

# GMS Flash Alert



## Immigration Edition

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# Finland - Brexit and Right of Residence for U.K. Citizens in Finland: Update

Following Brexit and under the terms of a law (666/2020) approved by the Finnish government<sup>1</sup>, U.K. citizens living in Finland have to apply to exchange their previous registration based on the right of residence as a European Union (EU) citizen for the right of residence under the Withdrawal Agreement<sup>2</sup>. In the event U.K. citizens are moving to Finland after the transition period has ended, they must apply for a residence permit, similar to non-EU citizens<sup>2</sup>. (For prior coverage of this issue, see GMS [Flash Alert 2019-045](#), 15 March 2019.)

As the U.K. withdrew from the European Union on 31 January 2020, the Withdrawal Agreement between the U.K. and the EU entered into force on 1 February 2020, and the transition period started.<sup>3</sup> During the transition period, the current rules, including the free movement of citizens, continue to be in place as if the U.K. were still a member of the EU.

## WHY THIS MATTERS

The new law that entered into force on 1 October 2020, will affect approximately 5,000 U.K. citizens living in Finland. After having been granted a right of residence under the Withdrawal Agreement, U.K. citizens may continue their residency in Finland after the transitional period ends at the end of 2020<sup>4</sup>.

This will have a direct impact on multinational companies intending to post their employees with U.K. citizenship to Finland or to other EU member states. From January 2021 onwards, all the same provisions on third-country nationals will be applied upon entry, and the EU directive on free movement will no longer apply. This must be considered when planning and scheduling the posting and relocation of British employees to the EU.

## Impacts on U.K. Citizens Staying in Finland

U.K. citizens and their family members who either already live in Finland or move to Finland by 31 December 2020, and register their residence, may continue to reside in Finland under the same conditions as during the period of the U.K.'s EU membership. However, the right of residence under the Withdrawal Agreement must be applied for at the latest on 30 September 2021<sup>5</sup>.

The application for a right of residence under the Withdrawal Agreement for U.K. citizens applies as noted below<sup>6</sup>:

- Those who have previously registered their EU right of residence must change their EU registration to a right of residence under the Withdrawal Agreement between 1 October 2020 and 30 September 2021.
- Those who have previously received a permanent EU right of residence must also apply for a permanent right of residence under the Withdrawal Agreement<sup>7</sup>: A permanent EU right of residence requires that a person has legally resided in Finland for a period of five years. U.K. citizens who have been granted permanent EU residence rights in Finland before 1 January 2021, and who have a certificate demonstrating this, must change their status to the permanent right of residence under the Withdrawal Agreement.
- Those who are accumulating time to apply for a permanent EU right of residence: If the applicant has not resided in Finland for the required period of time by the end of 2020, one must apply for the right of residence under the Withdrawal Agreement, but will be entitled to continue accumulating this time after that date and to obtain the permanent right of residence under the Withdrawal Agreement later on.
- Those who are moving to Finland from 1 October 2020, can no longer be registered as EU citizens, but can apply directly for a right of residence under the Withdrawal Agreement by 31 December 2020.

If a U.K. citizen is also a citizen of another EU or European Economic Community (EEC) country, a new application for an EU citizen to register the citizenship of the other country or apply for a right of residence under the Withdrawal Agreement is not needed. However, in such cases the individual must make sure that the Digital and Population Data Services Agency has registered the other citizenship correctly. After this, a general notification to the Finnish Immigration Service must be made<sup>8</sup>.

## Future Impacts on U.K. Citizens Moving or Travelling to Finland

The entry of U.K. citizens to Finland after 31 December 2020, will be restricted. As of 1 January 2021, U.K. citizens will be treated the same as any other non-EU citizens at the time of the entry, and the EU directive on free movement as well as the right of residence under the Withdrawal Agreement will no longer apply to them. In such cases, the U.K. citizen must apply for a residence permit. However, those family members of a British citizen whose family ties to the British citizen have been established before the end of the transitional period, have the right to move to Finland later and still be covered by the Withdrawal Agreement.<sup>9</sup>

According to current information, U.K. citizens will not be required to have a visa for stays in the EU, including Finland, of up to 90 days over any 180-day period as of 1 January 2021. Before travelling to the EU, passengers are advised to check the validity of their travel documents and make sure that they meet the conditions for entry. Failure to comply with one of the conditions of entry may result in a refusal of entry into the EU<sup>10</sup>.

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## KPMG NOTE

The residence status provided for in the Withdrawal Agreement justifies the continuation of one's residence in Finland. It also allows for a stay of up to 90 days by an individual during any 180-day period elsewhere in the Schengen Area. If a U.K. citizen moves from Finland to another EU member state, he or she must apply for a right of residence (usually a residence permit) based on his or her status as a third-country national.

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## FOOTNOTES:

- 1 For Law (666/2020) approved by the Finnish government (in Finnish), [click here](#) .
- 2 For more information about the government's bill on the right of residence under the Withdrawal Agreement (in English), [click here](#) .
- 3 For related coverage of Brexit and the Withdrawal Agreement and immigration matters for U.K. nationals, see our other Brexit reports in GMS *Flash Alert* by clicking [here](#).
- For more on the EU-U.K. Withdrawal Agreement, click [here](#).
- 4 For more information about the details of a right of residence under the Withdrawal Agreement (in English), [click here](#) .
- 5 For more information on a right of residence under the Withdrawal Agreement on the *Maahanmuuttovirasto Migrationsverket* (the Finnish Immigration Service) website (in English), [click here](#) .
- 6 Ibid. Also, for more information about the consequences of Brexit in Finland, [click here](#) .
- 7 See "[If you are a UK citizen, you must apply for the permanent right of residence referred to in the Brexit agreement even if you have a permanent right of residence for an EU citizen](#)," on the *Maahanmuuttovirasto Migrationsverket* (the Finnish Immigration Service) website.
- 8 For more information on a right of residence under the Withdrawal Agreement on the *Maahanmuuttovirasto Migrationsverket* (Finnish Immigration Service) website (in English), [click here](#) .
- 9 For more information about the consequences of Brexit in Finland, [click here](#) .
- 10 Ibid.

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## Contact us

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\* Please note that KPMG LLP (U.S.) does not offer immigration services or labour law services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.

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