



## The Finnish Aliens Act 22.2.1991/378

(As amended by 639/1993, 640/1993, 154/1995, 511/1996, 606/1997,  
1183/1997, 1269/1997, 112/1998, 593/1998, 537/1999, 623/1999, 1148/1999,  
114/2000, 648/2000, 757/2000, 179/2001)

Passed in Helsinki on 22 February 1991, the Act on Amending the Aliens Act (639/1993)

Passed in Helsinki on 28 June 1993, the Act on Amending the Aliens Act (640/1993)

Passed in Helsinki on 28 June 1993 and the Act on Amending the Aliens Act (154/1995)

Passed in Helsinki on 3 February 1995, the Act on Amending Section 12 of the Aliens Act (606/1997)

Passed in Naantali on 19 June 1997, the Act on Amending the Aliens Act (1183/1997)

Passed in Helsinki on 31 October 1997 and the Act on Amending the Aliens Act (1269/1997)

Passed in Helsinki on 19 December 1997, the Act on Amending the Alien's Act (112/1998)

Passed in Helsinki on 6 February 1998, the Act on Amending the Aliens Act (593/1998)

Passed in Helsinki on 22 April 1999 and the Act on Amending the Aliens Act (537/1999)

Passed in Helsinki on 21 May 1999 and the Act on Amending the Aliens Act (623/1999)

Passed in Helsinki on 9 December 1999 and the Act on Amending the Aliens Act (1148/1999)

Passed in Helsinki on 4 February 2000, the Act on Amending the Aliens Act (114/2000)

Passed in Helsinki on 30 June 2000, the Act on Amending the Aliens Act (648/2000)

Passed in Helsinki on 4 February 2000, the Act on Amending the Aliens Act (757/2000)

Passed in Helsinki on 10 July 1998 and the Act on Amending the Aliens Act (179/2001)

At the presentation of the Minister of the Interior and by virtue of the Aliens Act of 22 February 1991 (378/1991), it is hereby enacted that:

### CHAPTER I

#### GENERAL PROVISIONS

##### Section 1 Scope of the Act

This Act, any provisions and stipulations enacted by virtue of it, and international agreements by which Finland is bound shall be applied to aliens' entry into and departure from Finland and to their residence and employment in the country.

For the purposes of this Act, the term "alien" refers to any person who is not a citizen of Finland.

For the purposes of this Act, a Schengen State shall mean States that have acceded to the Convention implementing the Schengen Agreement on the gradual abolition of checks at their common borders, hereinafter the Schengen Convention, and to the Cooperation Agreement between the Contracting Parties to the Schengen Agreement and the Schengen Convention and the Republic of Iceland and the Kingdom of Norway on the abolition of controls on persons at their common borders. (179/2001)

In applying this Act, aliens' rights shall not be curtailed more than is necessary.

##### Section 1 a (537/1999) Relationship to other Acts

The matters referred to in this Act shall be processed in compliance with the Administrative Procedure Act (598/1982) unless otherwise provided by the law.

Without prejudice to the provisions of section 1, paragraph 2 of the Administrative Procedure Act, the provisions of the Administrative Procedure Act shall be applied to an asylum investigation carried out by the police to establish the grounds for an application for asylum.

The provisions of the Police Act (493/1995) on a police investigation shall be applied to establishing an asylum seeker's identity, entry into the country and itinerary by the police. The provisions of section 47 of the Act on the Frontier Guard (320/1999) shall be applied to establishing an asylum seeker's identity, entry into the country and itinerary by the Frontier Guard.

In addition, the provisions of the Act on Territorial Supervision (755/2000) shall be applied to the entry into the country of military persons from foreign states. (757/2000)

### **Section 1 b (537/1999) General Objectives**

The Government shall set the general objectives of the Finnish immigration and refugee policy.

### **Section 1 c (537/1999) Application of the Act to Minors**

When a decision applying to a child who is under the age of 18 is made under this Act, special attention shall be paid to the interests of the child as well as to matters relating to his development and health.

Before making a decision applying to a child who has reached the age of 12, the child shall be heard in accordance with section 15 of the Administrative Procedure Act unless hearing the child is manifestly unnecessary. The opinions of the child shall be taken into account in accordance with his age and level of development. Even a younger child may be heard if he is so developed that his views can be taken into account.

### **Section 2 Use of Assistants and Interpreters**

Aliens are entitled to use assistants and interpreters in matters covered by this Act.

### **Section 3 (537/1999) Places of Entry and Departure**

Aliens may enter Finland or depart from the country only via authorized passport control stations unless stipulated otherwise in an international agreement by which Finland is bound.

The passport control authority may, as further decided by the competent ministry, grant permission to enter or leave the country via places other than passport control stations.

### **Section 4 Passport**

When entering and residing in Finland, an alien must have a valid passport issued by the authorities of his country of origin or habitual residence.

The circumstances under which an identification certificate or corresponding document will be accepted in lieu of a passport will be stipulated by Decree.

### **Section 5 Alien's Passport**

The Directorate of Immigration shall issue an alien who is resident in Finland with an alien's passport if he is unable to obtain a passport from the authorities of his country of origin or should there be other special grounds for doing so. (154/1995)

An alien who has been issued with a residence permit in Finland for the reason that he stands in need of protection may be issued an alien's passport by the Directorate of Immigration. (154/1995)

An alien's passport may bear an entry to the effect that it has proved impossible to verify the identity of its holder.

Before an alien's passport is given into the custody of an alien, he must surrender any travel document in his possession to the Directorate of Immigration. (154/1995)

The validity of an alien's passport is extended by the local police. (639/1993)

### **Section 6 Refugee Travel Documents**

The Directorate of Immigration will issue refugees, as defined in section 35 of this Act, refugee travel documents. (154/1995)

A refugee travel document may bear an entry to the effect that it has proved impossible to verify the identity of its holder.

Before a refugee travel document is given into the custody of a refugee, he must surrender any travel document in his possession to the Directorate of Immigration. (154/1995)

The validity of a refugee travel document is extended by the local police. (639/1993)

### **Section 7 (639/1993)**

#### **Revoking an Alien's Passport or a Refugee Travel Document**

An Alien's Passport or a Refugee Travel Document is revoked when the holder has:

- 1) received another travel document or if it has been demonstrated that he has another travel document;
- 2) ceased to be a refugee;
- 3) returned permanently to his country of origin; or
- 4) moved permanently to another country or lost his right to reside in Finland.

An alien's passport or a refugee travel document may be revoked:

- 1) if it has been damaged or if entries in it have been altered;
- 2) if it has been lost;
- 3) if after the document was issued, facts have come to light which would manifestly have led to refusal when issuance of the document was under consideration; or
- 4) if the document is used by someone other than the person to whom it was issued or if it is in the possession of someone other than the person to whom it was issued.

A decision to revoke an alien's passport or a refugee travel document is made by the Directorate of Immigration. (154/1995)

### **Section 7 a (639/1993)**

#### **Conditions Requiring Surrender of an Alien's Passport or a Refugee Travel Document**

An alien's passport or a refugee travel document is seized by the authorities when a decision to revoke the document has been made.

The document may be seized temporarily before a decision to revoke has been made if it has been damaged or if entries in it have been altered or if it is used by someone other than the person to whom the document was issued.

### **Section 7 b (639/1993)**

#### **Surrender of an Alien's Passport or a Refugee Travel Document**

An alien's passport or a refugee travel document is surrendered to the Directorate of Immigration or at its request to the police, a passport control officer or a Finnish diplomatic mission. The document may also be surrendered to an official authorized to make an arrest in the cases specified in section 7a, paragraph 2. (154/1995)

A personal search may be made to effect surrender of the document.

### **Section 8 (537/1999)**

#### **Preconditions for Entering the Country**

An alien who enters the country:

- 1) shall have a valid travel document entitling him to cross the border;
- 2) shall have a valid visa or residence permit unless otherwise provided for in an international agreement binding on Finland;
- 3) shall, where necessary, present documents which indicate the purpose of and preconditions for his planned stay, and the fact that he has the necessary funds to support himself, taking into consideration both the length of his planned stay and his return to his country of departure or a transit journey to a third country to which his entry has been secured, or the fact that he can legally obtain these funds;
- 4) may not have been prohibited entry into Finland; and
- 5) may not be deemed to jeopardize public order, safety, public health or the international relations of Finland.

Grounds for deportation from Finland shall be governed by section 37.

Provisions on the abolition of visas shall be issued by Decree.

### **Section 8 a (537/1999)**

#### **Preconditions for Entry of Citizens of a State Belonging to the European Economic Area**

A citizen of a State belonging to the European Economic Area shall be required to present a valid identity card or passport upon entering Finland and he may not be deemed to jeopardize public order and safety or public health.

A citizen of a State belonging to the European Economic Area need not have a residence permit if his stay in the country does not exceed three months. A citizen of a State belonging to the European Economic Area who is seeking employment may, even thereafter, stay in the country for a reasonable period of time without a residence permit if he is still looking for and has factual possibilities of getting employment.

### **Section 9**

#### **Right to Freedom of Movement (179/2001, 10 July 1998)**

An alien who is entitled to reside in Finland under the terms of this Act possesses unrestricted rights of residence and freedom of movement, unless specific provisions or special regulations ordain otherwise.

Aliens may transit Finland to another Schengen State if they hold residence permits or visas granted by this State, and they are not persons for whom an alert has been issued for the purposes of refusing entry. The same shall apply to holders of visas issued by another Schengen State

for a period extending three months, provided that they fulfil the other entry conditions. (179/2001, 10 July 1998)

Aliens who hold uniform visas or residence permits issued by a Schengen State may enter Finland and stay here during the period of validity of the permit up to a maximum of three months from the date of entry, provided that they fulfil the other entry conditions. (179/2001, 10 July 1998)

### **Section 10** **Entry into and Residence and** **Employment in Finland by Nordic Citizens**

Citizens of Denmark, Iceland, Norway and Sweden are entitled to enter Finland without a passport if they travel directly from any one of those four countries. They also have the right to reside in Finland without a residence permit and work without a work permit under the terms of agreements between the Nordic countries.

## **CHAPTER II**

### **TRAVEL**

#### **Section 11** **Visas**

A visa shall mean a permit or a decision issued for tourist travel or comparable short-term visits on the basis of which aliens may enter Finland, provided that they fulfil the other entry conditions. A re-entry visa shall, however, mean a permit for a new entry during the period of validity of a single-entry visa. (179/2001, 10 July 1998)

A visa is only valid if its holder is also in possession of a valid passport or other valid travel document.

#### **Section 12** **(606/1997)** **Types of Visas**

The types of visas are single-entry, multiple-entry, transit, airport transit and re-entry visas.

A single-entry visa is issued for a maximum period of stay of three months.

A re-entry visa shall be issued for a stay not exceeding three months at a time. The total length of successive stays may not, however, exceed three months in any half-year. (179/2001, 10 July 1998)

A transit visa is issued for a given number of transit passages and it entitles its holder to stay in Finland for a maximum of five days per each transit journey.

A re-entry visa is issued for one or several return journeys.

An airport transit visa is issued for a given number of transit passages via the international area of an airport and it entitles its holder to stay in Finland for a maximum of twenty-four hours per each transit journey.

An entry shall be made in the visa specifying the number of days it entitles its holder to stay in the country during its validity. A multiple-entry visa shall also bear an entry on the maximum number of entries into the country or information to the effect that the visa is valid for several journeys. A visa may be issued to be valid at the most until the expiry date of the passport. (537/1999)

#### **Section 13** **Procedure for Issuing Visas**

Visas shall be issued abroad by a diplomatic or consular mission of a Schengen State or, where appropriate, by the authority of a Contracting Party appointed in accordance with Article 17 of the Schengen Convention. (179/2001)

Following consultation with the Ministry of the Interior, the Ministry of Foreign Affairs shall provide the Finnish missions with guidelines on procedures for issuing visas. (179/2001, 10 July 1998)

An alien who enters Finland without a visa may be issued one by the Directorate of Immigration or passport control authority at the point of entry as further provided for by Decree. (537/1999)

Re-entry visas are issued by the local police.

The local police may extend the period of stay entered in the visa. The period of stay entered in the visa may not, even if extended, exceed its expiry date nor the maximum periods laid down in section 12. (537/1999)

A written notification shall be issued of a negative decision on a visa application. (537/1999)

#### **Section 13 a** **(537/1999)** **Preconditions for Issuing a Visa**

A visa may be issued if the alien meets the preconditions for entering the country laid down in section 8, paragraph 1, subparagraphs 1 and 3 - 5. The applicant may be required to have taken an insurance issued by a reliable and solvent company or institution covering the costs incurred by an illness or an accident as further decided by the competent ministry unless otherwise provided for by a bilateral social security agreement or another international agreement binding on Finland.

An alien who enters Finland without a visa may be issued a visa in Finland if he states a serious reason for not having acquired a visa before entering the country.

## **Section 14**

### **Revocation and Annulment of Visas**

A visa may be revoked if an alien, in applying for it, deliberately misleads the authorities about his identity, gives other false information affecting the visa decision, or conceals matters which might have a bearing on that decision.

Visas shall be revoked by the Directorate of Immigration. If the alien concerned has not yet entered Finland, the visa may also be revoked by the Finnish mission by which it was issued. (154/1995)

Section 39 provides for the revocation of a visa in connection with a decision to refuse entry. (639/1993)

A visa ceases to be valid if its holder is deported from Finland. (639/1993)

## **CHAPTER III**

### **RESIDENCE**

#### **Section 15**

##### **Residence Permits**

The term "residence permit" refers to permission granted to an alien for other than tourism or similar short-term visits entitling him to reside in Finland and repeatedly enter the country.

A residence permit is valid only if the alien concerned holds a valid passport or another valid travel document.

#### **Section 16**

##### **Residence Permit Categories**

A residence permit may either be valid for a fixed term or be permanent.

Fixed-term residence permits are issued for at least one year unless the alien, for the purpose of his stay in Finland, is issued a residence permit for a shorter period or he applies for a residence permit for a shorter period.

Fixed-term residence permits for aliens who have previously held Finnish citizenship or have at least one parent who is or has been a Finnish citizen are issued for two years unless a shorter period is applied for.

An alien who is a citizen of a state belonging to the European Economic Area is issued a fixed-term residence permit for five years. The same applies to his spouse, his own and his spouse's parents who are dependent on his care as well as his own or his spouse's children who are under 21 years of age or dependent on parents' care. If the stay of the aforementioned alien is supposed to last a period of

less than one year the residence permit may be issued for the estimated period of residence. (640/1993)

Permanent residence permits are issued to aliens who by virtue of a permit have continuously resided in Finland for two years unless the purpose of their residence makes other arrangements necessary or there are special grounds for not issuing permanent residence permits. The two-year period is considered to begin on the day the residence permit became valid. For refugees, however, the period of residence by virtue of permit is considered to begin on the day of entry into Finland. (639/1993)

#### **Section 17**

##### **Procedure for Issuing Residence Permits Abroad**

Residence permits are issued abroad by Finnish diplomatic or consular missions. Residence permits may also be issued by other Finnish missions if the Ministry for Foreign Affairs has so authorized a designated staff member who is a Finnish citizen.

Following consultation with the Ministry of the Interior, the Ministry for Foreign Affairs will provide Finnish missions with guidelines on procedures for issuing residence permits.

#### **Section 18**

##### **(537/1999)**

##### **Preconditions for Issuing a Residence Permit Abroad**

A fixed-term residence permit may be issued if:

- 1) the alien is of Finnish origin or has another tie to Finland;
- 2) the alien intends to study in a Finnish educational institution and has guaranteed means of support;
- 3) the alien is in a position to be issued a work permit for Finland or has other guaranteed means of support in Finland;
- 4) there are strong humanitarian grounds for issuing the permit; or if
- 5) there are other special grounds for issuing the permit and the alien has guaranteed means of support in Finland.

#### **Section 18 a**

##### **(511/1996)**

##### **Preconditions for issuing a Residence Permit to a Person of Finnish Origin Coming from the Former Soviet Union**

In addition to what is otherwise provided by this Act, a person of Finnish origin coming from the former Soviet Union may be issued a fixed-term residence permit:

- 1) if the applicant himself, one of his parents or at least two of his four grandparents are or have been registered in the document as having Finnish origin; or
- 2) if there is another tie that shows the applicant's affinity with Finland and Finnishness, but he has no documents to show that he meets the requirements mentioned in point 1.

The spouse of the person referred to above is also issued a residence permit, and so is his child who is under 18 years of age and in his custody. As equal to a spouse is considered a person who the applicant continuously cohabits and shares a household with.

The requirement for issuing a residence permit is that the applicant participates in re-entry orientation arranged in the applicant's country of origin, unless there are well-founded reasons for not doing so. Besides, it is required that the applicant expresses his intention to move to Finland and take his permanent residence there.

When establishing the intention that the applicant has expressed of moving to Finland and taking his permanent residence there, the provisions of the Home Municipality Act (201/1994) are obeyed.

Finnish origin is proved with original documents or, if this is not possible, in another reliable way.

### **Section 18 b (537/1999) Family Member**

The following shall be regarded as family members of a person residing in Finland: his spouse as well as an unmarried child of under 18 years of age whose guardian the person residing in Finland is. If the person residing in Finland is a minor child, his guardian shall be deemed a family member.

People who continuously share a household and cohabit in a relationship resembling marriage shall be deemed comparable to spouses. A requirement for this comparison shall be that they have cohabited for a minimum of two years, except if they have a common child.

The family members of a citizen of a State belonging to the European Economic Area shall be governed by section 16, paragraph 4. The provisions of the European Social Charter (Finnish Treaty Series 44/1991) shall govern the family members of citizens of the States that have acceded to the Charter.

### **Section 18 c (537/1999) Preconditions for Issuing a Residence Permit Abroad on the Basis of a Family Tie**

A family member of an alien residing in Finland with a residence permit issued on the basis of refuge or need of protection or a family member of a Finnish citizen or a citizen of another Nordic country residing in Finland shall be issued a residence permit unless there are reasons relating to public order or safety or other weighty reasons against issuing the permit. The decision on whether to issue a residence permit shall be made taking into account all the relevant circumstances relating to the matter in their entirety. The overall consideration shall also take into account the possibilities of a person already residing in Finland with a per-

mit to move back to his home country or to a third country to lead a family life if the family ties may be deemed to be strongest there in their entirety.

A family member of an alien other than one referred to in paragraph 1 or in section 18 a, paragraph 1 residing with a residence permit of permanent nature or with a permanent residence permit may be issued a residence permit provided that, in addition to the provisions of paragraph 1, he has guaranteed means of support.

Another relative of a person referred to in paragraph 1 may be issued a residence permit if refusing the permit would be unreasonable because the persons in question intend to continue their earlier close family life in Finland or because the relative is fully dependent on the person residing in Finland. Another precondition shall be that no reasons relating to public order or safety or other weighty reasons exist against issuing the permit.

A relative of a person residing in the country temporarily for at least one year may be issued a residence permit unless there are specific reasons to derogate from the time limit. Other preconditions shall be that the family member has guaranteed means of support and that there are no reasons relating to public order or safety or other weighty reasons against issuing the permit.

With regard to issues referred to in this section, an alien who has been issued a residence permit for the purpose of moving into Finland, even if he does not yet live in Finland, shall be deemed comparable to a person residing in Finland unless there are special grounds against this comparison.

### **Section 18 d (537/1999) Procedure for Applying for a Residence Permit on the Basis of a Family Tie**

An alien without a residence permit residing abroad (applicant) may apply for a residence permit on the basis of a family tie or the application may be lodged by a family member who is already legally residing in Finland.

In order to establish the preconditions for the residence permit, the parties referred to in paragraph 1 shall be heard. The applicant may be obliged to come in person to a Finnish mission to be heard unless this is deemed unnecessary in view of the degree to which the matter has been established.

The matter may be decided even if the applicant has not come to be heard in person or if it has not been possible to hear him in any other way.

**Section 18 e  
(114/2000)**  
**Establishing Family Ties by Means of  
a DNA Analysis**

The Directorate of Immigration may give an applicant and a family member legally residing in Finland an opportunity to produce evidence of his biological relationship by means of a DNA analysis paid for from State funds, if the family tie based on biological relationship cannot be adequately established in any other way, and if it is possible to provide substantial evidence of the family tie by means of a DNA analysis.

The person concerned shall be given appropriate information on the purpose and nature of the DNA analysis as well as on its consequences and risks. A precondition for conducting a DNA analysis is that the person to be tested has given a written consent to the analysis based on information and free will. The information revealed by the analysis cannot be used for any other purposes except for establishing the family tie which is a condition for granting a residence permit in cases individualised in the consent by the person tested.

If the person concerned has deliberately given false information on his family ties, on the basis of which he and the family member reported by him have been referred to a DNA analysis, the Directorate of Immigration may obligate him to compensate to the State the costs resulting from the test unless this is unreasonable in the circumstances.

**18 f  
(114/2000)**  
**Carrying out a DNA Analysis**

A DNA test is carried out at the National Public Health Institute or at the Helsinki University Department of Forensic Medicine. The party conducting the DNA test shall without delay send a report on the DNA type definition to the Directorate of Immigration. When the Directorate of Immigration has decided the case, it shall ask the party who conducted the DNA test to destroy the samples and the data on the DNA profile.

In Finland, the samples needed for a DNA test shall be taken by a public health service professional at the Helsinki University Department of Forensic Medicine or at a health centre. The samples shall be sent to the party referred to in paragraph 1 conducting the test.

Abroad, the samples needed for a DNA test shall be taken by a public health service professional at the Finnish diplomatic mission or in premises provided by the diplomatic mission. The samples shall be sent to the party referred to in paragraph 1 conducting the test.

The sample-taking procedure is monitored in Finland by the local police and abroad by a civil servant employed by the diplomatic mission or the Directorate of Immigration or

the police, who also establish the identity of the person to be tested.

Further provisions on conducting DNA analyses shall be issued by Decree.

**Section 19  
(154/1995)**  
**Issuing a Residence Permit in Finland**

The Directorate of Immigration will issue a residence permit to an alien who enters Finland without one. An alien as specified in section 16, paragraph 4 of this Act who enters Finland without a residence permit will, however, be issued a fixed-term residence permit by the local police.

The Directorate of Immigration shall issue a residence permit on the strong humanitarian grounds referred to in section 18, subparagraph 4 and on the basis of a family tie referred to in section 18 c. A person admitted to Finland within the refugee quota shall be issued a residence permit by the Directorate of Immigration. (537/1999)

Permanent residence permits and new fixed-term residence permits for aliens who reside in Finland are issued by the local police. Should the local police deem that there is a certain reason not to issue a permanent residence permit, the matter is to be referred to the Directorate of Immigration for a final decision.

The Ministry for Foreign Affairs issues residence permits to the staff members and the families of staff members of diplomatic or consular missions in Finland. Nevertheless, residence permits for staff members, who are citizens of a third country, and for the families of such staff members are issued by the Directorate of Immigration or the local police. The same applies to aliens in the private service of any staff member of a diplomatic or consular mission in Finland.

The issuing of a residence permit on the basis of the need of international protection shall be governed by chapter 5. (537/1999)

**Section 20  
(537/1999)**  
**Preconditions for Issuing a Residence Permit  
to a Person Residing in Finland**

An alien who enters Finland without a residence permit may be issued a fixed-term residence permit in Finland if:

- 1) he has held Finnish citizenship or has at least one parent who is or has been a Finnish citizen by birth;
- 2) prior to entering Finland, he has lived with a spouse currently residing in Finland or continuously shared a household and cohabited without marriage with a person currently residing in Finland; or if
- 3) refusing a residence permit would be clearly unreasonable.

An alien referred to in section 16, paragraph 4 who enters Finland without a residence permit for a purpose other than travel shall be issued a fixed-term residence permit.

The issuing of a permanent residence permit shall be governed by section 16, paragraph 5.

### **Section 21** **Revocation of Residence Permits**

An alien's residence permit may be revoked if an alien, in applying for it, deliberately misleads the authorities about his identity, gives other false information affecting the residence permit decision, or conceals matters which might have a bearing on that decision. A fixed-term residence permit may also be revoked on other strong grounds.

A residence permit is to be revoked by the authority which issued it. If an alien with a residence permit issued by a Finnish mission has already entered Finland, however, his permit may only be revoked by the Directorate of Immigration. (154/1995)

Section 39 provides for the revocation of a fixed-term residence permit in connection with refusal of entry. (639/1993)

### **Section 22** **Annulment of Residence Permits**

A residence permit ceases to be valid if the alien to whom it was issued:

- 1) is deported from Finland;
- 2) announces his permanent departure from Finland; or
- 3) has continuously resided outside Finland for two years.

Upon application, the Directorate of Immigration may decide that a residence permit shall not lapse for the reason set out in paragraph 1, sub-paragraph 3 above. (154/1995)

## **CHAPTER IV**

### **EMPLOYMENT**

#### **Section 23** **Work Permits**

The term "work permit" refers to permission to engage in remunerated employment in Finland.

The regulations concerning aliens' rights to self-employment will be stipulated elsewhere.

#### **Section 24** **Obligation to Have a Work Permit**

An alien who intends to engage in remunerated employment in Finland is obliged to have a work permit unless the provisions of section 25 below apply.

An alien who obtains employment in Finland on a Finnish vessel is required to have a work permit unless the Ministry of Labour rules otherwise.

Work permits must be acquired before entering Finland. An alien who has entered Finland without a work permit may be issued one subsequently if he was not initially obliged to acquire a work permit or if a refusal would obviously be unreasonable.

#### **Section 25** **Permit-Free Employment**

An alien shall not be required to have a work permit if he:

- 1) holds a permanent residence permit; or
- 2) holds a fixed-term residence permit and:
  - a) has held Finnish citizenship or has at least one parent who is or has been a Finnish citizen;
  - b) he is married to, shares a household and cohabits without marriage with or is an unmarried child of under 18 years of age of a Finnish citizen or of an alien residing in Finland with a permanent residence permit; or if he (537/1999)
  - c) is a refugee under the terms of section 35 or is an alien who holds a residence permit because he stands in need of protection.

Students who hold residence permits are not required to have work permits for part-time or holiday employment.

A citizen of a state belonging to the European Economic Area, his spouse and their children who are under 21 years of age or dependent on parents' care are not required to have work permits. (640/1993)

The occupations, posts and duties for which aliens are not required to have work permits will be stipulated by Decree. (640/1993)

An alien who has resided in Finland as an asylum seeker for three months may take employment without a work permit as further decided by the competent ministry. (537/1999)

#### **Section 26** **Procedure for Issuing Work Permits**

Work permits are issued abroad by the Finnish missions specified in section 17, paragraph 1, unless prevented on the basis of the employment authority's point of view. (639/1993)

An alien in Finland shall be issued a work permit by the Directorate of Immigration or the local police in conjunction with the issuing of a residence permit. An alien in Finland holding a fixed-term residence permit shall be issued a work permit by the local police. A statement shall be obtained from an employment authority before issuing a work permit unless otherwise decided by the competent ministry. (537/1999)

A paragraph was repealed by the Act on Amending the Aliens Act (537/1999).



## **Section 27**

### **Validity of and Restrictions to Work Permits**

Work permits are issued for at least one year unless they are issued for a shorter period, because of the nature or duration of the employment or the purpose of an alien's stay in Finland, or unless the employment authority states other strong grounds for issuing a work permit for a shorter period.

Work permits are issued for specific occupational fields. Nevertheless, restrictions applying to employers, the regional validity of work permits or the nature of the employment may be added to the permits.

Work permits may also be issued without the restrictions specified in the preceding paragraph if the employment authority states strong grounds for so doing.

An alien's work permit will cease to be valid when his residence permit expires.

## **Section 28**

### **Information Required for a Work Permit**

An alien who applies for a work permit may be required to supply information on his state of health, professional skill, education and work experience, and indicate whether he has ever been sentenced to imprisonment.

## **Section 29**

### **Employers' Obligations**

An employer must ascertain that an alien holds the required work permit or has the right to permit-free employment before the employment commences. Should an alien hold a fixed-term work permit, an employer must ascertain that he has been issued a new permit if the employment continues after the expiry date of the preceding permit.

The employer is to provide the employment authorities with an assurance that an alien's remuneration and other terms of employment accord with current collective bargaining agreements. Should the occupation in question not be subject to such an agreement, the employer must ensure that the terms of employment comply with the current general practice for Finnish employees.

When employees are employed in contracting or subcontracting by a foreign employer or hired out to a foreign employer, the obligations of the employer as set out in paragraphs 1 and 2 shall be applied to the contractor or subcontractor or to the provider of employment. As regards working conditions to be complied with, the provisions of the Act on Posted Workers (1146/1999) shall, however, be applied. (1148/1999)

A paragraph was repealed by the Act on Amending the Aliens Act (1148/1999).

## **CHAPTER V**

### **PROVISION OF INTERNATIONAL PROTECTION (537/1999)**

## **Section 30**

### **Procedure for Granting Asylum**

An alien shall be granted asylum and issued a residence permit if, owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, he resides outside his country of origin or habitual residence and if, owing to such fear, he is unwilling to avail himself of the protection of the said country. (537/1999)

The following constitute special grounds for not granting asylum:

- 1) in view of Finland's national security, there exist particular reasons for not doing so;
- 2) the alien concerned has committed a crime against peace, a war crime or a crime against humanity according to the terms of international agreements or has committed another serious crime other than a political offence;
- 3) the alien concerned previously stayed in a country which has acceded to the Convention Relating to the Status of Refugees or stayed in another safe country and applied for asylum there or had the opportunity to do so; or
- 4) according to the Convention between Denmark, Finland, Iceland, Norway and Sweden Concerning the Waiver of Passport Control at the Intra-Nordic Frontiers (Finnish Treaty Series 10/1958), another signatory to the Convention is obliged to readmit the alien in question.
- 5) in compliance with the Convention Determining the State Responsible for Examining Applications for Asylum Lodged in one of the Member States of the European Communities that was concluded in Dublin on 15 June 1990 (later the Dublin Convention), another contracting State is obliged to take the responsibility for an asylum seeker. (1183/1997)

## **Section 31**

### **(537/1999)**

### **Need of Protection**

An alien residing in Finland may be issued a residence permit on the basis of his need of protection if he, in his country of origin or habitual residence, is threatened by capital punishment, torture or other inhuman or degrading treatment or if he cannot return there because of an armed conflict or environmental catastrophe.

## **Section 32**

### **Procedure for Applying for Asylum**

Applications for asylum are submitted to the police or to a passport control officer. The application for asylum includes an application for a residence permit. (639/1993)

Aliens are to apply for asylum upon entering Finland or soon thereafter. Asylum may also be granted on the basis of an application made subsequently if conditions in an alien's country of origin or habitual residence so alter while he is in Finland that granting asylum becomes justified.

A paragraph was repealed by the Act on Amending the Aliens Act (1269/1997).

A paragraph was repealed by the Act on Amending the Aliens Act (537/1999).

### **Section 32 a (648/2000)**

#### **Examination of an Asylum Application**

The police or the Frontier Guard shall establish the identity, the route taken and entry into Finland of an alien applying for asylum or a residence permit on the basis of his need of protection.

The Directorate of Immigration or the police shall conduct an asylum interview. The grounds given by the applicant for persecution or other violations of rights in his home country or country of permanent residence shall be established in the asylum interview.

In the asylum interview, the applicant for asylum must be expressly inquired how he would react to being possibly removed from the country and sent to a safe country of asylum or a safe country of origin and refused entry to Finland. In addition, any other grounds for the applicant's possible stay in the country must be established.

### **Section 33 Procedure for Deciding on Applications for Asylum**

The Directorate of Immigration is to decide on applications for asylum. (154/1995)

The Ombudsman for Aliens shall be given an opportunity to be heard when an application for asylum is being considered, unless so doing would be evidently unnecessary.

A decision to take responsibility for the asylum seeker and to make a request to another contracting State, according to the Dublin Convention, shall be made made by the Directorate of Immigration. (1183/1997)

### **Section 33 a (648/2000)** **Safe Country of Asylum**

As a safe country of asylum for an asylum seeker can be regarded a State which, without a geographic reservation, has acceded to and complies with the Convention relating to the Status of Refugees (Finnish Treaty Series 77/1968), the International Covenant on Civil and Political Rights (Finnish Treaty Series 8/1976) and the International Con-

vention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Finnish Treaty Series 60/1989).

### **Section 33 b (648/2000)** **Safe Country of Origin**

As a safe country of origin for an asylum seeker can be regarded a State where he is not at risk of persecution or severe violations of human rights.

When assessing a safe country of origin, particular account shall be taken of:

- 1) whether the State has a stable and democratic political system;
- 2) whether the State has an independent judicial system, and whether the level of jurisdiction is in compliance with the requirements imposed on a fair trial; and
- 3) whether the State has acceded to the principal international conventions on human rights, and whether there have been serious violations of human rights in the State.

### **Section 33 c (648/2000)** **Deciding on Applications for Asylum by Aliens Coming from a Safe Country of Asylum or a Safe Country of Origin**

The Directorate of Immigration may reject an application for asylum and residence permit, and refuse entry at the same time, if the alien has come from:

- 1) a safe country of asylum referred to in section 33 a in which he could have received protection referred to in section 30 or 31 and to which he can safely be returned; or
- 2) a safe country of origin referred to in section 33 b in which he does not risk a treatment referred to in section 30 or 31 and to which he can safely be returned.

Preconditions for granting asylum or residence permit shall be assessed individually for each applicant for asylum, taking account of the applicant's report on his circumstances in the State concerned and information on the situation in the country. The authority shall ask the applicant in particular to provide reasons for not considering the State concerned safe for him.

The Directorate of Immigration shall decide on the application at the latest within seven days of the interview record being finished and registered at the Directorate of Immigration.

The Directorate of Immigration shall provide the alien who will be returned to a safe country of asylum with a document to the effect that his application has not been examined in substance in Finland. No document shall be given when a decision on the application for asylum is taken under section 34 b.

### **Section 34 (648/2000)**

#### **Manifestly Unfounded Applications for Asylum**

An application for asylum can be considered manifestly unfounded if:

- 1) the applicant for asylum has not claimed as grounds serious violations of human rights or other reasons related to non-refoulement or fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion;
- 2) the applicant intends to abuse the asylum procedure; or
- 3) the applicant for asylum has come to Finland from a safe country of asylum or a safe country of origin to which he can safely be returned, and the Directorate of Immigration has not, on just and proper grounds, been able to take a decision on the application for asylum within the time provided in section 33 c.

### **Section 34 a (648/2000)**

#### **Deciding on Manifestly Unfounded Applications for Asylum**

When the Directorate of Immigration, under section 34, rejects an application for asylum as manifestly unfounded, and a related application for a residence permit, it takes a decision on refusal of entry at the same time.

### **Section 34 b (648/2000)**

#### **Deciding on Applications for Asylum When Applying the Dublin Convention or the Convention between Denmark, Finland, Iceland, Norway and Sweden Concerning the Waiver of Passport Control at the Intra-Nordic Frontiers**

The Directorate of Immigration may reject an application for asylum and residence permit and take a decision on refusal of entry at the same time, if the alien:

- 1) may be sent to another State which under the Dublin Convention is responsible for processing the application for asylum; or
- 2) may be returned to another Nordic country by virtue of the Convention between Denmark, Finland, Iceland, Norway and Sweden concerning the Waiver of Passport Control at the Intra-Nordic Frontiers.

The police shall provide the alien who will be returned to a State applying the Dublin Convention a laissez-passer in accordance with the Convention.

### **Section 34 c (648/2000)**

#### **Deciding on New Applications for Asylum or Residence Permit**

The Directorate of Immigration may reject an application for asylum or residence permit and make a decision on

refusal of entry at the same time, if the alien who still resides in Finland files a new application after receiving a negative decision on his earlier application from the Directorate of Immigration or the Administrative Court, and the new application does not include new grounds for residence in the country which affect the decision in the matter. A new application may also be rejected if the alien, after leaving the country, returns to Finland within a short period of time, and the new application does not contain new grounds for residence in the country which affect the decision in the matter. Neither does making a new application suspend the enforcement of an earlier decision on refusal of entry.

An asylum interview referred to in section 32 shall not be conducted if the application does not contain new grounds which affect the matter.

### **Section 35 Refugees**

A refugee is an alien who:

- 1) has been granted asylum in Finland;
- 2) has been issued a residence permit as a refugee admitted to Finland within the quota; (537/1999)
- 3) is a family member of an alien referred to in subparagraph 1 or 2 who has been issued a residence permit on the basis of a family tie if he is to be regarded as a refugee taking into consideration the circumstances. (537/1999)
- 4) was repealed by the Act on Amending the Aliens Act (537/1999);
- 5) was repealed by the Act on Amending the Aliens Act (537/1999).

If a refugee so requests, he is to be issued a document indicating that the holder is a refugee (refugee clearance).

### **Section 36 Abrogation of Refugee Status**

A person ceases to be a refugee if he:

- 1) voluntarily re-avails himself of the protection of the country of his nationality;
- 2) having lost his nationality, voluntarily re-acquires it;
- 3) acquires a new nationality and is able to enjoy the protection of the country of his new nationality;
- 4) voluntarily re-establishes himself in the country which he left or outside which he remained owing to fear of persecution; or
- 5) evidently no longer stands in need of protection as the circumstances which caused him to be a refugee no longer exist.

The Directorate of Immigration makes decisions on the abrogation of refugee status. (154/1995)

## CHAPTER VI

### REFUSAL OF ENTRY INTO FINLAND AND DEPORTATION FROM FINLAND

#### Section 37 (537/1999)

##### Grounds for Refusal of Entry

An alien may be refused entry if:

- 1) he does not meet the preconditions for entry laid down in section 8;
- 2) he does not hold the required work permit;
- 3) he refuses to give the passport control officer the necessary information on his identity or journey or deliberately provides incorrect information thereon;
- 4) he may justifiably be assumed to obtain income through dishonest means or to sell sex-related services;
- 5) he may, on account of a prior conviction or otherwise justifiably, be assumed to commit in Finland or another Nordic country an offence for which the statutory punishment is more than one year of imprisonment; or if
- 6) he may, on account of his previous activities or otherwise justifiably, be assumed to engage in sabotage, espionage, illegal intelligence-gathering activities or activities endangering the relationship of Finland with a foreign State.

An alien whose continued residence in Finland would require a residence permit, but to whom it has not been issued, may also be refused entry.

An alien whose right to reside in Finland is based on the Treaty on the European Economic Area may be refused entry only for a reason relating to public order and safety as well as to public health.

#### Section 38 (537/1999)

##### Procedure for Refusal of Entry

An alien shall be refused entry as soon as it has been possible to ascertain that his entry into or residence in Finland cannot be permitted. All the relevant matters and circumstances shall have to be taken into account in their entirety when considering the refusal of entry. These include at least the duration of his stay in Finland, the relationship between a child and a parent, family ties and other ties to Finland.

No one may be returned to an area where he may be subjected to the treatment referred to in section 30 or 31 or to an area from which he could be further sent to such an area.

#### Section 39 (537/1999)

##### Decisions on Refusal of Entry

Decisions on refusal of entry shall be made by a passport control authority or the police in compliance with the gui-

delines issued by the competent ministry. If entry is refused under section 37, paragraph 2, or if an alien has applied for asylum in Finland, the decision to refuse entry shall, however, be made by the Directorate of Immigration.

The passport control authority or the police may refer the matter to the Directorate of Immigration for a ruling if the refusal of entry under consideration has relevance for the application of section 37 in other similar cases. The Directorate of Immigration may also at its own initiative take up a case of refusal of entry for ruling.

If the person subject to refusal of entry has a visa or a fixed-term residence permit issued by a Finnish mission and the refusal of entry is made on the grounds referred to in section 37, paragraph 1, the authority making the decision on refusal of entry shall revoke the visa or residence permit.

In the cases referred to in section 37, paragraph 1, the passport control authority or the police shall make the decision on refusal of entry within three months of the arrival of the alien in Finland. The Directorate of Immigration may make a decision on refusal of entry in conjunction with a refusal of an application for asylum or for a residence permit.

#### Section 40

##### Grounds for Deportation from Finland

An alien who has stayed in Finland with a residence permit may be deported if he:

- 1) stays in Finland without the required passport or residence permit;
- 2) has rendered himself unable to support himself during the course of a short stay in Finland;
- 3) has committed an offence for which the statutory punishment is one year of imprisonment or a more severe punishment or if he has repeatedly committed crimes;
- 4) has demonstrated by his behaviour that he is a danger to the safety of others; or if he
- 5) has engaged in or may, on account of his previous activities or otherwise justifiably, be assumed to engage in sabotage, espionage or illegal intelligence-gathering activities in Finland or in activities which may endanger Finland's relationship with a foreign State. (537/1999)

A refugee may only be deported if:

- 1) a case referred to in paragraph 1, sub-paragraph 5 above entails special reason for deportation due to considerations of Finland's national security or public order; or
- 2) he has been convicted of an especially grievous offence for which the judgment has become non-appealable.

An alien who has the right of residence based on the Agreement on the European Economic Area may be deported only on grounds of public policy, public security and public health. (640/1993)

## **Section 41** **Deportation**

Whenever an alien's deportation from Finland is under consideration, all relevant matters and circumstances must be assessed in their entirety. At the very least, the following points must be borne in mind: the duration of the alien's stay in the country, any child-parent relationship, family ties, other bonds to Finland, and in the cases referred to in section 40, paragraph 1, subparagraph 3 above, also the nature of the offence or offences involved.

No one may be deported to an area where he may be subjected to treatment referred to in section 30 or 31 or to an area from which he could be further sent to such area. (537/1999)

## **Section 42** **Decisions on Deportation**

Decisions on deportation from Finland are made by the Directorate of Immigration upon proposals by the police. The Directorate of Immigration may also make a decision on deportation without receiving a police proposal in cases of endangerment of national security or Finland's relationship with a foreign state. (154/1995)

When deportation is being considered, the alien concerned and the Ombudsman for Aliens must always be given an opportunity to be heard.

## **Section 43** **(154/1995)** **Prohibiting Entry to Finland**

An alien may be prohibited from entry to Finland for a maximum of five years or until further notice in a decision concerning deportation or in a decision concerning refusal of entry made by the Directorate of Immigration.

An entry prohibition order may be revoked entirely or for a limited period owing to changed circumstances or an important personal reason. Revocation is decided by the Directorate of Immigration.

## **Section 44** **Repatriation and Associated Expenses**

If an alien is refused entry, the carrier which transported him to Finland is obliged to take him back to the point of embarkation. (639/1993)

Should the alien not have funds for his return journey, the carrier is obliged to provide transport at its own expense. If refusal of entry is due to the lack of a passport, visa, residence permit, work permit or funds, and an escort is required, the carrier is also obliged to pay the costs arising from the escort's journey. The carrier is not entitled to compensation from the State for the costs arising from transport. (639/1993)

If an alien disembarks from a vessel in Finland without the required passport, visa or residence permit, the vessel's master, its owner and the forwarding agency used by the latter shall be jointly liable to reimburse the State for the expenses arising from the alien's stay in Finland and his refusal of entry. (537/1999)

The provision in paragraph 3 above is correspondingly applicable to aliens who disembark from aircraft without the required passports, visas or residence permits.

## **CHAPTER VII**

### **SECURITY MEASURES**

#### **Section 45** **Obligation to Report to** **the Police and Other Means of Control**

When required by investigations into whether an alien should be allowed to enter Finland or if it has been decided that he will be refused entry or deported or if such a decision is under consideration, he may be required to report to the police at stipulated intervals until it has been decided whether he is to be allowed to enter the country, or until he has been refused entry, deported or the matter has been otherwise resolved. (639/1993)

An alien may, under the circumstances stipulated in paragraph 1 above be obliged to surrender his passport or ticket to the police, post a bond set by the police, or inform the police of the address at which he may be reached.

#### **Section 46** **Detention**

If the conditions described in section 45, paragraph 1 above apply and there exist reasonable cause, with regard to an alien's personal and other circumstances, to believe that he will hide or commit criminal offences in Finland, or if his identity has yet to be established, he may be placed in detention instead of employing the means of control specified in section 45 above.

A person of less than 18 years of age may not be placed in detention without first hearing the social welfare authorities or the Ombudsman for Aliens.

Whenever an alien is placed in detention, his case is to be processed expeditiously.

#### **Section 47** **Decisions on Detention**

A decision to place an alien in detention is to be made by a senior officer of the local police, Central Criminal Police, Security Police or Mobile Police responsible for the matter.

An alien who is placed in detention shall be taken to detention facilities specifically reserved for this purpose as soon as possible. Where applicable, the provisions on the treatment of remand prisoners shall be applied to aliens in detention. (537/1999)

### **Section 48** **Reporting Cases of Detention; Court Proceedings**

A police officer who has decided to place an alien in detention must without delay and, at the latest, on the day following the detention notify the lower court (alioikeus) for the district where the detainee is held or, in urgent cases, another lower court in the manner laid down by the Ministry of Justice. Such notification may also be made by telephone. Notification made by telephone must be confirmed in writing without delay.

Courts of law are to deal with cases of detention without delay and no later than four days after the date on which the alien was taken into custody. Courts are to proceed in the manner laid down in the provisions on demands for arrest.

District courts (kihlakunnanoikeus) may hear cases of detention without the presence of a lay board, and city courts (raastuvanoikeus) may deal with such cases if one legally trained member is present. A court may also convene at times and in places which do not accord with the provisions for convening of general lower courts.

When the periods referred to in paragraphs 1 and 2 of this section are counted, section 5 of the Act on the Calculation of Statutory Periods (150/1930) is not to be applied.

### **Section 49** **Decisions on Matters Related to Detention**

If there are no grounds for holding an alien in custody, a court of law is to order his immediate release.

Should a court of law order that a detainee continue to be held in custody, the court must order that he be committed to a place of detention as defined in section 47.

Should a decision on retaining a detainee in custody be made by a court other than the lower court for the district where the detainee is held, the lower court for the detention district must be immediately notified of that decision.

### **Section 50** **Proceedings for Releasing an Alien from Detention**

A police officer who has ordered that an alien be placed in detention must order his immediate release when there are no longer grounds for detention.

Should a court of law have decided that a detainee continue to be held in custody, a police officer must immediately notify the lower court for the detention district of the eventual release. Such notification may also be made by telephone. Notification made by telephone must be confirmed in writing without delay.

### **Section 51** **Reconsidering Decisions on Matters Related to Detention**

If an alien held in detention has not been ordered released, the lower court for the district where the detainee is held must, on its own initiative, reconsider the matter no later than two weeks after the date on which the court ordered that the detainee continue to be held in custody.

### **Section 52** **Right to Communicate**

An alien who has been placed in detention must be provided an opportunity to communicate with his immediate family, a representative of his country of origin, legal counsel, the Ombudsman for Aliens and the person who was to receive him in Finland.

### **Section 53** **Proof of Identity and Provision of Details Concerning the Stay in Finland**

An alien must present his passport or otherwise reliably establish his identity when requested to do so by a police officer or by another authority involved.

When so requested, an alien must report to the police and provide the necessary information regarding his stay in Finland.

Aliens who are not citizens of the European Union or a State which has acceded to the European Economic Area shall report to an authority within three days from the date of entry, unless otherwise provided by the competent Ministry. Further provisions on reporting shall be issued by the competent Ministry. (179/2001, 10 July 1998)

### **Section 53 a** **(639/1993)** **Taking of Personal Description**

A police officer and a passport control officer may, for the purposes of identification and registration, take the fingerprints, a photograph as well as other personal description of an alien:

- 1) who has applied for asylum;
- 2) who has applied for a residence permit based on a family tie;
- 3) who has been refused entry or ordered deported; or
- 4) whose identity is unclear. (537/1999)

The said distinguishing features are recorded in a register maintained by the police and kept separate from the perso-

nal descriptions of those suspected of crimes. The information is deleted from the register when the alien in question has received Finnish citizenship.

The information referred to in paragraph 1 above may be turned over to a foreign authority for identification of the alien, taking into account the regulations of the Personal Data File Act (471/1987).

### **Section 54**

was repealed by the Act on Amending the Aliens Act (1269/1997).

## **CHAPTER VIII**

### **APPEALS**

#### **Section 55 (537/1999)**

##### **Appeal against a Decision Made by the Passport Control Authority or the Police**

An alien who is dissatisfied with the decision of a passport control authority or the police made under this Act with regard to a matter other than a visa may appeal the decision to the County Administrative Court on the grounds that the decision is contrary to the law. The Administrative Judicial Procedure Act (586/1996) shall be applied to the appeal, however, so that the period for appeal shall be 14 days from the receipt of notification of the decision. A decision of the County Administrative Court shall not be subject to appeal.

#### **Section 56**

was repealed by the Act on Amending the Aliens Act (1269/1997).

#### **Section 57 (537/1999)**

##### **Appeals against Decisions of the Directorate of Immigration**

A decision made by the Directorate of Immigration under this Act with regard to a matter other than one referred to in paragraph 2 or in section 13, paragraph 3 of this Act may be appealed to the County Administrative Court as provided for in the Administrative Procedure Act on the grounds that the decision is contrary to the law.

An alien who is dissatisfied with a decision of the Directorate of Immigration on asylum or residence permit issued due to need of protection or a related decision on refusal of entry taken by the Directorate of Immigration, or a decision on the cessation of refugee status, may appeal against the decision to the Administrative Court of Helsinki, as provided for in the Administrative Judicial Procedure Act, on the grounds that the decision is contrary to the law. (648/2000)

A decision revoking a visa or a residence permit prior to the entry into Finland of an alien may, however, not be appealed. Nor shall a decision stating that the issue is found to have lapsed because the applicant has withdrawn his application or presumably left Finland be subject to appeal.

A decision of the County Administrative Court referred to in paragraphs 1 and 2 may be appealed only if the Supreme Administrative Court grants leave to appeal. The leave may be granted only if it is important to have the issue decided by the Supreme Administrative Court for the application of the law in other similar cases or for reasons of uniform judicial practice or if there are other weighty grounds for granting the leave of appeal.

#### **Section 58**

was repealed by the Act on Amending the Aliens Act (1269/1997).

#### **Section 59 (537/1999)**

##### **Appeal Instructions**

Appeal instructions shall be appended to a decision subject to appeal.

#### **Section 60 (1269/1997)**

##### **Restrictions to Rights of Appeal**

With the exception of the cases specified in sections 55 and 57 above, decisions made under this Act are not subject to appeal.

#### **Section 61 Appeal Procedure**

Documents of appeal must be forwarded to the official who made the decision in question; the official must then forward the documents on which the decision is based together with his own statement to the appeal authority without delay. In matters of asylum, the documents of appeal may also be forwarded to the local police. Abroad, documents of appeal may also be forwarded to a Finnish diplomatic mission, which must deliver them without delay to the authority which made the decision. Aliens in detention may, however, entrust documents of appeal to the superintendent or director of the institutions concerned. Those officials must then forward the documents to the authority who made the decision in question. (639/1993)

Appeals must be processed urgently.

In matters of asylum, documents of appeal may also be forwarded to the Administrative Court of Helsinki. After receiving information on the appeal from the Administrative Court of Helsinki, the Directorate of Immigration shall forward the documents that its decision is based on to the use of the Administrative Court as soon as the appeal has arrived. (648/2000)

The Administrative Court may take a decision on an application for stay of enforcement of a decision taken by the Directorate of Immigration by virtue of section 33 c or 34 a-34 c, without the statement of the Directorate of Immigration referred to in paragraph (1). In cases mentioned above, the Administrative Court may decide on an application for stay of enforcement and an appeal presided over by one judge only. The Administrative Court must decide the cases referred to in this paragraph urgently. (648/2000)

### **Section 62 (648/2000)** Enforceability of Certain Decisions

A decision of the Directorate of Immigration on refusal of entry made under section 37 of this Act may be enforced despite the fact that the decision has been appealed against. A decision of the Directorate of Immigration on refusal of entry to an asylum seeker may, however, not be enforced before it has become final, unless otherwise provided later in this section.

A decision of the Directorate of Immigration on refusal of entry made under section 34 b or 34 c may be enforced as soon as the decision has been served on the applicant, unless otherwise provided by the appeal authority. A decision of the Directorate of Immigration on refusal of entry made under section 33 c or 34 a may not be enforced until eight days after serving the decision on the applicant, unless otherwise provided by the appeal authority. Before measures are taken to enforce the decision, it shall be made sure that the term mentioned above has included at least five working days. A decision of the Directorate of Immigration on deportation may not be enforced before it has become final.

An application for a leave to appeal against a decision of the Administrative Court concerning refusal of entry to an asylum seeker shall not suspend the enforcement of the decision, unless otherwise decided by the Supreme Administrative Court.

A decision of the Directorate of Immigration on refusal of entry and deportation from Finland may, however, be enforced before it has become non-appealable, if the alien in question, in the presence of two competent witnesses, declares that he agrees to the enforcement of the decision and signs a document to that effect.

## **CHAPTER IX**

### **PENAL PROVISIONS**

#### **Section 63** Violation of the Aliens Act

An alien who:

- 1) stays in Finland without the required passport, visa or residence permit or engages in remunerated employment without the required work permit; or
- 2) fails to comply with an obligation to report issued by virtue of section 45 above or a request issued by virtue of section 53 above requiring him to report to the police and provide necessary information regarding his stay in Finland, shall be fined for violation of the Aliens Act.

#### **Section 64 (593/1998)** Employer's Work Permit Violation

Provisions on punishments for an employer's work permit violation are included in chapter 47, section 6a of the Penal Code.

#### **Section 64 a (639/1993)** Employer's Violation of the Aliens Act

An employer, contractor or subcontractor or provider of employment who provides the authorities with erroneous or misleading information on the wage and working conditions or work assignments and requirements imposed by these assignments on a foreign worker employed by him, engaged by him in contracting or subcontracting or hired out to a foreign company shall be fined for an employer's violation of the Aliens Act unless said deed is subject elsewhere to more severe punishment.

An employment authority may decide to refrain from issuing a work permit either for a fixed period or until further notice for such an employer, contractor or subcontractor or provider of employment for contracting or subcontracting to a foreign company or for work to be performed with labour hired out to a foreign company, which has been found to have repeatedly provided the erroneous or misleading information referred to in paragraph 1.

#### **Section 64 b (593/1998)** Arrangement of Illegal Entry

Provisions on punishments for the arrangement of illegal entry are included in chapter 17, section 8 of the Penal Code.

**Section 64 c**  
was repealed by the Act on Amending the Aliens Act (593/1998).



## CHAPTER X

### MISCELLANEOUS PROVISIONS

#### Section 65

was repealed by the Act on Amending the Aliens Act (623/1999).

#### Section 66 Service of Notice

Whenever an alien shall be notified of a decision made by virtue of this Act, the applicable provisions of the Act on the Service of Documents in Administrative Matters (232/1966) shall be observed. When an applicant is notified of a decision made in an asylum matter, he shall also be informed of any possibilities of obtaining legal assistance to make an appeal. (648/2000)

Notice may also be served, however, by mailing the decision to the address given by the alien concerned or, alternatively, if the alien has not provided an address for service of notice, the decision may be forwarded via the Ministry for Foreign Affairs to the diplomatic or consular mission of the country of which the alien is a citizen or in which he habitually resides. If evidence to the contrary is not forthcoming, notice of service will be deemed effected on the thirtieth day following the date on which the documents in question were entrusted to the posts for delivery or forwarded to the mission concerned.

#### Section 67

was repealed by the Act on Amending the Aliens Act (112/1998).

#### Section 68 Interpretation Services

Authorities must provide interpretation services if an alien involved in an asylum case or in a matter arising out of this Act, which may be initiated by an authority, does not command the language used by the authority in compliance with the Language Act (kielilaki 148/1922) or is unable to make himself understood because of a sensory handicap or speech defect.

If there is particular reason for doing so, an authority may also, in addition to what is specified in paragraph 1 above, provide interpretation services in other matters which fall under this Act.

An alien is entitled to receive notification of a decision which affects him in a foreign language as will be specified by Decree.

#### Section 69 The Ombudsman for Aliens and Cooperation between Authorities

The Ombudsman for Aliens is attached to the Ministry of Social Affairs and Health. The Ombudsman's duties and

work arrangements will be stipulated elsewhere.

Specific provisions on promoting cooperation between authorities in matters arising out of this Act will be stipulated by Decree.

#### Section 70 Notification to the Ombudsman for Aliens

Notification of the decisions specified in sections 31-33, 34a, 39, 42, 43, 47, 49, 51, 54, 55 and 57 of this Act must be made to the Ombudsman for Aliens without delay. The Ombudsman for Aliens can request to be notified of the decisions specified in sections 21, 26, 63 and 64. (1269/1997)

Following consultation with the Ministry of Social Affairs and Health, the Ministry of the Interior will issue guidelines on how notice of decisions shall be served to the Ombudsman for Aliens.

#### Section 71 Accommodation and Change of Address

In addition to what is stipulated in the Population Registration Act (141/1969) and the Decree on Hotels and Restaurants (asetus majoitus- ja ravitsemisliikkeistä 502/1969), the Ministry of the Interior may issue further regulations on how the accommodation and changes of address of aliens are to be reported.

#### Section 72

was repealed by the Act on Amending the Aliens Act (537/1999).

#### Section 72a (154/1995) The Right of the Directorate of Immigration to Decide a Matter under the Jurisdiction of the Local Police

The Directorate of Immigration may reserve authority for itself in a matter placed under the jurisdiction of the local police in this Act.

#### Section 73 (537/1999) Supervision

Compliance with this Act and the provisions and orders issued thereunder shall be supervised by the Directorate of Immigration and the police. Compliance with the provisions and orders on the entry and departure of aliens shall be supervised by the Frontier Guard and also by the Customs authorities when acting as passport control authorities. The employment authority shall also supervise compliance with the provisions and orders on work by aliens.

## **Section 74** **Specific Provisions**

Specific provisions on the enforcement of this Act will be passed by Decree.

## **Section 75** **Entry into Force**

This Act enters into force on 1 March 1991.

(400/1983) This Act repeals the Aliens Act of 26 April 1983 and its subsequent amendments.

Residence and work permit applications, which on entry into force of this Act, are pending at the Ministry of the Interior will be treated in accordance with the preceding Aliens Act. Other matters, which on entry into force of this Act, are pending will be treated in accordance with this Act.

Measures necessary for the enforcement of this Act may be implemented before the Act enters into force.

The members of the Asylum Appeals Board will first be appointed or engaged for a term of office ending on 31 December 1992. The Board is to begin to exercise its judicial power no later than one month after the date on which this Act enters into force.

## **Entry into Force and** **Application of Amendments**

(639/1993) This Act enters into force on 15 July, 1993.

Measures required to enforce this Act may be implemented before it takes effect.

This Act is also applied to matters which have arisen before it takes effect. Penal provisions, however, are not applied to deeds which took place before this Act took effect.

(640/1993) This Act enters into force on a date enacted by Decree.

(640/1993) This Act entered into force by Decree 1393/1993, on 1 January 1994.

(154/1995) This Act enters into force on 1 March, 1995. This Act is also applied to matters which have arisen before it takes effect.

Measures required to enforce this Act may be implemented before it takes effect.

(511/1996) This Act enters into force on 1 August 1996.

(606/1997) This Act enters into force on 1 August 1997.

Measures required to enforce this Act may be implemented before it takes effect.

(1183/1997) This Act enters into force on a date enacted by Decree.

(1183/1997) This Act entered into force by Decree 1184/1997, on 1 January 1998.

(1269/1997) This Act enters into force on 1 January 1998. The cases that are pending at the Asylum Appeals Board when this Act enters into force are transferred to the County Administrative Court of Uusimaa.

This Act is also applied to matters which have arisen before the Act took effect.

(112/1998) This Act enters into force on 1 June 1998.

(593/1998) This Act enters into force on 1 January 1999.

(537/1999) This Act enters into force on 1 May 1999.

(1148/1999) This Act enters into force on 16 December 1999.

(114/2000) This Act enters into force on 1 March 2000.

This Act shall also be applied to matters which have become pending before its entry into force.

(648/2000) This Act enters into force on 10 July 2000.

The Act shall be applied to applications for asylum made after its entry into force.

The Act shall also be applied to the applications for asylum made before the entry into force of the Act for which the interview record has not been finished and registered at the Directorate of Immigration in a way referred to in section 33 c(3) at the entry into force of this Act.

The matters which are pending before the court at the entry into force of this Act shall be decided on and enforced in accordance with provisions that are in force when this Act enters into force.

(757/2000) This Act enters into force on 1 January 2001.

(179/2001, 10 July 1998) This Act enters into force on a date provided by Decree. Measures necessary for the implementation of this Act may be undertaken before its entry into force.

(179/2001, 10 July 1998) This Act entered into force by Decree 258/2001, on 25 March 2001.