

GMS Flash Alert

Immigration

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Finland – Stricter Rules Regarding Obtainment of a Finnish Residence Permit

Starting 1 September 2024, the modified “Finnish Aliens Act”¹ has introduced stricter rules for obtaining a Finnish residence permit. The changes aim to prevent abuse, foster stricter identity verification, and consider dishonest conduct when issuing permits. The rules apply also to applications submitted before 1 September that are still pending.

WHY THIS MATTERS

The Finnish authorities have implemented new regulations and heightened scrutiny for residence permit applications, requiring foreign nationals to exercise greater vigilance and precision when applying. It is crucial that applicants carefully follow the applicable rules, as their history and conduct in Finland will carry significant weight in the decision process. Additionally, it is important to comply with regulations concerning applications made from outside Finland to avoid rejection. Foreign nationals and their representatives may need to revise their policies and procedures to align with these new rules, ensuring compliance and reducing the risk of application denial.

Key Changes Explained

Starting 1 September 2024, the Finnish Immigration Service (*Maahanmuuttovirasto*) can issue a negative residence permit decision if:

1. **A first residence permit has been submitted from within Finland:** An application for a first residence permit must usually be submitted outside Finland. Once the legislative amendments have entered into force, stricter scrutiny will be applied for those first residence permit applications that have been submitted in Finland. A negative residence permit decision can be received if a first residence permit is applied for in Finland.²

- **Exceptions:** Persons can apply within Finland if they are a family member of a Finnish citizen, a child born in Finland, or if they are applying for studies or research (or as a family member of a student or researcher).

Each application is reviewed individually, considering all relevant factors and circumstances. The decision will evaluate whether rejecting the application is unreasonable and if there are any legal, migration management, or internal security concerns that could prevent issuing of the permit.

2. **A residence permit is applied for without the applicant having a passport issued by their country of nationality:** A valid passport from the country of nationality is mandatory.³ If applicants only have a refugee travel document or an alien's passport, they won't be eligible for a residence permit.
 - **Exceptions:** Some exceptions to the passport requirement exist for specific cases, such as children born in Finland, victims of human trafficking, those needing humanitarian protection, or individuals who have previously received protection without a passport.
3. **An appropriate code of conduct is not followed:** Applicants' own actions will be considered when examining their applications. Examples of a person's own actions include the following:
 - They have given the authorities false information about their identity or nationality or the true purpose of his/her stay in Finland, for example.
 - They have presented forged documents.
 - They have resided in Finland illegally.
 - They have knowingly worked in Finland illegally, that is without having the right to work.
 - They have submitted a manifestly unfounded application so that they would not have to leave the country.
 - They have tried to mislead the authorities in some other way.
4. **An extension is applied for after the previous permit has expired:** An extension application may get a negative decision if the extension permit application is not submitted before the expiry of the current residence permit.

Starting 1 September 2024, changes to the Aliens Act will affect asylum seekers in Finland:

1. **Restrictions on residence permits:** Asylum seekers cannot obtain a residence permit based on studies, employment, or pursuing a trade if they have a pending or negative asylum decision.⁴ This applies regardless of when the asylum application was submitted. Applications for first residence permits on these grounds will be deemed inadmissible if submitted within Finland. Applicants must apply from their home country or country of permanent residence.
2. **Asylum seekers work rights:** Asylum seekers' right to work will end if they receive a negative asylum decision starting 1 September 2024, but they can continue to work during the appeal period and until the administrative court's decision is served. If the court returns the case to the Immigration Service, the right to work may continue, depending on the specifics of the case.
3. **Voluntary return:** A permit may be denied if a return to Finland occurs within five years of receiving voluntary return assistance.
4. **A new border procedure⁵** related to asylum applications has entered into force.

KPMG INSIGHTS

Navigating the process of obtaining a residence permit can be complex and challenging.

It's more important than ever for individuals to apply for their first residence permit from outside Finland whenever possible. Following these new guidelines may reduce the risk of rejection and may foster the smooth processing of the application in accordance with standard procedures, which may enhance the chances of a successful outcome.

The KPMG International member firm in Finland will continue to monitor the legislative changes and will endeavour to inform readers of *GMS Flash Alert* of any important developments.

For additional guidance and assistance, it is advisable to reach out to your usual global-mobility professional or immigration counsel or a member of the global-mobility team with KPMG in Finland (see the Contacts section).

FOOTNOTES:

1 See (in Finnish) Changes in the Alien's Act: [Laki ulkomaalaislain muuttamisesta 472/2024 - Sädökset alkuperäisinä - FINLEX®](#)

2 (In English) The Finnish Immigration Service / Maahanmuuttovirasto [Information about stricter requirements for issuing residence permits | Maahanmuuttovirasto \(migri.fi\)](#) (also available in Swedish and Finnish at this link).

3 (In English) The Finnish Immigration Service / Maahanmuuttovirasto [Stricter identification requirements for residence permit applicants | Maahanmuuttovirasto \(migri.fi\)](#) (also available in Swedish and Finnish at this link).

4 (In English) The Finnish Immigration Service / Maahanmuuttovirasto [Changes in legislation affecting asylum seekers as of 1 September 2024 | Maahanmuuttovirasto \(migri.fi\)](#) (also available in Swedish and Finnish at this link).

5 (In English) The Finnish Immigration Service / Maahanmuuttovirasto [Finnish Immigration Service may apply border procedure to asylum applications as of 1 September 2024 | Maahanmuuttovirasto \(migri.fi\)](#) (also available in Swedish and Finnish at this link).

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Contact us

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