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## **Aliens Act**

(301/2004; amendments up to 653/2004 included)

### Chapter 1 - **General provisions**

#### Section 1 - *Purpose of the Act*

The purpose of this Act is to implement and promote good governance and legal protection in matters concerning aliens. In addition, the purpose of the Act is to promote managed immigration and provision of international protection with respect for human rights and basic rights and in consideration of international agreements binding on Finland.

#### Section 2 - *Scope of application*

This Act and any provisions issued under it apply to aliens' entry into and departure from Finland and their residence and employment in Finland.

### Section 3 - *Definitions*

For the purposes of this Act:

- 1) *alien* means a person who is not a Finnish citizen;
- 2) *EU citizen or a comparable person* means a citizen of a Member State of the European Union (EU) or a citizen of Iceland, Liechtenstein, Norway or Switzerland;
- 3) *carrier* means a natural or legal person professionally engaged in passenger transport by air, land, rail or sea;
- 4) *visa* means a permit on the basis of which an alien may enter and stay in the country for a short time if the other requirements for entry are met;
- 5) *residence permit* means a permit issued to an alien for a purpose other than tourism or a comparable short-term residence entitling the alien to enter the country repeatedly and stay in the country;
- 6) *residence permit for an employed person* means a permit required from an alien for residence in Finland or on board a Finnish vessel if the alien intends to have such gainful employment to which he or she would not have the right under another residence permit or without a residence permit;

7) *residence permit for a self-employed person* means a permit required from an alien for residence in Finland if the alien intends to pursue a trade;

8) *gainful employment* means working against payment in an employment relationship in the private or public sector or some other employment relationship;

9) *self-employed person* means a person who pursues a trade or profession in his or her own name (*person pursuing a trade*) or is comparable to such a person on the basis of his or her corporate responsibility;

10) *Refugee Convention* means the Convention relating to the Status of Refugees (Treaty Series of the Statute Book of Finland 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 acknowledged as a refugee;

13) *international protection* means refugee status or a residence permit granted on the basis of a need for protection;

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 abroad;

- 16) *Council Regulation on determining the State responsible for examining an asylum application* means Council Regulation (EC) No 343/2003/EC of 18 May 2003 on establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national;
- 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 provisions issued under the acquis at a later stage;
- 19) *Schengen State* means a State applying the Schengen aquis;
- 20) *Schengen area* means the area of Schengen States;
- 21) *border check authorities* means the Frontier Guard and other authorities who have the right to carry out border checks as referred to in the Frontier Guard Act (320/1999).

#### Section 4 - *Relationship with other Acts*

- (1) The provisions of the Administrative Procedure Act (434/2003) shall be observed in processing matters as referred to in this Act unless otherwise provided by law. The provisions of the Administrative Judicial Procedure Act (586/1996) shall be observed in appeal matters as referred to in this Act unless otherwise provided by law.
- (2) The provisions of the Administrative Procedure Act apply to asylum interviews conducted by the police to establish the grounds for applications for asylum. The provisions of the Police Act (493/1995) on police investigation apply to establishing by the police the requirements for aliens' entry into, residence in and removal from the country and asylum seekers' identity, entry into the country and travel routes.
- (3) The provisions of section 47 of the Frontier Guard Act apply to investigations carried out by the Frontier Guard under this Act.
- (4) In addition, the provisions of the Territorial Surveillance Act (755/2000) apply to the entry into the country of military persons in the service of foreign States.

Section 5 - *Respect for the rights of aliens*

The application of this Act may not restrict aliens' rights any more than necessary.

Section 6 - *Applying the Act to minors*

- (1) In any decisions issued 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 level of development. 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 7 - *General administrative procedures*

- (1) The authorities deciding on a matter shall give the person concerned an estimate of the time required for issuing the decision.
- (2) The authorities shall ensure that the matter is investigated. The person concerned shall present the grounds for his or her claim and generally contribute to the investigation of his or her matter. The authorities shall tell the person concerned what further clarification needs to be presented in the matter. A request for clarification shall be specified and in proportion to the means for clarification available to the person concerned, considering his or her circumstances.
- (3) If the decision to be issued on the matter might significantly influence another decision pending on a similar matter, these matters shall be prepared jointly and the decisions issued simultaneously, if possible, unless joint processing of these matters causes harmful 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 clarify the matter, a person staying in Finland may also be required to appear before the authorities to be heard. A person who fails to comply with the obligation to appear before the authorities to be heard 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 handled, the person concerned may use a counsel. When an administrative matter is filed and handled, the person concerned 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 investigating the matter or establishing his or her identity.
- (3) When an appeal under this Act is filed or handled, the person concerned 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.

- (4) Separate provisions shall be 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) However, when an administrative matter is being handled, the counsel assigned to an alien may also be a person with legal training other than a public legal aid attorney.
- (3) When handling a matter as referred to in this Act, a court may grant legal aid to an alien without requiring a statement 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 an appeal under this Act is being handled. 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 an appeal.

- (2) An interpreter or translator procured by authorities may not be a person whose connection with the person or matter concerned may jeopardize his or her reliability or the safety of the person concerned.
- (3) Separate provisions shall be issued on interpreters' obligation to secrecy.

## Chapter 2 - **Entry into Finland**

### Section 11 - *Requirements for entry*

- (1) Aliens may enter Finland if:
  - 1) they hold a required valid travel document that entitles them to cross the border;
  - 2) they hold a required valid visa, residence permit or residence permit for an employed or self-employed person, unless otherwise provided by European Community law or any agreement binding on Finland;
  - 3) they can, if necessary, produce documents which indicate the purpose of their intended stay and prove that the requirements for entry are met, and they can prove that they have the secure means of

support, considering both the projected length of their stay and their return to the country of departure or transit to a third country to which they are certain to be admitted, or that they can legally acquire such funds;

4) they have not been prohibited from entering the country; and

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

- (2) Provisions on the grounds for refusal of entry are laid down in section 148.

#### Section 12 - *Border crossing points*

(1) Aliens may enter or depart from Finland only through border crossing points, unless otherwise provided by European Community law or any international agreement binding on Finland.

(2) Border check authorities may also give permission for entry or departure through locations other than border crossing points (*border crossing permit*).

#### Section 13 - *Passports*

- (1) When entering and staying in Finland, aliens shall hold a valid passport issued by the authorities of their home country or country of residence, which shall be presented to border check authorities or the police upon request.
- (2) An alien's passport shall state the holder's name, date of birth, sex and citizenship and the validity, issuer and place of issue of the passport. In addition, the passport shall include a photograph from which the holder of the passport is easily recognizable.
- (3) An alien's spouse and children under sixteen years of age travelling with the passport holder may use the alien's passport if their names and dates of birth are stated in the passport and the passport includes a photograph of the spouse and a photograph of each child over seven years of age.
- (4) Unless a passport states a specific area of validity, it is considered to be valid in Finland.

#### Section 14 - *Approving passports*

- (1) Further provisions on passports approved for aliens' entry and residence in Finland may be given by Decree of the Ministry for Foreign Affairs. Provisions on exceptions to the

requirements for the content of a passport as referred to in section 13(2) and (3) necessary for supervising aliens' entry and safeguarding their residence in the country, may be issued by Decree of the Ministry for Foreign Affairs. Before issuing such a Decree, the Ministry for Foreign Affairs shall consult the Ministry of the Interior.

Section 15 - *Documents substituting for passports*

- (1) A document that meets the requirements laid down in section 13(2) and (3) may be accepted as a substitute for a passport entitling its holder to enter and stay in the country. Further provisions on such documents may be issued by Decree of the Ministry for Foreign Affairs. The Ministry of the Interior shall be consulted when such a Decree is prepared.
- (2) For special reasons, border check authorities may, in individual cases, accept as a temporary passport an identity card or corresponding document which does not meet the requirements for passports set in this Act.

Section 16 - *Group passports*

- (1) A passport stating the names and dates of birth of a group of aliens travelling together is approved as a group passport for the group. The persons entered in the group passport shall be citizens of the State that issued the group passport.
- (2) The leader of the group shall carry a personal passport. Each person entered in the group passport shall carry an identity card issued by the authorities of his or her home country unless the group passport includes photographs of the members of the group certified by the stamp of the authorities.
- (3) Upon entry into and departure from the country, the leader of the group shall, upon request, submit a list of all those travelling under the group passport to border check authorities. The list shall contain the names and dates of birth of the members of the group.

### Chapter 3 - **Visas**

#### Section 17 - *Provisions applied to processing visa matters*

Instead of the Administrative Procedure Act, the provisions of this Act and the common consular instructions for diplomatic and consular missions complying with the Schengen acquis apply to the filing and processing of applications for visas, decision-making procedures, grounds for and contents of decisions and notification of decisions.

Section 18 - *Abolishing visas and visa requirement*

- (1) EU citizens and comparable 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 shall apply for visas and States whose citizens do not need a visa for entry into and short-term residence in the Schengen area are laid down by Council Regulation.
- (3) 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.

#### Section 20 - *Types of Schengen visas*

- (1) The types of Schengen visas are a single-entry visa, multiple-entry visa, transit visa, airport transit visa and re-entry visa.
- (2) A single-entry visa may be issued for a single entry into the Schengen area and a stay of a maximum of three months. A multiple-entry visa may be issued for two or more entries into the Schengen area. The total combined stay of the holder of a multiple-entry visa during a period of six months may be a maximum of three months from the first entry into the Schengen area.
- (3) For transit or a stay of a maximum of one month, a single-entry visa may be issued as a group visa entered in a group passport to a minimum of five and a maximum of fifty persons who intend to participate in an artistic, scientific or sports event or who enter and depart from the country together as tourists. A group visa is issued with

regional restrictions to seamen who transfer to or from a vessel in Finland together.

- (4) A re-entry visa may be issued for one or several return journeys to Finland during the validity of the single-entry visa or while a residence permit matter is pending.
- (5) A transit visa may be issued for one, two or, as an exception, several transits in the Schengen area that last for a maximum of five days at a time.
- (6) An airport transit visa may be issued for a stay in the international area of an airport in the Schengen area necessary for a stopover or a transfer between two journeys.

#### Section 21 - *Validity of visas*

- (1) The days of residence permitted under a visa may be spent within a year or a shorter period. On reasonable grounds, the days may be spent during a period longer than a year.
- (2) A visa is valid for no longer than the expiry date of the travel document.

#### Section 22 - *Filing applications for a visa and providing applicants with an opportunity to be heard*

- (1) The application process for a visa is initiated after the applicant or his or her representative has filed an application with the mission, and paid the processing fee for it either upon filing the application or to a bank account designated by the mission.
- (2) A valid travel document and any necessary documents that indicate the purpose, duration and circumstances of the applicant's intended stay shall be attached to the application.
- (3) The applicant may be invited to the mission processing his or her application to present orally the grounds for his or her application, unless hearing the applicant in person is manifestly unnecessary.

#### Section 23 - *General requirements for issuing visas*

A visa may be issued if the alien meets the requirements for entry and if there are no reasonable grounds to suspect that the alien intends to evade the provisions on entry into or residence in the country.

#### Section 24 - *Insurance requirement*

An applicant may be required to have insurance issued by a reliable and well-established company or institution against expenses arising from an illness or accident or from sending the applicant back, unless otherwise provided by a bilateral agreement on social security or other international agreement binding on Finland. The holder of a diplomatic or official passport does not need travel insurance.

*Section 25 - Requirements for issuing Schengen visas with regional restrictions*

- (1) If an alien's travel document has not been accepted by one or more Schengen States while the other requirements for entry are met, a Schengen visa is issued as a regionally restricted visa only for travel to those Schengen States that have accepted the alien's travel document.
- (2) A Schengen visa is issued as a regionally restricted visa for travel to Finland and, if necessary, to other Schengen States if the visa is issued for humanitarian reasons or on grounds of national interest or international obligations and if:
  - 1) one of the requirements for entry laid down in section 11 is not met; or

- 2) the visa is issued regardless of an obligation to consult other Schengen States or of a request made by another Schengen State not to issue a visa.
- (3) A Schengen visa is issued as a regionally restricted visa for travel to Finland only if it is issued as a group visa for seamen who transfer to or from a vessel in Finland together.
- (4) A Schengen visa is issued as a regionally restricted visa for travel to Finland only if it is, for special reasons, issued:
- 1) for a new stay exceeding three months in the same half-year while the visa is still valid; or
  - 2) as a re-entry visa for a return journey to Finland while the Schengen visa is still valid during the return, or while an application process for a residence permit is pending.

*Section 26 - Issuing visas in conjunction with border checks*

Provisions on issuing visas in conjunction with border checks are laid down in the Council Regulation on the issue of visas at the border (415/2003/EC), including the issue of such visas to seamen in transit.

*Section 27 - Extending the number of days of residence under Schengen visas*

For special reasons, the number of days of residence under a Schengen visa may be extended if the requirements for issuing the visa are still met and the number of days of residence does not exceed the validity period for the visa. The total combined duration of residence may not exceed three months in a half-year from the first entry into the Schengen area.

*Section 28 - Cancelling visas, shortening the validity period for visas and reducing the number of days of residence*

- (1) A Schengen visa may be cancelled if, after the visa was issued, it emerges that the requirements referred to in sections 23-25 did not exist or if the circumstances have changed since the issue of the visa so that the requirements are no longer met.
- (2) A visa may also be cancelled if an alien is refused entry on grounds as referred to in section 148.
- (3) On the basis of an overall consideration, the validity period for a Schengen visa may be

shortened and the number of days of residence reduced instead of cancelling the visa.

Section 29 - *Invalidating visas*

- (1) An erroneous visa or a visa issued by mistake or a visa which has been cancelled is invalidated by making an invalidation entry on the visa sticker. The same applies to cases where the validity period for the visa has been shortened or the number of days of residence reduced. If the validity period for the visa is shortened or the number of days of residence reduced, a new visa sticker with the corrected data is attached to the visa instead of the sticker with an invalidation entry.
- (2) Any measure taken under subsection 1 is recorded in the visa register.

Section 30 - *Competence to issue visas or extend the number of days of residence*

- (1) A Schengen visa is issued abroad by a diplomatic or consular mission of a Schengen State or, if necessary, by the authorities of a contracting

party to the Schengen Convention designated under Article 17 of the Convention.

- (2) Aliens entering the country without a visa or seamen travelling under a regionally restricted group visa are issued with visas by border check authorities at the point of entry.
- (3) A re-entry visa and an extension to the number of days of residence under a Schengen visa are issued by the District Police.

Section 31 - *Competence to cancel visas, shorten the validity period for visas, reduce the number of days of residence and invalidate visas*

- (1) Finnish diplomatic or consular missions (hereinafter *Finnish missions*) make decisions on cancelling visas, shortening the validity period for visas or reducing the number of days of residence entered in visas, and invalidate visas they have issued if the alien resides outside the Schengen area.
- (2) Border check authorities make decisions as referred to in subsection 1 and invalidate visas in conjunction with border checks.
- (3) The Directorate of Immigration, the police or border check authorities make decisions as

referred to in subsection 1 and invalidate visas if the alien resides on Finnish territory.

#### Section 32 - *Notification of refusing a visa*

- (1) The authorities who refused a visa notify the applicant of the refusal in writing.
- (2) The grounds for refusal are given to the applicant on request. The grounds are not given if the refusal is based on information on the applicant received from the authorities of another Schengen State or third country, or on an assumption that the applicant may endanger public order or security, national security or foreign relations of a Schengen State.

### Chapter 4 - **Residence**

#### *General provisions*

#### Section 33 - *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.

#### Section 34 - *Residence permit entries*

- (1) The nature of fixed-term residence is indicated in the residence permit with a letter. A continuous residence permit bears the letter A and a temporary residence permit the letter B.
- (2) A permanent residence permit bears the letter P.

#### Section 35 - *Attaching residence permits to travel documents*

- (1) A requirement for issuing a residence permit is that the alien has a valid travel document. However, a residence permit may be issued even if the alien does not have a valid travel document, if the permit is issued under section 51, 52, 87-89 or 110.

- (2) An alien shall ensure that the entry concerning a residence permit in his or her travel document is transferred to any new travel document he or she acquires.

*Section 36 - General requirements for issuing residence permits*

- (1) A residence permit may be refused if the alien is considered a danger to public order, security or health or Finland's international relations.
- (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.

*Section 37 - Family members*

- (1) When applying this Act, the spouse of a person residing in Finland, and unmarried children under 18 years of age whose parent or guardian the person residing in Finland is, are considered family members. If a person residing in Finland is a minor, his or her parent or guardian is considered a family member. A person of the same

sex in a nationally registered partnership is also considered a family member.

- (2) Persons living continuously in a marriage-like relationship within the same household regardless of their sex are comparable to a married couple. The requirement is 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 is some other weighty reason for it.

#### *Section 38 - Requirement for a child to be minor*

Issuing a residence permit on the basis of family ties to an unmarried child requires that the child is minor on the date when the application is filed if the requirements for issuing the residence permit are met on that date.

#### *Section 39 - Requirement for means of support when issuing a residence permit*

- (1) Issuing a residence permit requires that the alien has secure means of support unless otherwise provided in this Act. In individual cases, an exemption may be made from the requirement for means of support if there are exceptionally

weighty reasons for such an exemption or if the exemption is in the best interest of the child. The requirement for means of support is not applied if a residence permit is issued under Chapter 6.

- (2) An alien's means of support are considered secure at the time when the alien's first residence permit is issued 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 as referred to in the Act on Social Assistance (1412/1997) or on other similar benefit to secure his or her means of support. Social security benefits compensating for expenses are not regarded as such a benefit.
- (3) When issuing extended permits, the alien's means of support shall be secure as provided in subsection 2, provided, however, that temporary resort to social assistance or other similar benefit securing the alien's means of support does not prevent the issue of the permit.
- (4) The applicant shall submit to the authorities a statement on how his or her means of support 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; and
  - 6) residence under a residence permit for a maximum of three months issued by a Schengen State.

- (2) Provisions on the right of residence of EU citizens and comparable 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 the aliens have not been prohibited from entering

Finland or that they are not considered a danger to public order and security or public health.

Section 43 - *Landing of cruise participants*

- (1) A cruise refers to a sea journey during which the vessel, which is not in scheduled service traffic, calls at least two foreign ports 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 land without a travel document or visa when the ship is in Finland. Border check authorities shall be given a list of passengers confirmed by the master of the ship before landing. 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 as referred to in the Convention concerning Seafarers' National Identity Documents (Treaty Series of the Statute Book of Finland 64/1970) have the right to land 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 agreed separately 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 mentioned in subsections 1-3.

*Requirements for issuing fixed-term residence permits*

*Section 45 - Issuing 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) pursuing a trade on a temporary basis;
  - 3) studying; or
  - 4) 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 a self-employed person is issued for pursuing a trade on a temporary basis. Further provisions on issuing a residence permit for an employed or self-employed person 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 - Issuing residence permits for studying*

An alien who has been accepted into an educational institution in Finland as a student is issued with a temporary residence permit as provided in section 45(1)(3) for studies leading to a degree or vocational qualification or, on reasonable grounds, for other studies.

*Section 47 - Issuing continuous residence permits to persons residing abroad*

- (1) A continuous residence permit is issued to a person residing abroad:
  - 1) if the person has been a Finnish citizen or if at least one of his or her parents or grandparents is or has been a Finnish citizen by birth;
  - 2) for employment of continuous nature; or
  - 3) for pursuing a trade of continuous nature.
- (2) A residence permit for an employed person or other residence permit is issued for continuous employment. A residence permit for a self-employed person is issued for pursuit of a trade of continuous nature. Further provisions on issuing a

residence permit for an employed or self-employed person are laid down in Chapter 5.

- (3) Family members of an alien who has been issued with a continuous or permanent residence permit are issued with a continuous residence permit.
- (4) Issuing a continuous residence permit under subsection 1(1) does not require that the alien or his or her family members have secure means of support.
- (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 secure means of support. When making a 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.

*Section 48 - Issuing 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 belonged to the people evacuated from Ingria to Finland in 1943 or 1944 and returned to the Soviet Union after the war;
  - 2) if the applicant served in the Finnish army during the period 1939-1945; or
  - 3) if the applicant or one of his or her parents or at least two of his or her four grandparents are or have been entered in a document as Finnish nationals and the applicant is sufficiently proficient in Finnish or Swedish.
- (2) A residence permit is also issued to family members of a person as referred to in subsection 1 and to children in his or her custody who have not reached the age of eighteen years before the applicant is issued with a residence permit on grounds mentioned in subsection 1.
- (3) A further requirement for issuing a residence permit is that:
  - 1) the applicant has registered as a returnee at a Finnish mission;
  - 2) in the case referred to in subsection 1(3), the applicant takes part in re-entry orientation given in the country of departure and presents a

certificate of passing a language examination arranged by Finnish authorities, which proves that the applicant has the required proficiency in Finnish or Swedish for level A2 on the scale of assessment of language skills under the Council of Europe's Common European Framework of Reference for Languages, unless participation in re-entry orientation or a language examination is considered unreasonable with regard to the applicant's circumstances; and

3) the applicant has access to accommodation in Finland.

- (4) The applicant's Finnish origin referred to in subsection 1(3) is proven with original documents or, if this is not possible, in some other reliable manner.
- (5) Issuing a residence permit as referred to in this section does not require that the applicant or his or her family members have secure means of support.
- (6) Further provisions on the grounds for and arrangement of language examinations as referred to in subsection 3(2) may be given by Government decree.

Section 49 - *Issuing 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 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 with his or her married spouse who lives in Finland, or has continuously lived together 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 or self-employed person applied for in Finland would be unfounded from the alien's or employer's point of view; or
  - 4) refusing a residence permit would be manifestly unreasonable.

- (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 continuously together in the same household.

*Section 50 - Issuing residence permits to family members of Finnish citizens*

- (1) Family members of Finnish citizens 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) If the family member is an EU citizen or comparable person, the provisions of Chapter 10 shall be observed as regards his or her entry into and residence in the country, where applicable.
- (3) Relatives other than family members of Finnish citizens 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 shall remain abroad while the application is processed.

- (4) Issuing a residence permit as referred to in this section or registering the right of residence does not require that the alien have secure means of support.

*Section 51 - Issuing residence permits in cases where aliens cannot be removed from the country*

- (1) Aliens residing in Finland are issued with a temporary residence permit if they cannot be returned to their home country or country of permanent residence for temporary reasons of health or if they cannot actually be removed from the country.
- (2) Issuing a residence permit does not require that the alien have secure means of support.
- (3) 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 - *Issuing residence permits on compassionate 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 or ties to Finland or on other compassionate grounds, particularly in consideration of the circumstances they would face in their home country or of their vulnerable position.
- (2) Issuing a residence permit does not require that the alien have secure means of support.
- (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. A requirement for issuing a residence permit is that the children and their siblings have lived together and that their parents are no longer alive or the parents' whereabouts are unknown. Another requirement for issuing a residence permit is that issuing the permit is in the best interest

of the children. Issuing a residence permit does not require that the alien have secure means of support.

Section 53 - *Validity of first fixed-term residence permits*

- (1) 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 must 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, an assignment or studies that will be completed within a set period. However, the duration of a fixed-term residence permit must not exceed two years.
- (4) An alien who is or 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 a period of four years, unless requested for a shorter period.

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

*Requirements for issuing extended permits or permanent residence permits*

*Section 54 - Issuing 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 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 pursuing a

trade 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.

- (4) An alien who has been issued with a temporary residence permit under section 51 because he or she cannot be removed from the country is issued with a continuous residence permit after two years of continuous residence in the country, if the circumstances referred to in section 51 are still met.
- (5) 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 be issued with a residence permit on the basis of close ties to Finland after these family ties are broken.

#### Section 55 - *Duration of extended permits*

- (1) A new fixed-term residence permit is issued for a maximum of three 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 (4) if the temporary grounds for residence become permanent.

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

#### Section 56 - *Issuing permanent residence permits*

- (1) A permanent residence permit is issued to aliens who have resided legally in the country for a continuous period of four years after being issued with a continuous residence permit if the requirements for issuing a continuous residence permit are still met and if there are no obstacles mentioned in this Act to issuing a permanent residence permit. Residence is considered continuous if an alien has resided in Finland for at least half the validity period for the residence permit.
- (2) 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 first fixed-term residence permit issued for continuous residence in the country.

- (3) If a person has been issued with a residence permit on the basis of refugee status or a need for protection, the period of four years is calculated from the date of entry into the country.

*Section 57 - Obstacles to issuing permanent residence permits*

- (1) A permanent 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 and the length of

the alien's residence in 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 probation 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.

#### *Cancellation and expiry of residence permits*

#### *Section 58 - Cancelling residence permits*

- (1) A fixed-term or permanent residence permit is cancelled if the alien has moved out of the country permanently or has continuously resided outside Finland for two years for permanent purposes.
- (2) In the case referred to in subsection 1, an alien may file an application within the two years to

prevent the cancellation of his or her residence permit. If the application is granted, the decision shall state the period during which the residence permit is not cancelled.

- (3) A fixed-term or permanent residence permit may be cancelled 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.
- (4) A fixed-term residence permit may be cancelled if the grounds on which the permit was issued no longer exist. Another requirement for cancelling the permit is that the alien has resided legally in Finland for only a short time.
- (5) A fixed-term or permanent residence permit may be cancelled if a Schengen State requests Finland to cancel a residence permit issued to an alien by Finland on the grounds that the alien has been prohibited from entering another Schengen State and ordered to be removed from the Schengen area on grounds as referred to in section 149 (1)(2)-(1)(4).

- (1) A fixed-term or permanent residence permit expires if an alien is deported from Finland or acquires Finnish citizenship.
- (2) An entry on the expiry is made in the Register of Aliens.

*Permit procedure and competent authorities*

*Section 60 - Applications for residence permits*

- (1) A first residence permit shall be applied for abroad in the country where the alien resides legally before entering Finland. The application is filed with a Finnish mission.
- (2) A residence permit may be applied for in Finland under sections 49-52, 54 and 56. The application is filed with the District Police.
- (3) If the permit is issued by the Ministry for Foreign Affairs, the application for a permit may be filed with the Ministry after the applicant has already entered the country.
- (4) Further provisions on the application procedure for residence permits may be given by Government decree.

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 or residence permit in the travel document.
- (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) Police or border check authorities issue a certificate of a temporary possession of a travel document.

Section 62 - *Application procedure for residence permits on the basis of family ties*

- (1) An alien who has no residence permit (*applicant*) may apply for a residence permit abroad on the basis of family ties by filing an application with

a Finnish mission, or a sponsor may initiate the procedure by filing an application with the District Police.

- (2) To establish whether the requirements for a residence permit are met, the persons mentioned in subsection 1 shall be provided with an opportunity to be heard before a decision is issued on the matter.

*Section 63 - Opinions on applications for a residence permit on the basis of family ties*

- (1) The Directorate of Immigration or the District Police may obtain an opinion on an application for a residence permit on the basis of family ties from the social welfare or health care authorities of the sponsor's domicile or place of residence. An opinion on the sponsor's social situation or health may be requested if the sponsor is an unaccompanied minor, if the applicant is a member of the alien's extended family or if there is another special reason related to establishing the family's situation.
- (2) Notwithstanding any secrecy provisions, social welfare or health care authorities are obliged to submit in their opinion to the Directorate of

Immigration or the District Police referred to in subsection 1, for the purpose of an application for a residence permit on the basis of family ties, 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 requirements for entry or for a residence permit are met.
- (2) The hearing is conducted by the police or by an official of a Finnish mission. The Directorate of Immigration may conduct the hearing if establishing the matter so requires.

*Section 65 - Establishing family ties by means of DNA analysis*

- (1) The Directorate of Immigration 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.

- (2) The person concerned 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 the person concerned 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 Directorate of Immigration 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 Directorate of Immigration is enforced as provided in the Act on the Recovery of Taxes and Charges through Execution (367/1961).

## Section 66 - *Carrying out DNA analyses*

- (1) A DNA test is carried out at the National Public Health Institute or the Department of Forensic Medicine at the University of Helsinki. The person carrying out a DNA test shall send an opinion based on DNA typing to the Directorate of Immigration without delay. When the Directorate of Immigration has issued a decision on the matter, it informs the person who carried out the test that the samples and the data concerning DNA identification shall be destroyed.
- (2) In Finland, the samples required for a DNA test are taken by a health care professional at the Department of Forensic Medicine at the University of Helsinki or at a health centre. The samples are sent to the person carrying out the test referred to in subsection 1.
- (3) Abroad, the samples required for a DNA test are taken by a health care professional at a Finnish mission or at facilities arranged by the mission. The samples are sent to the person carrying out the test referred to in subsection 1.
- (4) The police or an official of the Directorate of Immigration or the mission supervise the taking of

samples and establish the identity of the person tested.

- (5) Further provisions on carrying out DNA analyses may be given by Government decree.

*Section 67 - Directorate of Immigration as the residence permit authority*

- (1) The Directorate of Immigration issues:
  - 1) a first residence permit to an alien abroad;
  - 2) in the cases referred to in sections 49, 51 and 52, a first residence permit to an alien who has entered the country without a residence permit;
  - 3) a residence permit when the District Police have brought the matter to the Directorate of Immigration for decision.
- (2) The Directorate of Immigration cancels a residence permit on grounds as referred to in section 58(1) and (5), and a residence permit it has already issued on grounds as referred to in section 58(3) and (4).
- (3) The Directorate of Immigration decides in a case as referred to in section 58(2) that a residence permit is not cancelled.

Section 68 - *Local police as the residence permit authority*

- (1) The District Police issue:
  - 1) a residence permit to a family member of a Finnish citizen if the family member resides in Finland;
  - 2) a new fixed-term residence permit; and
  - 3) a permanent residence permit to an alien residing in the country.
- (2) The District Police cancel residence permits issued by them on grounds as referred to in section 58(1), (3) and (4).
- (3) The District Police transfer residence permits to new travel documents.

Section 69 - *Foreign affairs administration as the residence permit authority*

- (1) Finnish diplomatic or consular 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.
- (2) Applications for residence permits may also be received abroad by other Finnish missions if the

Ministry for Foreign Affairs has given the required authorization to a 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 organization operating in Finland or their family members, or to persons privately employed by the staff who 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 cancels residence permits it has issued.
- (5) Finnish missions transfer residence permits to new travel documents.

## Chapter 5 - **Employment**

*Provisions on residence permits for employed and self-employed persons*

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 - Cooperation with labour market organizations*

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 as referred to in this section are issued by Government decision, and regional policies by decisions of relevant Employment and Economic Development Centres.

*Section 72 - Elements of consideration as regards residence permits for employed and self-employed persons*

- (1) Issuing residence permits for employed persons is based on consideration in order to:
  - 1) establish whether there is labour suitable for the work 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 as referred to in subsection 1(1) from finding employment; and

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

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

(3) Issuing residence permits for self-employed persons is based on consideration to ensure that the intended business operations meet the requirements for profitable business.

(4) When considering the issue of residence permits for employed or self-employed persons, the authorities shall ensure that the alien's means of support are secured by gainful employment, pursuit of a trade or in some other way.

### Section 73 - *Employer's obligations*

(1) An employer shall attach to an application for a residence permit for an employed person:

- 1) written information on principal terms of work as 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; and
  - 3) upon request by an employment office, a statement confirming that the employer has met and will meet his or her obligations as an employer.
- (2) 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.
- (3) An employer who employs a person other than an EU citizen or comparable person or his or her family member, or an alien residing in the country under a permanent residence permit shall submit a statement as referred to in subsection 1 to the employment 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.

- (4) 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 on the termination of the alien's employment for four years.

#### *Section 74 - 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 73(1)-(3) apply to the main contractor or client operating in Finland. In the case of employees as referred to in the Posted Workers Act (1146/1999), the provisions of the said Act apply to their employment contract terms.

#### *Section 75 - Issuing residence permits for employed persons to persons abroad*

The requirements for issuing a residence permit for an employed person are:

- 1) Consideration under section 72 has been given to issuing a residence permit, and the requirements mentioned in the section are met, and the requirements for the employer's statements and assurance laid down in section 73(1) are met.
- 2) The general requirements for issuing a residence permit laid down in section 36 are met, and the alien has not been prohibited from entering the country.

*Section 76 - Issuing residence permits for self-employed persons to persons abroad*

The requirements for issuing a residence permit for a self-employed person are:

- 1) Consideration under section 72 has been given to issuing a residence permit, and the requirements mentioned in the section are met.
- 2) The general requirements for issuing a residence permit laid down in section 36 are met, and the alien has not been prohibited from entering the country.

*Section 77 - Residence permits for employed persons with regard to specific professional fields*

A residence permit for an employed person entitles the holder to work in one or several professional fields. For special reasons, a residence permit for an employed person may be restricted to work for a certain employer.

*Section 78 - Advance information on the requirements for issuing residence permits for employed persons*

Upon written application by an employer or contractor, the employment office submits advance written information on the requirements for issuing a residence permit for an employed person as regards the matter referred to in the application. The employment office shall give the advance information without delay. At the employer's request, the employment office shall observe the advance information for the duration mentioned in the advance information when a residence permit is applied for.

*Employment without residence permits for employed persons*

*Section 79 - Unrestricted employment under residence permits other than residence permits for employed persons*

- (1) Aliens who have been issued with a permanent or continuous residence permit on grounds other than

employment or self-employment have the right to gainful employment.

(2) Aliens who have been issued with a temporary residence permit on the basis of family ties as a family member of an alien who has been issued with a temporary residence permit for an employed or self-employed person have the right to gainful employment.

(3) Aliens who have been issued with a temporary residence permit on the basis of temporary protection or other humanitarian immigration have the right to gainful employment.

(4) Aliens have the right to gainful employment if they have been issued with a fixed-term residence permit and if they work:

- 1) in expert duties in the middle or top management of a company or in expert duties that require special expertise;
- 2) as professional athletes, coaches or umpires;
- 3) in the service of a religious community or non-profit association;
- 4) professionally in science, culture or the arts, restaurant musicians excluded; or
- 5) in an international organization or in duties concerning official cooperation between States.

- (5) Aliens whose employer or contractor has no office in Finland have the right to gainful employment in Finland if they:
- 1) work professionally in the mass media; or
  - 2) 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.
- (6) Aliens have the right to gainful employment if they have been issued with a residence permit by the Ministry for Foreign Affairs for the construction, repair or maintenance of a mission.
- (7) An entry concerning the right to gainful employment based on this section shall be made in the alien's residence permit except for the residence permit mentioned in subsection 6.

*Section 80 - Restricted employment under residence permits other than residence permits for employed persons*

- (1) An alien has the right to gainful employment if he or she has been issued with a residence permit:
- 1) for studying if the employment is a traineeship required for a qualification, if the amount of part-time work does not exceed 20 hours a week or if full-time work is carried out at a time when

there are no actual classes at the educational institution;

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

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

4) for employment or traineeship that is part of an intergovernmental agreement or an exchange programme organized by non-governmental organizations if such employment or traineeship lasts for a maximum of 18 months or, for an alien holding a university degree, is an intra-company transfer for a maximum of a year;

5) for traineeship carried out by an 18–30-year-old alien who studies Finnish or Swedish at a foreign university, or if the field of the traineeship corresponds to his or her studies or qualification and lasts for a maximum of 18 months; or

6) under section 51 on grounds that he or she cannot be removed from the country if one year has

passed since the first residence permit was issued.

- (2) An entry concerning the right to gainful employment based on this section shall be made in the alien's residence permit. If the work exceeds the time limits set in subsection 1(1)-(5) or if the minimum time limit set in subsection 1(6) has not been reached, the alien is required to have a residence permit for an employed person.

Section 81 - *Employment without residence permits*

- (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 umpires 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 to pick or harvest berries, fruit, specialty crops, root vegetables or other vegetables or to work on a fur farm for a maximum of three months;

5) have, after applying for international protection, resided in Finland for three months and no longer than until a final decision on the application was made; or

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

- (3) If an application for a residence permit for an employed person or an application for an extended residence permit for a self-employed person concerning the same professional field was filed while the previous residence permit was still in force, an alien may continue the work until a decision has been made on the application.

*Procedure and competent authorities*

*Section 82 - Filing applications for a residence permit for an employed or self-employed person*

- (1) An application for a residence permit for an employed person may be filed either by an alien or, on the alien's behalf, by the employer without a specific authorization. The application may be

filed with a Finnish mission, an employment office or the District Police.

- (2) An application for a residence permit for a self-employed person may be filed with a Finnish mission or the District Police.

*Section 83 - Competence to issue residence permits for employed persons*

- (1) Employment offices decide whether the requirements for issuing a residence permit for an employed person under section 75(1) are met. They decide whether the employment is temporary or continuous.
- (2) After a favourable decision by an employment office under subsection 1, the Directorate of Immigration issues a first residence permit for an employed person, unless otherwise provided in section 75(2). The Directorate of Immigration decides whether the grounds are unfounded as referred to in section 49(1)(3).
- (3) If an alien applies for an extended permit on the same grounds on which the previous permit was issued, the District Police issue a new residence permit for an employed person after a favourable decision by an employment office under subsection 1, unless otherwise provided in section 75(2). If

the application relates to the same professional field, consideration under subsection 72(1) is not required from the employment office.

*Section 84 - Competence to issue residence permits for self-employed persons*

- (1) Employment and Economic Development Centres as referred to in the Act on Employment and Economic Development Centres (23/1997) decide whether the requirements for issuing a residence permit for a self-employed person under section 76(1) are met. Employment and Economic Development Centres decide whether the trade pursued by the self-employed person is temporary or continuous.
- (2) After a favourable decision by an Employment and Economic Development Centre under subsection 1, the Directorate of Immigration issues the alien with a first residence permit for a self-employed person, unless otherwise provided in section 76(2). The Directorate of Immigration decides whether the grounds are unfounded as referred to in section 49(1)(3).
- (3) If an alien applies for an extended permit on the same grounds on which the previous permit was issued, the District Police issue a new residence

permit for a self-employed person after a favourable decision by an Employment and Economic Development Centre under subsection 1, unless otherwise provided in section 76(2).

*Section 85 - Other powers of employment offices*

- (1) Employment offices decide on not issuing residence permits for employed persons on grounds laid down in section 187.
- (2) Employment offices give advance information as referred to in section 78 on the requirements of the labour market for issuing residence permits for employed persons.
- (3) The competent authority for the duties provided in this Act is the employment office in whose area the work is mainly carried out. If the work is carried out in the area of several employment offices, the competent authority is the employment office in whose area the work is mainly carried out. If the work is not tied to the area of any particular employment office, the competent authority is the employment office in whose area the employer's office is located.

*Section 86 - Occupational safety and health authorities*

- (1) Separate provisions shall be given 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 a work permit offence as referred to in Chapter 47, section 6a of the Penal Code (39/1899), violation of the Aliens Act as referred to in section 185(1) of this Act, or employer's violation of the Aliens Act as referred to 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 as referred to in subsection 2 are investigated by the police or heard in court.
- (4) Occupational safety and health authorities supervise compliance with the obligations provided in section 73(2) and (4), as provided by the Act on Supervision of Occupational Safety and Health and Appeal in Occupational Safety and Health Matters (131/1973).

## Chapter 6 - **International protection**

### *Requirements 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 agreements concerning such crimes;
  - 2) a serious non-political crime outside Finland before entering Finland as refugees; or
  - 3) an act which violates the aims 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 mentioned 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.

Section 88 - *Need for protection*

- (1) Aliens residing in the country are issued with a residence permit on the basis of a need for protection if the requirements for granting asylum under section 87 are not met but the aliens are in their home country or country of permanent residence under the threat of death penalty, torture or other inhuman treatment or treatment violating human dignity, or if they cannot return

there because of an armed conflict or environmental disaster.

- (2) Aliens are not issued with a residence permit on the basis of a need for protection if they have committed, or if there are reasonable grounds to suspect that they have committed, an act as referred to in section 87(2).

*Section 89 - Issuing residence permits when exclusion clauses are applied*

Aliens residing in Finland who are not granted asylum or a residence permit on the basis of a need for protection because they have committed, or there are reasonable grounds to suspect that they have committed, an act as referred to in section 87(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 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 State budget for each year, aliens who need international protection and are to be resettled.

#### Section 91 - *Allocation of the refugee quota*

The Ministry of Labour, in cooperation with the Ministry for Foreign Affairs and the Ministry of the Interior, 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) A proposal for Government decision is prepared in cooperation between the Ministry for Foreign Affairs, the Ministry of the Interior and the Ministry of Labour.

*Asylum procedures*

Section 94 - *Asylum procedure*

- (1) An application based on a need for international protection which is filed 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 investigated and decided on other emerging grounds in conjunction with the asylum procedure.

*Section 95 - Filing applications for international protection*

- (1) An application for international protection shall be filed with police or border check authorities upon entry into the country or as soon after entry as possible.
- (2) An application may be filed 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 a statement in support of his or her application until later; or
  - 3) there are other reasonable grounds for it.

*Section 96 - Card for an application process initiated in Finland*

- (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

that shows that an application process concerning him or her has been initiated in Finland. The police or the Frontier Guard issue the card.

- (2) The card bears the applicant's name, date of birth, citizenship and photograph. If the applicant's identity has not been established, 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 made 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 validity of the card has expired, border check authorities, the police or the Directorate of Immigration may take possession of the card.

#### Section 97 - *Asylum investigation*

- (1) The police or the Frontier Guard establish the identity, travel route and entry into the country of an alien applying for a residence permit on the basis of international protection. When establishing an applicant's identity, personal

data on the applicant's family members and other relatives are collected.

- (2) The Directorate of Immigration 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. At the request of the Directorate of Immigration, the police may conduct such interviews if the number of applications has increased dramatically or, for special reasons, at other times as well.
- (3) In addition to the Directorate of Immigration, the Security Police may conduct an asylum interview, if Finland's national security or international relations so require.
- (4) At the interview, the applicant shall be specifically asked to explain how he or she would react to being possibly removed from the country and sent to a safe country of asylum or a safe country of origin and to being prohibited entry into the country. 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.

Section 98 - *Decisions on applications for international protection*

- (1) Applications for international protection are processed 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 statements on his or her circumstances in the State in question and of information on the circumstances in that State.
- (3) After obtaining the available statement, 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 investigation 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 refusal of entry 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 99 - *Safe countries of asylum*

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

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 political 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 conventions on human rights, and whether serious violations of human rights have taken place in the State.

Section 101 - *Manifestly unfounded applications*

An application may be rejected as manifestly unfounded if:

- 1) no grounds as mentioned 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;

- c) by impeding the establishment of the grounds for his or her application in another fraudulent manner; or
  - d) by filing an application after a procedure for removing him or her from the country has begun, to prolong his or her unfounded residence in the country; or
- 3) the applicant comes from a safe country of asylum or origin where he or she may be returned, and the Directorate of Immigration has, for weighty reasons, not been able to issue a decision on the application within the time limit laid down in section 104.

#### Section 102 - *Subsequent applications*

- (1) A subsequent application means an application for international protection filed by an alien after his or her previous application was rejected by the Directorate of Immigration or an administrative court while he or she still resides in the country, or if he or she has left the country for a short time after his or her application was rejected.
- (2) If a new application is filed 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 a new statement in the matter.

- (3) A decision on a subsequent application may be issued without an asylum interview.

Section 103 - *Dismissing applications and applying an accelerated procedure*

- (1) An application for international protection may be dismissed if:

- 1) the applicant has arrived from a safe country of asylum defined in section 99 where he or she enjoyed or could have enjoyed protection as referred to in sections 87 and 88 and where he or she may be returned; or

- 2) the applicant 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.

- (2) A decision on an application for international protection may be issued in an accelerated procedure if:

- 1) the applicant comes from a safe country of origin as defined in section 100 where he or she

is not at risk of treatment as referred to in section 87 or 88 and where he or she may be returned;

2) the application can be considered manifestly unfounded as defined in section 101; or

3) the applicant has filed a subsequent application as referred to in section 102, which does not contain any new grounds for staying in the country that would influence the decision on the matter.

*Section 104 - Procedure in cases of safe countries of asylum or origin*

(1) If the applicant is considered to come from a safe country of asylum or origin, a decision on the application shall be made within seven days of the date when the minutes of the interview were completed and the information on their completion was entered in the Register of Aliens.

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

Section 105 - *Asylum applications by citizens of the European Union*

The Directorate of Immigration 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 sections 103(2)(1) and 104 to a decision on the application. The Ministry of the Interior notifies the Council of the European Union of the matter.

*Refugee status*

Section 106 - *Refugee status*

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; or
- 3) family members of aliens as 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.

### Section 107 - *Withdrawing refugee status*

A person's refugee status is withdrawn 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 manifestly no longer in need of protection as the circumstances under which he or she became a refugee no longer exist.

### Section 108 - *Cancelling refugee status*

Refugee status is cancelled if the applicant has, when applying for asylum or, in some other manner, refugee status, deliberately or knowingly given false information which has affected the outcome of the decision, or concealed a fact that would have affected the outcome of the decision.

*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 - *Issuing 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 a residence permit does not require that the alien have secure means of support.
- (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 as 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 is dropped unless the

applicant, upon written inquiry from the Directorate of Immigration, requests that the application be processed. The Directorate of Immigration submits the inquiry to the applicant either by post against a postal receipt or by a process server.

- (3) The processing of an asylum application is dropped 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.

*Issuing residence permits and competent authorities*

*Section 112 - Issuing 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 as referred to in subsection

1(1), their family members are issued with a residence permit for the same period.

Section 113 - *Issuing 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 a need for protection.
- (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 as 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 relatives of aliens as 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 - Issuing residence permits to family members of persons who have enjoyed 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 a need for 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, security or health or Finland's international relations.
- (2) If any of the circumstances mentioned 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 persons concerned shall be taken into account.
- (3) If the sponsor has been granted a residence permit on the basis of a need for protection, and the

ground for issuing the permit was an armed conflict or an environmental disaster, or if he or she has been granted a residence permit on the basis of temporary protection, it is taken into account in the overall consideration that there is no absolute impediment to the sponsor's return to his or her home country.

- (4) Issuing a residence permit as referred to in this section does not require that the alien have secure means of support.

*Section 115 - Issuing residence permits to other relatives of persons who have enjoyed international or temporary protection*

- (1) A residence permit is issued to other relatives of a refugee or an alien who has been granted a residence permit on the basis of a need for 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 relative is fully dependent on the sponsor living in Finland. If the applicant is considered a danger to public order, security or health or Finland's international relations, an

overall consideration is carried out as provided in section 114(2).

- (2) Issuing a residence permit does not require that the alien have secure means of support.

Section 116 - *Competence of the Directorate of Immigration with regard to international protection*

- (1) The Directorate of Immigration:
  - 1) grants asylum and issues a first residence permit on the basis of a need for protection under the asylum procedure;
  - 2) issues a first residence permit under section 89;
  - 3) issues a first residence permit on the basis of refugee status or a need for protection to an alien admitted to Finland under the refugee quota;
  - 4) issues a first residence permit under section 93 on the basis of other humanitarian immigration;
  - 5) issues a first residence permit on the basis of temporary protection;
  - 6) decides on withdrawing and cancelling refugee status;
  - 7) 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; and

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

- (2) The Directorate of Immigration decides on a matter as referred to in subsection 1(3) after receiving the opinion of the Security Police. In other respects, the matter is prepared in cooperation with the Ministry of Labour.

*Section 117 - Competence of the local police with regard to international protection*

- (1) The District Police issue a new fixed-term residence permit or a permanent residence permit to an alien on the basis of a need for international protection.
- (2) The District Police issue a new fixed-term residence permit to an alien on the basis of temporary protection for no longer than the date

on which the duration of temporary protection set by the Government ends.

- (3) If the police consider that they cannot issue a residence permit under subsection 1 or 2, they shall refer the matter to the Directorate of Immigration for decision.
- (4) The District Police issue 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 in accordance with the Regulation.

## Chapter 7 - **Interim measures**

### Section 118 - *Obligation to report*

- (1) An alien may be obliged to report at regular intervals to police or border check authorities if this is necessary for:
  - 1) establishing that he or she meets the requirements for entry into the country; or
  - 2) preparing or ensuring the enforcement of a decision on removing the alien from the country, or for otherwise supervising that the alien leaves the country.

- (2) The obligation to report is ordered by the authorities preparing the matter referred to in subsection 1 or the enforcement authorities. The person obliged to report shall be informed of the grounds for the obligation.
- (3) The obligation to report is in force until it has been established that the alien meets the requirements for entry, a decision on removal from the country has been enforced or the processing of the matter has ended otherwise. However, the obligation to report shall be immediately ordered to end when it is no longer necessary for ensuring the issue or enforcement of a decision.

#### Section 119 - *Other obligations*

- (1) Subject to the requirements laid down in section 118(1), an alien may be ordered to hand over his or her travel document and travel ticket to police or border check authorities or to give them the address where he or she may be reached.
- (2) The authorities referred to in section 118(2) make a decision on the matter. The alien shall be informed of the grounds for the order.

#### Section 120 - *Giving a security*

- (1) Instead of the obligations referred to in sections 118 and 119, an alien may be obliged to give a security to the State for the expenses related to his or her residence and return. The authorities referred to in section 118(2) make a decision on giving a security.
- (2) The security shall be released or returned when it is no longer required for establishing whether the alien meets the requirements for entering the country or for preparing or ensuring the enforcement of a decision on removing the alien from the country. 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 121 - *Requirements for holding an alien in detention*

- (1) Instead of the interim measures referred to in sections 118-120, an alien may be ordered to be held in detention if:
  - 1) taking account of the alien's personal and other circumstances, there are reasonable grounds

to believe that the alien will prevent or considerably hinder the issue of a decision concerning him or her or the enforcement of a decision on removing him or her from the country by hiding or in some other way;

2) holding an alien in detention is necessary for establishing his or her identity; or

3) taking account of the alien's personal and other circumstances, there are reasonable grounds to believe that he or she will commit an offence in Finland.

- (2) Holding an alien in detention on grounds that his or her identity is unclear requires that the alien gave unreliable information when the matter was processed or refused to give the required information, or that it otherwise appears that his or her identity cannot be considered established.

#### Section 122 - *Holding a minor in detention*

Before a person under 18 years of age is placed in detention, the representative of social welfare authorities shall be heard.

#### Section 123 - *Deciding on holding an alien in detention and placing a detained alien*

- (1) A decision on holding an alien in detention is made by a Commanding Officer at the District Police, the National Bureau of Investigation, the Security Police or the National Traffic Police. If the detention is to last for a maximum of 48 hours, the decision may also be made by the Director of the Legal Division of the Frontier Guard Headquarters, a Frontier Guard officer holding the rank of major at least, the head of the Frontier Guard District or Coast Guard District or the head of the Border Check Unit. The detained alien or his or her legal representative shall be informed of the grounds for detention.
- (2) A detained alien shall be placed in a detention unit as referred to in the Act on the Treatment of Aliens Placed in Detention and on Detention Units (116/2002) as soon as possible.
- (3) An official as referred to in subsection 1 may decide on placing a detained alien exceptionally in police detention facilities if:
  - 1) the detention units are temporarily full; or
  - 2) the alien is held in detention far from the nearest detention unit, in which case the detention may last for a maximum of four days.

- (4) A person under 18 years of age may be placed in police detention facilities only if his or her parent or guardian or other adult member of his or her family is also held in detention in the police detention facilities.
- (5) The provisions of the Act on the Treatment of Aliens Placed in Detention and on Detention Units apply to aliens placed in police detention facilities. However, in order to maintain order and security in police detention facilities, the provisions of sections 5, 6, 6a and 7 of the Detention Act (615/1974) may apply to an alien, where applicable, if the measures referred to in these sections are compatible with the grounds for holding the person in detention.

*Section 124 - Notifying of detention and court proceedings*

- (1) The official responsible for a decision on holding an alien in detention or on placing him or her exceptionally in police detention facilities as referred to in section 123(3) shall, without delay and no later than the day after the alien was placed in detention, notify the District Court of the municipality where the alien is held in

detention or, in an urgent case, another District Court of the matter, as further provided by decree of the Ministry of Justice. Notification may be made by telephone or electronically. A notification made by telephone shall be submitted without delay to the District Court in writing.

- (2) The District Court shall hear a matter concerning the detention of an alien or the exceptional placement referred to in section 123(3)(1) without delay and no later than four days from the date when the alien was placed in detention. In the case referred to in section 123(3)(2), the matter shall be heard without delay and no later than 24 hours from the notification.
- (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 Calculation of Time Limits (150/1930) do not apply to the determination of time limits as referred to in this section.

- (1) The official or the person delegated by this who is responsible for the decision on holding an alien in detention or on placing him or her exceptionally in police detention facilities as referred to in section 123(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 requirements for detention or the exceptional placement of a detained alien. An alien held in detention shall be brought before the District Court to answer questions concerning the requirements for holding him or her in detention or for his or her exceptional placement.
- (3) The hearing of the matter may be postponed only for special reasons. The detention will continue until the next hearing of the matter unless otherwise ordered by the District Court.

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 as referred to in section 123(2) or (3). If the grounds for holding the alien in pre-trial detention facilities no longer exist, the District Court shall order that the alien be returned to the detention facilities for aliens.
- (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 requirements for detention cease to exist.
- (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 - *Rehearing at a District Court*

If the release of an alien who has been held in detention has not been ordered, the District Court of the place of detention shall, on its own initiative, always rehear the matter concerning the detention or exceptional placement of an alien referred to in section 123 (3) no later than two weeks after the decision under which the District Court ordered continuation of the detention of the alien at the facility concerned.

#### Section 129 - *Appeal against detention*

- (1) A decision on detention made by the authorities or a District Court is not subject to appeal.
- (2) The person held in detention 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 130 - *Establishing identity and providing information on residence*

- (1) At the request of the police or other authorities processing 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) Upon request, an alien shall appear before police or border check authorities or the Directorate of Immigration to submit the necessary information on his or her residence.
- (3) A non-EU citizen or comparable alien shall report to the authorities within three days of his or her entry into the country. Further provisions on reporting may be given by decree of the Ministry of the Interior.

Section 131 - *Recording personal descriptions*

- (1) For the purposes of identification and registration, police or border check authorities may take fingerprints and a photograph and record other personal descriptions of aliens:
  - 1) who have applied for asylum or a residence permit on the basis of a need for protection or of temporary protection;
  - 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) whom the authorities have decided to refuse entry into or deport from the country; or
  - 5) whose identity is unclear.
- (2) The personal descriptions referred to in subsection 1 above are recorded in a register maintained by the police. The information shall be kept separate from the personal descriptions of criminal suspects. The information is deleted under the provisions of section 9 of the Act on the Register of Aliens (1270/1997).
- (3) Any secrecy provisions notwithstanding, personal data as referred to in subsection 1 may be disclosed to foreign authorities for the identification of the alien with due regard to the provisions of the Personal Data Act (523/1999).

*Section 132 - Taking possession of travel documents by the authorities*

- (1) Police or border check authorities, the Directorate of Immigration 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.

- (2) Police or border check authorities may frisk 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 check 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. When refusing a person entry into Finland, his or her travel document 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 who 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) The authorities' decision to take possession of a travel document may not be appealed separately.

Section 133 - *Registering a large number of displaced persons entering the country simultaneously*

- (1) If the number of displaced persons entering the country is exceptionally high, which makes it impossible to establish that the requirements for entry are met and to register the aliens in the normal procedure, the Government may decide in a plenary session that persons whose requirements for entry or identity are unclear may be sent to the transit centre for displaced persons referred to in section 6 a of the Act on the Integration of Immigrants and Reception of Asylum Seekers (493/1999) for the purposes of registration.
- (2) The Government decision is issued for a fixed term, not exceeding three months, however.
- (3) Police or border check authorities or, under the supervision of these, an official assigned to the duty by the Ministry of the Interior may, in conjunction with registration, record the personal descriptions referred to in section 131(1) of the persons entering the country. A person entering the country is obliged to stay at the transit centre for displaced persons 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 134 - *Issuing alien's passports*

- (1) Aliens' passport 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 has no citizenship 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 a need for protection are issued with an alien's passport.
- (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) Aliens' passports may be issued for a maximum of ten years, or their validity may be extended by a maximum of ten years from the date of issue. Aliens residing abroad may, however, be issued with an alien's passport for a maximum of one month.

Section 135 - *Issuing refugee travel documents*

- (1) Refugee travel documents are issued to aliens who have been granted refugee status as referred to in section 106, and whose refugee status has not been withdrawn or cancelled.
- (2) Refugee travel documents may be issued for a maximum of ten years, or their validity may be extended by a maximum of ten years from the date of issue.

Section 136 - *Entries concerning unclear identity*

If it has not been possible to ascertain an alien's identity, an entry to that effect is made in the alien's passport or the refugee travel document.

Section 137 - *Handing over travel documents carried by aliens*

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

Section 138 - *Cancelling alien's passports and refugee travel documents*

- (1) An alien's passport and a refugee travel document is cancelled 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 cancelled or has expired; or
  - 4) the document has been lost.
- (2) An alien's passport or a refugee travel document may be cancelled 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 might have been refused when the issue of the document was under consideration; or

3) the document is used or held by a person other than the one to whom it was issued.

- (3) A refugee travel document is also cancelled 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 cancel alien's passports or refugee travel documents*

- (1) The Directorate of Immigration decides on issuing alien's passports and refugee travel documents to aliens residing in Finland and on cancelling these.
- (2) Finnish missions decide, after consulting the Directorate of Immigration, on issuing alien's passports to aliens residing abroad.
- (3) The District Police decide on extending the validity of alien's passports and refugee travel documents.

*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 on cancelling the document.
- (2) The authorities may take temporary possession of the document before the decision on cancelling 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) A decision on taking possession of a document may not be appealed separately.

*Section 141 - Competence to take possession of alien's passports and refugee travel documents by the authorities*

- (1) The police, border check authorities, the Directorate of Immigration or a Finnish mission may take possession of an alien's passport or a refugee travel document.
- (2) The authorities may frisk 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 Directorate of Immigration without delay.

## Chapter 9 - **Removing aliens from the country**

### *Definitions*

#### Section 142 - *Refusal of entry*

For the purposes of this Act, *refusal of entry* means:

- 1) preventing an alien from entering the country at the border when he or she holds:
  - a) a visa;
  - b) no visa;
  - c) no residence permit; or
  - d) a residence permit issued abroad and he or she is about to enter the country for the first time during the validity of the residence permit; or
- 2) removing from the country an alien who did not hold a residence permit upon entry into the country if he or she has not been issued with a residence permit or residence card after his or her entry into the country or if his or her right of residence has not been registered after his or her entry into the country as provided in this Act.

#### Section 143 - *Deportation*

For the purposes of 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.

#### Section 144 - *Prohibition of entry*

For the purposes of this Act, *prohibition of entry* means prohibiting entry into one or more Schengen States for a fixed term or until further notice.

#### *Common provisions on removing aliens from the country*

#### Section 145 - *Opportunity to be heard*

An alien and his or her spouse or comparable partner residing in Finland shall be given an opportunity to be heard in a matter relating to refusal of entry,

deportation or prohibition of entry concerning him or her.

Section 146 - *Overall consideration*

- (1) When considering refusal of entry, deportation or prohibition of entry and the duration of the prohibition of entry, account shall be taken of the facts on which the decision is based and the facts and circumstances affecting the matter otherwise as a whole. When considering the matter, particular attention shall be paid to the best interest of children and the protection of family life. Other facts to be considered include at least the length and purpose of the alien's residence in Finland, the nature of the residence permit issued to him or her and the alien's ties to Finland. Should a refusal of entry, deportation or related prohibition of entry be based on any 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.
- (2) When considering prohibition of entry 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 prohibition of entry. When considering prohibition of entry and the duration of the prohibition of entry 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 147 - *Non-refoulement*

No one may be refused entry and sent back or deported 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.

#### *Grounds for removing aliens from the country and prohibition of entry*

#### Section 148 - *Grounds for refusal of entry*

- (1) An alien may be refused entry into the country if:
  - 1) he or she does not meet the requirements for

entry laid down in section 11;

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 residence 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 prison sentence or for other reasons, there are grounds to suspect that he or she may commit an offence which is punishable by imprisonment in Finland, or commit repeated offences;

9) he or she was sentenced for an offence during

his or her residence in Finland;

10) on the basis of his or her earlier activities or for other reasons, there are 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 as 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 refused entry.

#### Section 149 - *Grounds for deportation*

- (1) An alien who has resided in Finland under a residence permit 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 punishable by imprisonment for a maximum of a year, or if he or she is found guilty of repeated

offences;

3) he or she has, through his or her activities, shown that he or she is liable to endanger other people's safety; or

4) he or she has been engaged, or on the basis of his or her previous activities and for other reasons, there are grounds to suspect that he or she may engage in activities that endanger Finland's national security or relations with a foreign State.

(2) In addition, an alien may be deported on grounds provided in subsection 1(2) if his or her punishment has been waived on the basis of criminal irresponsibility under Chapter 3, section 4 of the Penal 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.

- (1) In a decision on refusal of entry or deportation, an alien may be prohibited from entering the country.
- (2) A prohibition of entry is ordered for a fixed term of a maximum of five years or until further notice. An alien who has been sentenced for an offence of aggravated or professional nature may be prohibited entry until further notice.
- (3) A prohibition of entry is restricted to Finland if the alien has a residence permit in another Schengen State, and the permit is not cancelled.
- (4) A prohibition of entry may be revoked on the basis of a change in circumstances or for important personal reasons.

*Competent authorities*

Section 151 - *Police and border check authorities*

- (1) Police or border check authorities shall take action to refuse an alien entry or deport an alien who does not meet the requirements for entry into or residence in the country. Police or border check authorities may decide on refusal of entry within three months of the alien's entry into the country. After that period, police or border check

authorities shall submit a proposal to the Directorate of Immigration to the effect that the alien be refused entry or deported, unless the Directorate of Immigration has already taken action to remove the alien from the country.

- (2) Police or border check authorities may order a maximum of two years' prohibition of entry for an alien if he or she is refused entry on grounds laid down in section 148(1)(5)-(8).
- (3) Police or border check authorities shall submit a proposal to the Directorate of Immigration to the effect that the alien be refused entry if they are not competent to refuse entry or if they consider that the alien should be prohibited from entering the country for more than two years. Police or border check authorities may also submit a proposal to the Directorate of Immigration to the effect that the alien be refused entry if it is important for the application of section 148 in other similar cases.

#### Section 152 - *Directorate of Immigration*

- (1) The Directorate of Immigration decides on refusal of entry upon proposal by the District Police or border check authorities or on its own initiative.

- (2) The Directorate of Immigration always decides on refusal of entry 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) The Directorate of Immigration decides on deportation upon proposal by the District Police or border check authorities or on its own initiative.
- (4) The Directorate of Immigration may prohibit entry of aliens for a fixed term or until further notice. The Directorate of Immigration decides on abolishing a prohibition of entry.

## **Chapter 10 - Residence of citizens of the European Union or comparable persons**

### *Section 153 - Scope of application of the Chapter*

This Chapter applies to EU citizens and comparable persons and their family members and other relatives.

Citizens of Iceland, Liechtenstein, Norway and Switzerland are comparable to EU citizens.

### *Section 154 - EU citizens' family members*

- (1) An EU citizen's family members are his or her:
  - 1) spouse;
  - 2) children under 21 years of age or dependent on him or her;
  - 3) parents dependent on him or her;
  - 4) spouse's children who are under 21 years of age or dependent on the spouse;
  - 5) spouse's parents who are dependent on the spouse.
- (2) If an EU citizen residing in Finland is a minor, his or her parent or guardian is a family member.
- (3) When this Act is applied, persons of the same sex in a registered partnership are comparable to a married couple. Furthermore, persons living continuously in a marriage-like relationship within the same household regardless of their sex are comparable to a married couple.

*Section 155 - EU citizens' entry into and residence in the country*

An EU citizen entering or residing in the country is required to hold a valid identity card or passport. An EU citizen's family member, or other relative, who is not an EU citizen may be required to have a visa if the family

member or relative is a citizen of a State whose citizens are required to have a visa unde Council Regulation.

Section 156 - *Public order and security and public health*

- (1) In addition to what is provided in section 155, a requirement for an EU citizen's entry into and residence in the country is that the EU citizen or his or her family members or other relatives are not considered a danger to public order and security or public health.
- (2) Preventing an alien's entry into or removing an alien from the country on grounds of public order and security or public health shall be based on the alien's own behaviour and not merely on any previous convictions.

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 direct from any of these States without a passport and to reside in Finland without registering their right of residence or holding a permanent residence card.

- (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 by submitting an Inter-Nordic Migration Form as provided in section 3 of the Municipality of Residence Decree (351/1994).

Section 158 - *EU citizens' short-term residence*

EU citizens may reside in Finland for a maximum of three months without registering their right of residence. After that period, EU citizens may reside in Finland as jobseekers for a reasonable time without registering their right of residence, if they continue to look for employment and if they have a real chance of finding employment.

Section 159 - *Registering EU citizens' right of residence*

- (1) EU citizens shall register their right of residence no later than the expiry of their right of residence in Finland under section 158. Registering the right of residence requires that the EU citizens meet the requirements laid down in

sections 155 and 156 and that:

- 1) they are engaged in economic activity as paid employees or self-employed persons;
  - 2) they have sufficient funds and, if necessary, health insurance so that they do not have to resort to social assistance provided in the Act on Social Assistance or to other comparable benefits during their residence in Finland; or
  - 3) they have been admitted to an educational institution in Finland as students and have sufficient funds for their residence and, if necessary, health insurance.
- (2) The right of residence of an EU citizen's family member is registered if the family member is also an EU citizen.
- (3) The right of residence of an EU citizen's other relative is registered if the relative is also an EU citizen, and if refusing registration of the right of residence would be unreasonable because the persons concerned intend to resume their earlier close family life in Finland or because the relative is fully dependent on the relative living in Finland.
- (4) Registering the right of residence of an EU citizen's family member or other relative as referred to in subsection 1(2) or (3) requires

that the family member or relative has sufficient funds for his or her residence and, if necessary, health insurance. However, the right of residence of a Nordic citizen's family member is registered even if he or she has no secure means of support. Registering the right of residence of a Nordic citizen's other relative requires that he or she has sufficient funds for his or her residence and, if necessary, health insurance.

Section 160 - *Effect of invalidity or unemployment on EU citizens' registered right of residence*

- (1) In cases as referred to in section 159 (1) (1), an EU citizen's registered right of residence remains in force even after he or she has ceased to be a paid employee or self-employed person if he or she suffers from temporary invalidity as a result of illness or accident, or if he or she has become unemployed for a reason not attributable to him or herself.
- (2) The registered right of residence remains in force for two years if the unemployment continues and if the unemployment is not attributable to the EU citizen him or herself.

Section 161 - *Family members' and relatives' residence cards*

- (1) Upon application, EU citizens' family members who are not EU citizens are issued with a family member's residence card if the sponsor meets the requirements laid down in sections 155 and 156 and section 157(3) or 159(1).
- (2) Upon application, EU citizens' other relatives who are not EU citizens are issued with a relative's residence card if the sponsor meets the requirements provided in sections 155 and 156 and section 157(3) or 159(1), and if refusing the relative's right of residence would be unreasonable because the persons concerned intend to resume their earlier close family life in Finland or because the relative is fully dependent on the sponsor.
- (3) A further requirement for an EU citizen's family member or other relative as referred to in section 159 (1)(2) or (1)(3) is that the family member or other relative has sufficient funds for his or her residence and, if necessary, health insurance. A residence card is issued to a Nordic citizen's family member even if the family member has no secure means of support. The requirement for

issuing a residence card to a Nordic citizen's other relative is that the relative has sufficient funds for his or her residence and, if necessary, health insurance.

- (4) A residence card for an EU citizen's family member or other relative is issued for a period of five years unless the right of residence is requested for a shorter period. However, if the residence is estimated to last for a shorter period than one year, the residence card may be issued for the estimated length of residence.

#### Section 162 - *Permanent residence cards*

- (1) Upon application, an EU citizen or his or her family member or other relative is issued with a permanent residence card after a continuous residence of four years in Finland. Residence is considered continuous if the applicant has stayed in Finland for at least half of the four-year period.
- (2) A person residing in Finland for the purpose of studies is not issued with a permanent residence card.

Section 163 - *Exceptions to requirements for obtaining permanent residence cards*

(1) In a case as referred to in section 162 (1), an EU citizen is granted, upon application, a permanent right of residence and issued with a permanent residence card to prove this before the four years of continuous residence have passed if the EU citizen, as a paid employee or self-employed person:

1) has, upon termination of his or her employment, reached the age entitling him or her to old-age pension and worked or been engaged in the activity in Finland for at least the 12 months immediately preceding the termination of employment, and resided in Finland continuously for at least three years;

2) has terminated employment on grounds of permanent invalidity after living in Finland continuously for two years; or

3) after working and living in Finland continuously for three years, has moved to work in another EU Member State while still living in Finland and regularly returns to Finland daily or at least once a week.

- (2) If the invalidity referred to in subsection 1(2) is due to an employment accident or occupational disease which entitles an EU citizen to statutory pension in Finland, the length of residence has no bearing on the issue of the residence card.
- (3) For obtaining a permanent residence card under subsection 1(1) or (2), any periods of employment that took place in another EU Member State are also taken into consideration in the applicant's favour. Any spells of unemployment that were not attributable to the applicant and which were recorded by employment offices, or any breaks in self-employment that were not attributable to the applicant, or any absence due to illness or accident are considered as periods of employment.
- (4) A person has the right to stay in the country permanently under subsections 1(1) and 1(2) and 2 within two years of obtaining this right. During the two-year period, the person may leave the country without losing his or her permanent right of residence.
- (5) The requirements concerning the length of residence and employment laid down in subsection 1(1) or the length of residence in subsection 1(2) do not apply if the applicant's spouse is a

Finnish citizen or has lost his or her Finnish citizenship upon marriage to the applicant.

- (6) Family members of a paid employee or self-employed person who has obtained a permanent right of residence under subsection 1 or 2 have a permanent right of residence in Finland.
- (7) If an employee or self-employed person dies while still in working life before obtaining a permanent right of residence in Finland under subsection 1 or 2, his or her family members residing in Finland have the right to stay in Finland permanently if:
- 1) the employee or self-employed person had lived in Finland continuously for two years before his or her death;
  - 2) the employee's or self-employed person's death was due to an employment accident or occupational disease; or
  - 3) the spouse of the deceased employee or self-employed person has lost his or her Finnish citizenship upon marriage to the employee or self-employed person.

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.

Section 165 - *Cancelling 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 cancelled 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 continuously resided outside Finland for two years for permanent purposes;
  - 3) the requirements for registering the right of residence or issuing a fixed-term residence card no longer exist; or
  - 4) the person whose right of residence has been registered or who has been issued with a fixed-term residence card is considered a danger to public order and security or public health.

- (2) A permanent residence card is cancelled in cases as referred to in subsection 1(1), (2) or (4) or in a case where the applicant, upon applying for a permanent residence card, knowingly gave false information that affected the decision, or concealed a fact that would have affected the content of the decision.
- (3) A person who has moved away from Finland may apply for non-cancellation 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 cancellation is not made.

*Section 166 - 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 fixed-term residence card is deported or acquires Finnish citizenship.

*Section 167 - Grounds for refusing EU citizens, their family members or other relatives entry into Finland*

EU citizens, their family members or other relatives may be refused entry into the country if their right of residence has not been registered or they have not been issued with a residence card and if they:

- 1) do not meet the requirements for entry laid down in sections 155 and 156;
- 2) have, soon after entering the country, had to resort to social assistance provided in the Act on Social Assistance or to other comparable benefits owing to the lack of sufficient funds; or
- 3) would be required to have the right of residence registered or a residence card issued to them in order to continue their residence in Finland, but they do not meet the requirements for registering the right of residence or for being issued with a residence card.

*Section 168 - Grounds for deporting EU citizens, their family members and other relatives*

- (1) EU citizens whose right of residence has been registered or who have been issued with a permanent residence card may be deported if the registration of their right of residence or their permanent residence card has been cancelled or if

they are considered a danger to public order and security or public health.

- (2) EU citizens' family members or other relatives who have been issued with a family member's residence card, relative's residence card or permanent residence card may be deported if the family members or relatives have not been issued with a new residence card, their residence card has been cancelled or they are considered a danger to public order and security or public health.

*Section 169 - Grounds for refusing Nordic citizens entry into or deporting Nordic citizens from the country*

- (1) Citizens of Iceland, Norway, Sweden and Denmark whose move to Finland has not been registered under an Inter-Nordic Migration Form may be refused entry if they are considered a danger to public order and security or public health.
- (2) Citizens of Iceland, Norway, Sweden and Denmark whose move to Finland has been registered under an Inter-Nordic Migration Form may be deported if they are considered a danger to public order and security or public health.

Section 170 - *Ordering and abolishing prohibitions of entry*

- (1) If removing an EU citizen or his or her family member or other relative from the country is based on the fact that the person concerned is considered a danger to public order and security or public health, he or she may be prohibited from entering the country for a maximum of fifteen years by a decision on refusal of entry or deportation.
- (2) Upon application, a prohibition of entry may be abolished in part or in full on the basis of a change in circumstances or for important personal reasons.

Section 171 - *Competent authorities*

- (1) The District Police enter a person's right of residence in the Register of Aliens and issue a fixed-term or permanent residence card.
- (2) The District Police cancel a registered right of residence or a fixed-term or permanent residence card.
- (3) The Directorate of Immigration decides on a prohibition of entry under section 170.

- (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 - *Enforcing removal of EU citizens or their family members or other relatives from the country*

- (1) A decision on refusal of entry may be enforced immediately regardless of any appeal unless otherwise ordered by an administrative court if the person is refused entry under section 167(1) or 169(1), and if the matter is justifiably urgent.
- (2) A decision on refusal of entry under section 167(2) or (3) may be enforced within 30 days at the earliest of the date when the decision was served on the person concerned. If a decision issued under section 167(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 any appeal unless otherwise ordered by an administrative court.
- (3) A decision on deportation under section 168 or 169(2) may be enforced after a final decision.

- (4) The provisions of section 202 apply to a decision on refusal of entry or deportation that is enforced with the consent of the person concerned before the decision is final.
- (5) When serving a decision on refusal of entry or deportation, the document served shall state the period during which the alien must leave the country. During that period, the authorities may not enforce the decision.

## Chapter 11 - **Obligations and financial penalties on carriers**

### Section 173 - *Carriers' obligation to check*

A carrier shall ensure that an alien whom it brought to Finland by air, land, rail or sea from outside the Schengen area and who is not an EU citizen or comparable person holds a travel document required for entry into the country and the required visa or residence permit.

### Section 174 - *Obligation of vehicle drivers and carriers to report and control*

- (1) The driver of a vehicle entering or leaving the country shall submit information on the passengers

on board the vehicle to border check authorities at the place of entry or departure. The master of a vessel or aircraft and the owner or holder of a train or other vehicle, or their representative, shall submit a list of the passengers and crew or give information on the staff, passengers and other persons on board the vehicle in another way to border check authorities at the place of entry or departure. The information may be submitted with the aid of a technical interface.

- (2) The list of the passengers and crew shall state the given name and surname, date of birth, sex and citizenship of each person on the list, information on the nationality and registration of the vehicle, and the places of entry and departure.
- (3) 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 persons who have no right to enter the country do not enter the country without the permission of border check authorities. The master of a vessel shall notify border check authorities in advance of any stowaway detected on board.

Section 175 - *Obligation to return third-country nationals*

- (1) If an alien is refused entry, the carrier which transported him or her 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.
- (2) The provisions of subsection 1 also apply to the carrier if a citizen of a third country 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 refused the alien entry and he or she has been sent back to Finland.
- (3) If border check 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 applied for asylum or a residence permit at the border on the basis of a need for protection or of temporary protection.

## Section 176 - *Costs of return transport*

- (1) If an alien who has been refused entry does not have funds for his or her return journey, the carrier 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 funds sufficient 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 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) Upon enforcing the removal of an alien from the country, police or border check 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) The authorities' decision on ordering an escort may not be appealed separately.

#### Section 178 - *Costs of escorts*

- (1) If an alien is refused entry at the border and the refusal is based on his or her not holding the required travel document, visa, residence permit or funds sufficient for his or her residence in the country, and the alien needs an escort, the carrier 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.
- (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 refusal of entry 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 subsections 1 or 2 without the carrier's request, police or border check authorities bear the costs arising from the escort.

Section 179 - *Financial penalties on carriers*

- (1) A financial penalty (*financial penalty on a carrier*) is imposed on a carrier who violates section 173. The penalty is 3,000 euros per transported person.
- (2) No penalty 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) carelessness in the transport of a person not holding the required travel document, visa or residence permit has been excusable all circumstances considered; or
  - 4) imposing a penalty would be otherwise unreasonable under the circumstances.

Section 180 - *Carriers' opportunity to be heard*

Before imposing a financial penalty on a carrier, the carrier or its representative shall be given an opportunity to present an explanation in writing within a fixed period, 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 conjunction with a border check by the Commander or Deputy Commander of the Frontier Guard District or Coast Guard District or the head of the Frontier Guard office or Coast Guard office within whose territory the violation of section 173 was detected. If the border check authority is the police, the financial penalty on a carrier is ordered by a Commanding Officer of the District Police. If the border check authority is a customs authority, the head of the Customs District or the head of the Enforcement Unit of the Customs District imposes the financial penalty on a carrier.
- (2) The financial penalty on a carrier is ordered to be paid to the State.

- (3) The penalty is imposed by a decision. A final decision is enforced in the same way as a final judgment.

182 - *Revoking financial penalties on carriers* (653/2004)

The authorities who 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, a need for protection or of temporary protection; or
- 2) the carrier is sentenced to punishment for arrangement of illegal immigration under Chapter 17, section 8 or for aggravated arrangement of illegal immigration under Chapter 17, section 8a of the Penal Code.

Section 183 - *Term of payment*

- (1) A financial penalty on a carrier shall be paid within one month of service of the decision.
- (2) A penalty interest at an interest rate under section 4(1) of the Interest Act (633/1982) is charged on overdue financial penalties.

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 the authorities or a court of law on reducing or revoking the financial penalty.
- (3) The Legal Register Centre shall refund, without application, any financial penalty paid without justification.

Chapter 12 - *Penal provisions*

Section 185 - *Violation of the Aliens Act*

- (1) An alien who
  - 1) deliberately resides in the country without the required travel document, visa or residence permit;
  - 2) without a right to gainful employment, deliberately is in gainful employment or pursues a trade; or
  - 3) deliberately or through gross negligence fails to comply with the obligation to report under

section 118, another obligation under section 119, or a request under section 130 to appear before the authorities to submit information on his or her residence, shall be sentenced for *violation of the Aliens Act* to a fine.

- (2) A person who deliberately or through gross negligence fails to comply with the obligation under section 174 or 175 shall also be sentenced for violation of the Aliens Act.

Section 186 - *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 73(3),
- shall be sentenced for *employer's violation of the Aliens Act* to a fine, unless a more severe

punishment for the act is provided elsewhere in the law.

- (2) Allocation of liability between an employer and a contractor is determined under section 74.

Provisions on the allocation of liability between an employer and his or her representative are laid down in Chapter 47, section 7 of the Penal Code.

*Section 187 - Not issuing residence permits for employed persons*

An employment office may decide not to issue 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 as referred to in section 186(1)(2). A decision not to issue 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 - Work permit offence*

The punishment for a work permit offence is laid down in Chapter 47, section 6a of the Penal Code.

Section 189 - *Arrangement of illegal immigration*

(653/2004)

The punishment for arrangement of illegal immigration and for aggravated arrangement of illegal immigration is laid down in Chapter 17, sections 8 and 8a of the Penal Code.

Chapter 13 - **Due process**

Section 190 - *Appeal*

A decision of the Directorate of Immigration, the police, border check authorities or an employment office as referred to in this Act may be appealed to an administrative court as provided in the Administrative Judicial Procedure Act.

Section 191 - *Appeal prohibition*

(1) The following decisions issued under this Act are not subject to appeal:

1) decisions on issuing a visa, altering the validity period for a visa or the number of days of residence entered in a visa, cancelling a visa or disclosing the grounds for a decision on a visa;

- 2) decisions by the Ministry for Foreign Affairs on issuing a residence permit to or cancelling a residence permit issued to a member of the staff of a foreign mission in Finland or his or her family member;
- 3) decisions on issuing a residence permit to an alien admitted to Finland under the refugee quota;
- 4) decisions on issuing a residence permit on the basis of other humanitarian immigration;
- 5) decisions on issuing a residence permit on the basis of temporary protection while the alien's application for asylum is still being processed;
- 6) decisions on issuing a border crossing permit as referred to in section 12(2);
- 7) decisions stating that the processing of an application for asylum is dropped under section 111(2);
- 8) decisions stating that the matter is dropped because the applicant has cancelled his or her application or there is reasonable cause to believe that the applicant has moved out of Finland;
- 9) advance information given by an employment office under section 78.

(2) When hearing an appeal against an alien's removal from the country, the court may, subsection 1(1)

notwithstanding, hear, as appended to the main issue, a decision concerning a visa included in the decision appealed.

Section 192 - *Competent administrative courts*

- (1) An administrative court is competent to hear an appeal referred to in section 190 if the operating area or office of the decision-making authority is in the judicial district of that court. If the operating area of the decision-making authority covers the entire country, the competent administrative court is the one in whose judicial district the person concerned 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 lodging 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 Administrative Court of Helsinki 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 Administrative Court of Helsinki, 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 Administrative Court of Helsinki 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.

*Section 193 - Appeals to the Administrative Court of Helsinki*

- (1) A decision of the Directorate of Immigration is appealed to the Administrative Court of Helsinki if the decision pertains to:
- 1) an application for a residence permit granted on the basis of asylum or a need for protection;
  - 2) rejection of an application for temporary protection;
  - 3) removal from the country, prohibition of entry

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) withdrawal of refugee status and related cancellation of a refugee travel document;

5) cancellation of refugee status and related cancellation of a refugee travel document.

- (2) In the case of an appeal relating to a matter as referred to in section 103, the Administrative Court of Helsinki may hear the appeal with only the chairman present.

#### Section 194 - *Employers' right of appeal*

Employers have the right to appeal against a decision relating to a residence permit for an employed person insofar as the appeal relates to the requirements under section 75(1) decided by employment authorities.

#### Section 195 - *Directorate of Immigration's right of appeal*

The Directorate of Immigration has the right to appeal against a decision of an administrative court quashing or amending a decision of the Directorate of Immigration.

## Section 196 - *Appeals to the Supreme Administrative Court*

A decision of an administrative court as referred to in this Act may be appealed to the Supreme Administrative Court if the Supreme Administrative Court gives leave to appeal. A leave to appeal may be given if it is important for the application of the Act 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 is some other weighty reason for giving the leave.

## Section 197 - *Submitting an appeal document*

- (1) An appeal document shall be submitted to the authorities who issued the decision, who shall submit its opinion 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 submitted to the Administrative Court of Helsinki or the police. Immediately after being notified of the appeal, the Directorate of Immigration shall submit the documents on which it based its decision to the administrative court.

- (3) Abroad, an appeal document may be submitted to a Finnish mission. A person held in detention may submit his or her appeal document to the person in charge of the detention facilities. The recipient of an appeal document shall ensure that the appeal document is submitted without delay to the authorities who issued the decision. At the same time, the administrative court shall be notified of the appeal.

*Section 198 - Appeal documents in matters subject to leave to appeal*

- (1) When applying for leave to appeal, an appeal document shall be submitted to the Supreme Administrative Court.
- (2) An appeal document may be submitted to a Finnish mission if the appellant no longer resides in Finland. A person held in detention may submit his or her appeal document to the person in charge of the detention facilities. The recipient of an appeal document shall ensure that the appeal document is submitted to the Supreme Administrative Court without delay.

Section 199 - *Deciding petitionary matters relating to enforcement*

- (1) An administrative court may decide, upon presentation, a petitionary matter relating to prohibition or stay of enforcement of a decision with only the chairman present. The decision may be issued without documents submitted by the authorities concerned if the facts necessary for deciding the matter appear from the appeal document or otherwise.
- (2) A decision of the administrative court in a matter relating to prohibition or stay of enforcement may not be appealed separately.
- (3) Similarly, the Supreme Administrative Court may decide, upon presentation, on a petitionary matter relating to prohibition or stay of enforcement with only one member present. The decision may be issued on the grounds laid down in subsection 1 without documents accumulated in the matter.

Section 200 - *Enforceability*

- (1) A decision on removal from the country as referred to in this Act may not be enforced until a final decision has been issued on the matter, unless

otherwise provided in this Act. Applying for leave to appeal from the Supreme Administrative Court does not prevent the enforcement of a decision unless otherwise ordered by the Supreme Administrative Court.

- (2) However, a final decision or a decision that is otherwise enforceable under this Act may not be enforced if there is reason to believe that returning the alien to his or her country of origin or another country may expose him or her to danger as referred to in section 147.

Section 201 - *Enforcing decisions on refusal of entry*

- (1) A decision on refusal of entry may be enforced regardless of appeal, unless otherwise ordered by an administrative court. However, a decision of the Directorate of Immigration on refusal of entry concerning an alien who has applied for a residence permit on the basis of international or temporary protection may not be enforced until a final decision has been issued on the matter, unless otherwise provided in subsection 2 or 3.
- (2) If a decision on refusal of entry has been issued under section 103(1)(2) or 103(2)(3), the decision may be enforced after service on the applicant,

unless otherwise ordered by an administrative court.

- (3) A decision issued under section 103(1)(1) on refusal of entry concerning an alien who has arrived from a safe country of asylum, or under section 103(2) on refusal of entry concerning an alien who has arrived from a safe country of origin, or a decision under section 103(2)(2) on refusal of entry concerning an alien whose application is considered manifestly unfounded, may be enforced at the earliest on the eighth day from service of the decision on the applicant, unless otherwise ordered by an administrative court. Before the enforcement, it shall be ensured that the eight-day period contains at least five working days.

#### Section 202 - *Consent to enforcement*

A decision on refusal of entry or deportation may be enforced before the decision becomes final if the person refused entry 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.

## Chapter 14 - **Miscellaneous provisions**

### Section 203 - *Interpretation and translation*

- (1) The authorities shall provide interpretation or translation if the alien does not understand the Finnish or Swedish language used by the authorities 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 refusal of entry or deportation; or
  - 3) may be initiated by the authorities.
- (2) To clarify the matter or to secure the rights of the person concerned, the authorities 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.
- (4) The obligation of the authorities or a court to provide translation or interpretation does not apply to material that has no bearing on the processing of a matter.

- (5) The person concerned 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 - *Modes of service*

- (1) The service of decisions issued under this Act is effected as regular or verifiable service or as service by public notice, as further provided in this Act. Otherwise, the Administrative Procedure Act is applied to the service of decisions of the authorities, unless otherwise provided in this Act.
- (2) The provisions of section 55 of the Administrative Judicial Procedure Act apply to the service of decisions of administrative courts, unless otherwise provided in this Act.
- (3) The Act on Electronic Services and Communication in the Public Sector (13/2003) applies to the electronic service of decisions of the authorities or administrative courts and of other documents.

#### Section 205 - *Service of decisions in Finland*

- (1) Regular service is effected by sending a letter to the addressee. The addressee is deemed to have received service in seven days of the sending of the letter, unless it is otherwise proven. However, the Directorate of Immigration is deemed to have received service of the matter on the date of arrival of the letter. Regular service may be applied to decisions issued in favour of the applicant.
- (2) Otherwise, service shall be effected by post against a postal receipt. Upon request, a decision may also be handed out to the addressee or his or her representative. In this case, a written certificate of service shall be drawn up, indicating the effector and the addressee of service and the date of service.
- (3) If the authorities deem it necessary, service may be effected by a process server. The provisions of Chapter 11 of the Code of Judicial Procedure apply, where applicable, to service by a process server. Service by a process server is effected by police or border check authorities. In a matter relating to international protection, however, service shall always be effected by a process server.

- (4) 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 proxy service apply.

Section 206 - *Service of decisions abroad*

- (1) Abroad, service is effected under this Act or the legislation of the foreign State in question, unless otherwise provided by international agreements and obligations binding on Finland.
- (2) Service may be effected abroad 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 deemed to have received service of the decision no later than on the thirtieth day after the date of posting the document, unless it is otherwise proven.  
Otherwise, service by post shall be effected through the international service of notice procedure against a postal receipt 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 via the Ministry for Foreign Affairs to the Finnish mission in the State of which the alien is a citizen or where he or she resides. An official of the mission shall draw up a written certificate indicating the effecter and the addressee of service and the date of service. If the decision cannot be handed out to the alien or his or her representative, the authorities who issued the decision shall be notified of the fact that the decision has not been served.
- (4) If service of a decision cannot be effected abroad, service is effected in Finland by public notice as provided in section 62 of the Administrative Procedure Act. However, service by public notice is not used in a matter pertaining to international protection.

#### *Section 207 - Providing contact information*

A person whose case is being processed by the authorities is obliged to provide them with his or her contact information and any changes in such information.

#### *Section 208 - Notifying the Ombudsman for Minorities*

- (1) The Ombudsman for Minorities shall be notified of any decision under this Act on issuing a residence permit on the basis of international or temporary protection or on refusing an alien entry or deporting an alien. The Ombudsman for Minorities shall also be notified without delay of any decisions on placing an alien in detention. At the request of the Ombudsman for Minorities, the Ombudsman shall also be notified of any other decisions under this Act.
- (2) Provisions on the right of the Ombudsman for Minorities to be notified are laid down in section 7 of the Act on the Ombudsman for Minorities and the Discrimination Board (660/2001).

*Section 209 - Providing the Ombudsman for Minorities with an opportunity to be heard*

At the request of the Ombudsman for Minorities, the Ombudsman has the right to be heard in an individual matter concerning an asylum applicant or deportation of an alien. The authorities deciding on the matter may, on a case-by-case basis, set a reasonable deadline for the issue of an opinion by the Ombudsman for Minorities.

*Section 210 - Right of the Directorate of Immigration to decide on matters falling under the jurisdiction of the District Police*

- (1) The Directorate of Immigration may take up a matter which, under this Act, is to be decided by the District Police.
- (2) The District Police may refer a matter falling under its jurisdiction to the Directorate of Immigration for decision if the investigation of the matter and any decisions on the matter require the expertise of the Directorate of the Immigration because of the nature of the matter, or if the matter is important for the application of the Act to other similar cases.

*Section 211 - Advisory Board for Matters related to Aliens' Employment and Residence Permits*

- (1) The Ministry of the Interior has appointed an Advisory Board for Matters related to Aliens' Employment and Residence Permits to supervise the terms of employment of foreign labour. 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 labour, to monitor trends in the supervision of the terms of employment and residence permits of foreign labour and to give opinions on these matters.

- (2) The members of the board are appointed by the Ministry of the Interior. The authorities and administrative sectors involved in the supervision shall be represented in the board. The advisory board cooperates with the main labour market organizations. Further provisions on the board's composition, duties, work procedures and term of office are given by Government decree.

#### Section 212 - *Supervision*

- (1) The Directorate of Immigration, police and the Frontier Guard supervise compliance with the provisions of this Act and any provisions issued under it.
- (2) Border check 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.

Chapter 15 - ***Entry into force and transitional provisions***

Section 214 - *Entry into force*

- (1) This Act comes into force on 1 May 2004.
- (2) This Act repeals the Aliens Act adopted on 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 pending for rehearing.
- (2) Matters relating to a residence permit pending upon the entry into force of this Act will be dropped 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.