Personal Data by the Border Guard. (644/2019)

(4) A financial penalty on a carrier may not be imposed on anyone who is suspected of the same act in criminal investigation, consideration of charges or in criminal proceedings in a court. Neither may a financial penalty be imposed on anyone with a final judgment for the same act.

Section 180

Hearing the carrier

Before imposing a financial penalty on a carrier, the carrier or its representative shall be provided with an opportunity to present an explanation in writing within a time limit, which may not be less than two weeks.

Section 181

Imposing financial penalties on carriers

(1) A financial penalty on a carrier is imposed in the course of a border check by the commander or deputy commander of the Border Guard District or Coast Guard District or the head of the Operational Border Office or Operational Maritime Office within whose area of operation the violation of section 173 of this Act or sections 25 and 26 of the Act on the Processing of Personal Data by the Border Guard was detected. If the border control authority is the police, the financial penalty on a carrier is ordered by a commanding police officer of the local police department. If the border control authority is Customs, the financial penalty on the carrier is imposed by a customs officer at supervisory level who is designated for this task in an operational arm of the unit responsible in the Finnish Customs. (644/2019)

(2) Financial penalties on carriers are ordered to be paid to the State.

(3) The penalty is specified in a decision. The final decision is enforced in the manner for enforcement of a final judgment.

Section 182 (653/2004)

Revoking financial penalties on carriers

(1) The authorities that imposed a financial penalty on a carrier shall revoke the penalty if:

1) the alien may stay in the country on the grounds that he or she is issued with a residence permit on the basis of refugee status, subsidiary protection or temporary protection; or

2) the carrier is sentenced to punishment for facilitation of illegal entry under chapter 17, section 8 or for aggravated facilitation of illegal entry under chapter 17, section 8a of the Criminal Code.

(332/2016)

(2) The provisions of subsection 1(1) do not apply to a penalty imposed for violation of sections 25 and 26 of the Act on the Processing of Personal Data by the Border Guard. (644/2019)

Section 183

Term of payment

(1) A financial penalty on a carrier shall be paid within one month of service of the decision.

(2) If a financial penalty has not been paid by its due date at the latest, penalty interest will be charged in accordance with the interest rate referred to in section 4(1) of the Interest Act (633/1982).

Section 184

Enforcement

(1) The Legal Register Centre is responsible for the enforcement of a financial penalty on a carrier.

(2) The Legal Register Centre shall be notified of any decision by an authority or a court to reduce or revoke the financial penalty.

(3) The Legal Register Centre shall refund, without application, any financial penalty paid without justification.

Section 184a (10/2019)

Obligations on carriers in traffic across internal borders

The provisions of this chapter also apply to traffic across internal borders when border control has temporarily been reintroduced at the internal borders in accordance with Chapter II of Title III of the Schengen Borders Code and section 15 of the Border Guard Act.

Chapter 12

Penal provisions

Section 185

Violation of the Aliens Act

(1) An alien who deliberately

1) resides in the country without the required travel document, visa or residence permit, or neglects the obligation to register his or her residence or apply for a residence permit card, residence card or permanent residence card,

2) without right to gainful employment is gainfully employed or pursues a trade, or

3) fails to comply with the obligation to report under section 118, another obligation under section 119, a residence obligation under section 120a, a child's residence obligation under section 120b, or a summons under section 130 to appear before the authorities to submit information on his or her residence,

shall be sentenced to a fine for violation of the Aliens Act.

(1164/2018)

(2) A person who deliberately or through gross negligence fails to comply with the obligation under section 174 or 175 of this Act or section 24 of the Act on the Processing of Personal Data by the Border Guard is also sentenced for violation of the Aliens Act. (644/2019)

Section 186 (1218/2013)

Employer's violation of the Aliens Act

(1) An employer or his or her representative who:

1) deliberately or through negligence employs an alien who does not have the right to gainful employment;

2) deliberately or through gross negligence gives false or misleading information to the authorities on the alien's terms of employment or duties and the requirements of these duties; or

3) deliberately or through gross negligence fails to fulfil the obligation provided in section 86a(2), shall be sentenced to a fine for an *employer's violation of the Aliens Act*, unless a more severe punishment for the act is provided elsewhere by law.

(2) Allocation of liability between an employer and a contractor is determined under section 86b. Provisions on the allocation of liability between an employer and his or her representative are laid down in chapter 47, section 7 of the Criminal Code.

Section 187 (1218/2013)

Refraining from issuing residence permits for employed persons

An Employment and Economic Development Office may decide to refrain from issuing residence permits for employed persons as regards employment for an employer or contractor who has him or herself or through his or her representative given the authorities false or misleading information referred to in section 186(1)(2). A decision to refrain from issuing a permit is made for a fixed term or until further notice. A decision may not be made if a punishment has been imposed for the act.

Section 188

Unauthorised use of foreign labour

The punishment for unauthorised use of foreign labour is laid down in chapter 47, section 6a of the Criminal Code.

Section 189 (653/2004)

Facilitation of illegal entry

The punishment for facilitation of illegal entry and for aggravated facilitation of illegal entry is laid down in chapter 17, sections 8 and 8a of the Criminal Code.

Chapter 13

Legal protection

Section 190 (516/2008)

Request for a judicial review by way of appeal

(1) A decision of the Finnish Immigration Service, the police, a border control authority, an employment office, a Finnish mission or the Ministry of Education and Culture as referred to in this Act may be appealed against to an administrative court as provided in the Administrative Judicial Procedure Act. (850/2019)

(2) A decision of the border control authority, the police or the Finnish Immigration Service to refuse entry under the Schengen Borders Code may be appealed against to an administrative court, as provided in the Administrative Judicial Procedure Act. (850/2019)

(3) By derogation from the provisions of the Administrative Judicial Procedure Act, appeals against decisions concerning international protection made in the asylum procedure by the Finnish Immigration Service shall be filed within 21 days from the receipt of the decision. An appeal shall also be filed within the time limit specified above if the decision subject to appeal also includes a decision on a residence permit that was applied on other grounds and a decision on removal from the country and an entry ban. (850/2019)

(4) Provisions on a request for a review in visa matters are laid down in section 190a. (132/2016)

Section 190a (850/2019)

Request for a review in visa matters

(1) An administrative review of a decision made by a Finnish mission by virtue of the Visa Code to refuse or annul a visa, or to revoke a visa otherwise than at the request of the visa holder, may be requested from the Ministry for Foreign Affairs, as provided in chapter 7a of the Administrative Procedure Act. A judicial review of a decision to refuse, annul or revoke a visa concerning a family

member of a Union citizen or of a similar person and subject to chapter 10 of this Act may be requested by way of appeal from an administrative court as provided in the Administrative Judicial Procedure Act.

(2) The request for an administrative review shall be delivered to the Ministry for Foreign Affairs. Abroad, the request for an administrative review may be delivered to the Finnish mission that made the decision. The mission shall deliver the request for an administrative review and the documents on which it based its decision without delay to the Ministry for Foreign Affairs. An electronic request for an administrative review may be delivered only to the Ministry for Foreign Affairs.

(3) A decision of the Ministry for Foreign Affairs on a request for an administrative review may be appealed against to an administrative court as provided in the Administrative Judicial Procedure Act.

(4) A decision made by the border control authority, police or the Finnish Immigration Service by virtue of the Visa Code to refuse or annul a visa, or to revoke a visa otherwise than at the request of the visa holder, may be appealed against to an administrative court as provided in the Administrative Judicial Procedure Act.

Section 190b (242/2019)

Considering a request for an administrative review

(1) The consideration of a request for an administrative review is subject to a fee. The continued consideration of the request for an administrative review after it has become pending requires that the fee charged for the consideration of the request has been paid within 30 days after the request became pending. The request for an administrative review may be considered inadmissible if the fee charged for the consideration of the request has not been paid within the said time limit.

(2) The fee charged for the consideration of the request for an administrative review will be refunded to the party if the decision subject to review is amended by the Ministry for Foreign Affairs or the administrative court in favour of the party requesting review in such a way that the visa must be issued.

(3) A matter concerning a request for an administrative review may be decided without hearing the views of the party, unless there is a special reason why the hearing is necessary.

(4) No reasons need to be stated for a decision made on a request for an administrative review if the decision to refuse, annul or revoke a visa is based on information concerning the visa applicant or visa holder received from the authorities of another Schengen State or third country, or on information showing that the visa applicant or visa holder might present a danger to the public order or security, national security or foreign relations of a Schengen State.

Section 191 (1218/2013)

Prohibitions of appeal

No review may be requested by way of appeal in respect of the following decisions issued under this Act:

1) decisions under the Visa Code on an obligation related to the submission of a visa application, the competence of the Finnish mission, the admissibility of an application, the discontinuation of the processing of the application, transfer of the application to the authorities of the represented Schengen State, or decisions to extend a visa or grant a visa; (132/2016)

2) decisions by the Ministry for Foreign Affairs to issue a residence permit to a member of the staff of a foreign mission in Finland or his or her family member or decisions to cancel such a residence permit;

3) decisions to issue a residence permit to an alien admitted to Finland under the refugee quota;

4) decisions to issue a residence permit on the basis of other humanitarian immigration;

5) decisions to issue a residence permit on the basis of temporary protection while the alien's application for asylum is still being processed;

Paragraph 6 was repealed by Act 132/2016.

7) decisions stating that the processing of an application for asylum has lapsed under section 111(2);

8) decisions stating that the matter has lapsed because the applicant has withdrawn his or her application or has probably moved out of Finland;

9) advance information given by an Employment and Economic Development Office under section 75;

10) the decision on the reflection period as laid down in section 52b and its suspension.

Section 191a (132/2016)

Section 191a was repealed by Act 132/2016.

Section 192 (1022/2018)

Competent administrative courts

(1) An administrative court is competent to hear an appeal referred to in section 190 if the area of operation or office of the authority that made the decision is located in the judicial district of that court. If the area of operation of the authority that made the decision covers the entire country, the competent administrative court is the one in whose judicial district the concerned party lives.

(2) In a matter related to issuing a residence permit on the basis of family ties, the competent administrative court is the one in whose judicial district the family member filing the appeal, or the family member to be otherwise heard in the matter, lives. If such family members live in several judicial districts in Finland, the Helsinki Administrative Court is the competent administrative court.

(3) In matters related to residence permits of employed or self-employed persons, the competent administrative court is the one in whose judicial district the applicant lives. If the applicant does not live in Finland, the competent administrative court in matters pertaining to residence permits for self-employed persons is the Helsinki Administrative Court, and in matters pertaining to residence permits for employed persons the administrative court in whose judicial district the office of the employer referred to in the application is located.

(4) The Helsinki Administrative Court is competent to hear an appeal submitted by a person residing abroad if the case does not involve a person or employer residing in Finland as referred to in subsection 2 or 3.

(5) The administrative court shall consider urgently an appeal against a decision on deportation made under section 149(1)(2–4) or 149(4). The same applies to an appeal against a decision on deportation made on the grounds that the person to be deported is considered a danger to public order or security in the manner referred to in section 156.

Section 193 (16/2017)

Competent administrative court in cases of international protection

(1) By way of derogation from section 192, the competent administrative court is determined as laid down in subsection 2, if the decision of the Finnish Immigration Service pertains to:

- 1) an application for a residence permit granted on the basis of asylum or subsidiary protection;
- 2) rejection of an application for temporary protection;
- 3) removal from the country, imposition of an entry ban or cancellation of a travel document issued in Finland, and the decision relates to a rejection under the asylum procedure or procedure related to temporary protection;
- 4) ending of refugee status and withdrawal of related refugee travel document or ending of subsidiary protection status and withdrawal of related alien's passport;
- 5) revocation of refugee status and related refugee travel document or revocation of subsidiary protection status and related alien's passport;

(2) If the decision was made by the Finnish Immigration Service's Asylum Unit in its

- 1) Southern Branch, the competent administrative court is the Helsinki Administrative Court;
- 2) Eastern Branch, the competent administrative court is the Eastern Finland Administrative Court;
- 3) Northern Branch, the competent administrative court is the Northern Finland Administrative Court;
- 4) Western Branch, the competent administrative court is the Turku Administrative Court.

(3) The administrative court shall consider appeals concerning matters referred to in subsection 1(1–3) urgently.

(4) Further provisions on the branches of the Finnish Immigration Service's Asylum Unit are issued by the rules of procedure of the Finnish Immigration Service.

Section 194 (1218/2013)

Employers' right of appeal

Employers have the right to appeal against a decision related to a residence permit for an employed person insofar as the appeal relates to the requirements under section 73 decided by employment authorities.

Section 195 (973/2007)

Finnish Immigration Service's right of appeal

The Finnish Immigration Service has the right to appeal against a decision of an administrative court rescinding or amending a decision of the Finnish Immigration Service.

Section 196 (1022/2018)

Appeals to the Supreme Administrative Court

(1) An administrative court decision referred to in this Act may be appealed against to the Supreme Administrative Court only if the Supreme Administrative Court grants leave to appeal.

(2) However, an administrative court decision concerning refusal, annulment or revocation of a visa may not be appealed against to the Supreme Administrative Court.

(3) Appeals and applications for leave to appeal concerning matters referred to in section 190(3) shall be filed within 14 days from the receipt of the decision.

(4) Leave to appeal may be granted if it is important for the application of the law to other similar cases, or for the sake of consistency in legal practice, to submit the case to the Supreme Administrative Court for a decision or if there are some other very serious reasons for granting the leave.

(5) The Supreme Administrative Court shall consider appeals concerning matters referred to in section 193(1)(1–3) urgently.

(6) The Supreme Administrative Court shall consider urgently an appeal against a decision on deportation made under section 149(1)(2–4) or 149(4). The same applies to an appeal against a decision on deportation made on the grounds that the person to be deported is considered a danger to public order or security in the manner referred to in section 156.

Section 197

Delivering an appeal document

(1) An appeal document shall be delivered to the authority that issued the decision. The authority shall deliver its statement and the documents on which it based its decision to the administrative court without delay.

(2) In asylum matters, an appeal document may also be delivered to the competent administrative court. Immediately after being notified of the appeal, the Finnish Immigration Service shall deliver the documents on which it based its decision to the administrative court. (16/2017)

(3) Abroad, an appeal document may be delivered to a Finnish mission. A detained person may deliver his or her appeal document to the person in charge of the detention facilities. The recipient of the appeal document shall ensure that the appeal document is delivered without delay to the authority that issued the decision. At the same time, the administrative court shall be notified of the appeal.

Section 197a (646/2016)

Time limit for delivering further evidence

In considering matters concerning aliens, an administrative court may set a time limit which is reasonable in view of the nature of the matter and within which the parties shall deliver any further evidence concerning the matter. Any evidence delivered after this time limit may be ignored by the court.

Section 198 (646/2016)

Filing appeal in matters concerning leave to appeal

(1) When applying for leave to appeal, the appeal and application for leave to appeal shall be delivered to the Supreme Administrative Court. The application for leave to appeal shall state the reasons for which the appellant considers that there are grounds for granting leave to appeal as referred to in section 196(4).

(2) An appeal and application for leave to appeal may be delivered to a Finnish mission if the appellant no longer resides in Finland. A detained person may deliver his or her appeal and application for leave to appeal to the person in charge of the detention facilities. The recipient of the appeal and application for leave to appeal shall deliver them to the Supreme Administrative Court without delay.

Section 198a (432/2009)

Lapsing of matters concerning international protection at administrative courts

An administrative court or the Supreme Administrative Court may decide that an appeal concerning international protection lapses if the appellant has left Finland on his or her own initiative without any measures being taken by authorities, or he or she is considered, in all likelihood, to have left Finland in the manner referred to in section 95c(1).

Section 198b (1022/2018)

Petition against enforcement

(1) If a decision on denial of admittance or stay has been made under section 95b, 103 or 104, a petition against the prohibition or suspension of enforcement shall be submitted within seven days of the decision being served on the applicant. The time limit includes at least five weekdays.

(2) If a decision on deportation has been made under section 149(1)(2–4) or 149(4), a petition against the prohibition or suspension of enforcement shall be submitted within 30 days of the decision being served on the applicant.

Section 199 (1022/2018)

Deciding on petition against enforcement

(1) An administrative court may decide on a petition against the prohibition or suspension of enforcement without documents delivered by the authorities if the facts necessary for deciding on the matter appear from the appeal document or otherwise.

(2) A decision of the administrative court in a matter concerning the prohibition or suspension of enforcement may not be appealed against separately.

(3) Subject to the conditions laid down in subsection 1, the Supreme Administrative Court may decide on a petition against the prohibition or suspension of enforcement without documents accumulated in the matter.

(4) The decision concerning a petition referred to in section 198b(1) shall be made within seven days. The time limit includes at least five weekdays.

Section 200 (1022/2018)

Enforcement of decisions on deportation

(1) A decision on deportation which may be appealed against may not be enforced until a final decision has been issued on the matter, unless otherwise provided in this Act. Where leave to appeal is needed from the Supreme Administrative Court, the appeal does not prevent enforcement unless otherwise ordered by the Supreme Administrative Court.

(2) A decision on deportation that is made under section 149(1)(2–4) or 149(4) may be enforced no earlier than 30 days after the decision has been served, unless otherwise ordered by an administrative court. However, the decision on deportation may not be enforced until the application referred to in section 198b(2) has been decided.

(3) If the decision on deportation referred to in subsection 2 has been issued to an alien whose refugee or subsidiary protection status has ended, the decision which may be appealed against may not be enforced until a final decision has been issued on the matter. Where leave to appeal is needed from the Supreme Administrative Court, the appeal does not prevent enforcement unless otherwise ordered by the Supreme Administrative Court.

(4) A decision on deportation may not be enforced within the time limit set out for voluntary return under section 147a. A decision may, however, be enforced if there is a risk of absconding or the person is considered a danger to public order or security.

(5) A decision on deportation that is based on no longer satisfying the criterion for issue of a temporary residence permit provided in section 51, may be enforced no earlier than the eighth day after the decision has been served on the applicant, unless otherwise ordered by an administrative court. Before the enforcement, it shall be ensured that the time limit includes at least five weekdays.

Section 200a (1022/2018)

Section 200a was repealed by Act 1022/2018.

Section 201 (437/2019)

Enforcement of decisions on denial of admittance or stay

(1) A decision on denial of admittance or stay may be enforced regardless of appeal, unless otherwise ordered by an administrative court. Where leave to appeal is needed from the Supreme Administrative Court, the appeal does not prevent enforcement unless otherwise ordered by the Supreme Administrative Court.

(2) A decision on denial of admittance or stay may not be enforced within the time limit set out for voluntary return under section 147a. A decision may, however, be enforced if there is a risk of absconding or the person is considered a danger to public order or security.

(3) If an alien has applied for a residence permit on the basis of international protection, a decision on denial of admittance or stay which may be appealed may not be enforced until a final decision has been issued on the matter, unless otherwise provided in this section. Where leave to appeal is needed from the Supreme Administrative Court, the appeal does not prevent enforcement unless otherwise ordered by the Supreme Administrative Court.

(4) If a decision on denial of admittance or stay has been issued under section 95b or under section 103, paragraph 2, 3 or 4, the decision may be enforced after the decision has been served on the applicant, unless otherwise ordered by an administrative court.

(5) A decision issued under section 103, paragraph 1 on denial of admittance or stay concerning an alien who has arrived from a safe country of asylum, or a decision under section 104 on denial of admittance or stay concerning an alien whose application is considered manifestly unfounded, may be enforced no earlier than the eighth day after the decision has been served on the

applicant, unless otherwise ordered by an administrative court. Before the enforcement, it shall be ensured that the time limit includes at least five weekdays.

(6) A decision on denial of admittance or stay may not be enforced as laid down in subsections 4 and 5 before any application referred to in section 198b(1) has been decided.

(7) Submission of a second subsequent application referred to in section 102 does not prevent the enforcement of a final decision on denial of admittance or stay concerning the previous subsequent application, if the previous decision was made under some other provision than section 95b.

(8) If an applicant withdraws his or her appeal in a matter concerning international protection, a subsequent application referred to in section 102 does not prevent the enforcement of a final decision on denial of admittance or stay made on the basis of a previous application.

(9) A first subsequent application which does not meet the conditions laid down in section 102(3) for admissibility does not prevent the enforcement of a final decision on denial of admittance or stay made on the basis of the previous application, if the purpose of the subsequent application is only to delay or frustrate the immediate enforcement of this decision.

Section 201a (1022/2018)

Enforcing removal of EU citizens or similar persons or their family members from the country

(1) A decision on denial of admittance or stay may be enforced immediately regardless of appeal, unless otherwise ordered by an administrative court, if the person is denied admittance or stay under section 167, paragraph 1 or 169(1), and the matter is justifiably urgent.

(2) If a person is denied admittance or stay under section 167, paragraph 2 or 3, the decision on denial of admittance or stay may be enforced no earlier than 30 days after the date when the decision was served on the person concerned. If a decision issued under section 167, paragraph 3 is based on the fact that the person to whom the decision applies is considered a danger to public order and security, and the matter is justifiably urgent, the decision may be enforced immediately regardless of appeal, unless otherwise ordered by an administrative court.

(3) If a person is deported under section 168 or 169, paragraph 2, the decision on deportation which may be appealed may be enforced after a final decision. Where leave to appeal is needed from the Supreme Administrative Court, the appeal does not prevent enforcement unless otherwise ordered by the Supreme Administrative Court.

(4) If a decision on deportation has been made on the grounds that the person to be deported is considered a danger to public order or security subject to the conditions laid down in section 156, the decision may be enforced no earlier than 30 days after the date when the decision was served, unless otherwise ordered by an administrative court. If a prohibition or suspension of enforcement has been applied in the matter, the decision may, however, not be enforced until the application on this matter has been decided.

(5) When serving a decision on denial of admittance or stay or deportation, the document served shall state the period during which the person who has been denied admittance or stay or deported must leave the country. This period shall be at least one month from the date when the decision was served, unless urgent grounds for leaving the country exist. During this period, the authorities may not enforce the decision.

(6) If a decision on denial of admittance or stay or deportation is enforced more than two years after it was made, the enforcing authority shall confirm with the authority that made the decision that the person to be removed still poses a genuine threat to public order or security, and assess whether circumstances have changed since the deportation decision was made.

Section 201b (1022/2018)

Enforcement of decisions on refusal of entry

A decision on refusal of entry which is made under the Schengen Borders Code may be enforced regardless of appeal, unless otherwise ordered by an administrative court.

Section 202 (1022/2018)

Miscellaneous provisions on enforcement

(1) A final decision or a decision that is otherwise enforceable under this Act may not be enforced if there is reason to suspect that returning the alien to his or her country of origin or another country may expose him or her to danger referred to in section 147.

(2) A decision on denial of admittance or stay or deportation may be enforced before the decision becomes final if the person denied admittance or stay or ordered to be deported gives, in the presence of two competent witnesses, his or her consent to the enforcement of the decision and signs the corresponding entry made in the decision.

Section 202a (458/2009)

Section 202a was repealed by Act 458/2009.

Chapter 14

Miscellaneous provisions

Section 203

Interpretation and translation

(1) An authority shall provide interpretation or translation if the alien is not competent in the Finnish or Swedish language used by the authority under the Language Act (423/2003), or if he or she, because of his or her disability or illness, cannot be understood in a matter that:

- 1) is processed in the asylum procedure;
- 2) pertains to denial of admittance or stay or deportation; or
- 3) an authority may consider on its own motion.

(2) For examining the matter or safeguarding the rights of a party, the authority may also provide interpretation or translation in matters other than those referred to in subsection 1.

(3) The provisions on the obligation of an administrative court to provide interpretation or translation are laid down in the Administrative Judicial Procedure Act. (850/2019)

(4) The obligation of the authority or a court to provide translation or interpretation does not apply to material that has no bearing on the processing of a matter.

(5) A party has the right to be notified of a decision concerning him or her in his or her mother tongue or in a language which, on reasonable grounds, he or she can be expected to understand. A decision is notified through interpretation or translation.

Section 204

Methods of service

(1) The service of decisions issued under this Act is effected as either standard or verifiable service or as service by publication, as specified in this Act. Unless otherwise provided in this Act, the Administrative Procedure Act applies to the service of decisions of the authorities.

(2) The provisions of chapter 9 of the Administrative Judicial Procedure Act apply to the service of decisions of administrative courts, unless otherwise provided in this Act. (850/2019)

(3) The Act on Electronic Services and Communication in the Public Sector (13/2003) applies to the electronic service of decisions and other documents of the authorities or administrative courts.

Section 204a (242/2019)

Service of visa decisions

(1) Service of a decision to refuse, annul or revoke a visa is considered to have been effected on the seventh day from the date entered in the standard form as set out in annex VI of the Visa Code, unless otherwise proven.

(2) Notice of a decision on a request for an administrative review referred to in section 190a(1) may be served by sending the decision by post to the address given by the alien, or by handing over the decision to the alien at a Finnish mission, or to a person authorised by the alien at the Ministry for Foreign Affairs.. Service is considered to have been effected on the seventh day from the date entered in the decision, unless otherwise proven. Service may also be effected as laid down in the Act on Electronic Services and Communication in the Public Sector. Service is considered to have been effected on the third day after the sending of the message, unless otherwise proven.

Section 205 (332/2016)

Service of decisions in Finland

(1) Standard service is effected by sending a letter to the addressee. The addressee is considered to have been informed of the decision within seven days from the date the letter was sent, unless otherwise proven. However, the Finnish Immigration Service is considered to have been informed of a matter on the date the letter arrives. Standard service may be used in decisions issued in favour of the applicant.

(2) Otherwise, service shall be effected by post against an acknowledgement of receipt. Upon request, a decision may also be handed over to the addressee or his or her representative. In this case, a written certificate of service shall be drawn up, indicating the person effecting the service and the addressee and date of the service.

(3) If an authority considers it necessary, service may be effected by a process server. The provisions of chapter 11 of the Code of Judicial Procedure apply to service effected by a process server. Service by a process server is effected by the police or the border control authority.

(4) Notwithstanding the provisions of subsection 1, in a matter related to international protection, service shall always be effected as verifiable service as laid down in subsections 2 and 3. Service is effected by the Finnish Immigration Service, or the police at the request of the Finnish Immigration Service, if they can carry out the duty expediently. If a decision is made to remove an applicant from the country, service is effected by the police, or the Finnish Immigration Service at the request of the police, if it can carry out the duty expediently.

(5) If the addressee is hiding or otherwise avoiding service or his or her whereabouts are otherwise unknown, the provisions of section 61 of the Administrative Procedure Act on substituted service apply.

Section 206

Service abroad

(1) Service abroad is effected in accordance with this Act or the legislation of the foreign State in question, subject to treaties and international obligations binding on Finland.

(2) Service abroad may be effected by sending a decision by post to the address given by the alien. Service may be effected as an ordinary letter if the decision was issued in favour of the applicant. The applicant is considered to have been informed of the decision no later than on the

thirtieth day after the date of posting the document, unless otherwise proven. Otherwise, service by post shall be effected through the international acknowledgement of receipt procedure or through another corresponding verifiable service that can be used in the state concerned.

(3) If the alien has not given his or her address abroad, service may be effected by sending the decision to a Finnish mission, a mission of another Schengen State or an external service provider in the State of which the alien is a citizen or where he or she resides. A written certificate of service shall be drawn up, indicating the person effecting the service and the addressee and date of the service. If the decision cannot be handed over to the alien or his or her representative, the authority who issued the decision shall be notified of the fact that the decision has not been served. (675/2015)

(4) If an intended service abroad cannot be effected, the document shall be served in Finland by publication as provided in section 62 of the Administrative Procedure Act. However, service by publication is not used in a matter pertaining to international protection.

Section 206a (505/2016)

Notification of the right to a residence permit of family members of persons who have been granted asylum or admitted to Finland under the refugee quota

When effecting service of decisions to grant asylum or to admit a person to Finland under the refugee quota, the person shall be notified that his or her family member may be issued with a residence permit without applying the requirement for sufficient financial resources as provided in section 114(4)(1).

Section 207

Providing contact details

A person whose matter is being considered by the authorities is obliged to provide them with his or her contact details and any changes in such details.

Section 208 (1341/2014)

Notifying the Non-Discrimination Ombudsman

(1) The Non-Discrimination Ombudsman shall be notified of any decision under this Act to issue a residence permit on the basis of international or temporary protection, to deny admittance or stay to an alien, or to refuse entry to or deport an alien. The Non-Discrimination Ombudsman shall also be notified without delay of any decision concerning detention of an alien or a child's residence obligation. At the request of the Non-Discrimination Ombudsman, the Ombudsman shall also be notified of any other decisions under this Act and the necessary information required for overseeing the enforcement of removals from the country under section 152b. (49/2017)

(2) Provisions on the right of the Non-Discrimination Ombudsman to obtain information are laid down in section 4 of the Act on the Non-Discrimination Ombudsman (1326/2014).

Section 209 (1341/2014)

Hearing the views of the Non-Discrimination Ombudsman

At the request of the Non-Discrimination Ombudsman, the Ombudsman has the right to be heard in an individual matter concerning an asylum applicant or deportation of an alien. The authority deciding on the matter may, on a case-by-case basis, set a reasonable time limit for the issue of a statement by the Non-Discrimination Ombudsman.

Section 210 (886/2011)

Right of the Finnish Immigration Service to decide on matters falling within the competence of local police departments

(1) The Finnish Immigration Service may take up a matter for decision which, under this Act, is to be decided by the local police department.

(2) The local police department may refer a matter falling within its competence to the Finnish Immigration Service for decision if the examination of the matter and any decisions on the matter require the expertise of the Finnish Immigration Service because of the nature of the matter, or if the matter is important for the application of the law to other similar cases.

Section 211 (973/2007)

Advisory Board for Matters related to Aliens' Employment and Residence Permits

(1) An Advisory Board for Matters related to Aliens' Employment and Residence Permits may be appointed in connection with the Ministry of the Interior to supervise the terms of employment of foreign workers. The task of the Board is to promote cooperation and communication between the authorities in matters pertaining to the supervision of the terms of employment and residence permits of foreign workers, to monitor trends in the supervision of the terms of employment and residence permits of foreign workers and to give statements on these matters.

(2) The members of the Board are appointed by the Ministry of the Interior. The authorities and administrative branches involved in the supervision shall be represented in the Board. The Advisory Board cooperates with the main labour market organisations. Further provisions on the Board's composition, duties, work procedures and term of office are given by government decree.

Section 212

Supervision

(1) The Finnish Immigration Service, police and the Border Guard supervise compliance with the provisions of this Act and any provisions issued under it. (973/2007)

(2) Border control authorities supervise compliance with the provisions on aliens' entry into and departure from the country.

Section 213

Further provisions

Further provisions on the implementation of this Act may be given by government decree.

Section 213a (972/2014)

Provision of consular services at Finnish missions

Provisions on which of the Finnish missions manage the duties laid down for missions in this Act are laid down in section 9 of the Consular Services Act (498/1999) and in the decree issued under it.

Chapter 15

Transitional provisions and entry into force

Section 214

Entry into force

(1) This Act enters into force on 1 May 2004.

(2) This Act repeals the Aliens Act of 22 February 1991 (378/1991), as amended.

Section 215

Transitional provisions

(1) The provisions in force upon entry into force of this Act apply to matters pending at the time of this Act's entry into force. However, the provisions of this Act apply to matters returned for reconsideration.

(2) Matters related to a residence permit pending upon the entry into force of this Act will lapse if no residence permit is needed under this Act in the cases concerned.

(3) The requirement concerning a photograph of the child in an alien's passport laid down in section 13 is only applied to passports issued after this Act's entry into force.

(4) The requirement concerning a period of residence of four years laid down in section 56 is applied to residence of continuous nature that has begun after this Act's entry into force. If residence of continuous nature has begun before this Act's entry into force, the provisions in force upon this Act's entry into force apply.