

COUNTRY REPORT

Aspiring re-migrants' behaviour in mobility policies: the case of Finland

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AspirE – Asian prospects in (re)migration to/within the EU – is a three-year research project (2023-2025) that examines the decision making of aspiring (re)migrants from selected Southeast and East Asian countries (China, Japan, Philippines, Thailand and Vietnam) to and within selected EU member countries (Belgium, the Czech Republic, Finland, Germany, Italy and Portugal).

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Executive summary

This is the Finland country report within the framework of the AspirE project's Work Package 2. In the first part, the introduction, the report analyses the evolution and composition of recent immigration to Finland, with particular attention to contemporary Asian immigration flows. The second part analyses the evolution of Finland's migration regime with an emphasis on the period initiated by the creation of the first Aliens Act in the early 1980s. The third part analyses five of the six policies of interest to the AspirE project – labour migration, family reunification, tourism, student migration, and Schengen policies – the limited scope having been determined by what is applicable to Finland. Overall, it is shown that the primary perspective adopted in policies is that of the state rather than that of (aspiring) migrants and, further, that re-migration is not a key interest.

Keywords

Finland; residence permits; labour migration; family reunification; student migration; Schengen visa

Abbreviations and acronyms

EEA – European Economic Area

EU – European Union

ELY Centre – Centre for Economic Development, Transport and the Environment

Kela – Social Insurance Institution of Finland

Migri – Finnish Immigration Service

TCN – Third-country national

TE Office – Employment and Economic Development Office

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Introduction

In this report, we explore how mobility policies identified as central in the AspirE project are applied in the context of Finland. Further, the aim of the report is to answer the question, “How does the migration or mobility regime in Finland consider aspiring re-migrants’ behaviour in its policies?”. We explore this through the AspirE framework that highlights six distinct mobility policies, regarding labour migration, family reunification, investment-based residence permits, tourism, and study-related mobility. However, since Finland does not recognise investment-based residence permits or visas, our examination is limited to the other five categories. Through an examination of the socio-political aspects and legal norms (see Fresnoza-Flot 2023), we look into state-level decision-making related to (im)mobility, with its connections to the European Union and international levels. Before going further, we present some key figures about contemporary international migration in general to Finland, and more specifically related to migration from the AspirE countries of Hong Kong, Japan, Philippines, Thailand, and Vietnam. Longitudinal developments related to migration to Finland are discussed in the following section.

In 2023, 9% (ca. 480,000) of Finland’s 5.6 million population was born abroad, and the largest groups in this foreign-born population are people born in the former Soviet Union, Estonia, and Sweden. The next largest groups are people born in Iraq, Somalia, and China (with over 13,000 in each group; people from Hong Kong are included in the category of China). Regarding countries within the scope of AspirE, a significant group of Finnish residents in 2022 were born in Philippines, Thailand, and Vietnam. While over 80% of the 10,445 Thai-origin residents and almost 70% of Filipino-origin residents were women, the gender distribution among the 11,012 Vietnamese-origin and the 13,328 Chinese-origin residents was roughly fifty-fifty (regarding gender, Statistics Finland recognises two categories, man and woman). Of the 1,357 Japanese-origin individuals living in Finland, 66% were women (Statistics Finland, 2023).

In 2022, the Finnish Immigration Service (Migri), the authority responsible for residence permits, received 47,447 applications for first residence permits. Of these applications, 42% were for labour, 37% for family reunification, 19% for studies, and 2% for other reasons (e.g. residence permits for au pairs). When observing migration from third countries in general in 2022, it can be seen that Russian citizens are a dominant group. Most applications for family reunification in that year were submitted from Russia (36%), India (18%), and Iraq (9%), while student residence permits were most applied for by Russians (22%), Chinese (15%), and Bangladeshis (15%). Some of the AspirE countries are highlighted in labour-related migration statistics: residence permits for an employed person were applied for most from Philippines (27%), Uzbekistan (16%), and Russia (15%). In seasonal work, the biggest applicant groups are from Ukraine (49%), Thailand (14%), and Vietnam (10%). Most applications for permits for specialists are submitted in Russia (41%), India (35%), and Turkey (6%) (Migri Statistics, 2023).

Regarding Schengen tourist visas, of the 164,427 visas applied for at Finnish consulates in 2022, 69% (112,737 applications) were applied for in the Russian Federation and the second largest number of applications, 9,358, were submitted to the consulate in Bangkok, Thailand. The numbers for such applications in other AspirE countries were: Manila, Philippines 1,587; Hanoi, Vietnam 869; Hong Kong, S.A.R. Hong Kong 480; Tokyo, Japan 150 (Schengen Visa Statistics 2023).

Finally, we will briefly address the characteristics of migration flows from each of the Asian AspirE countries to Finland (see also Table 6 in the Annexes). Regarding migration from Philippines, citizens of Philippines make up the third largest applicant group of all first residence permit applicants, after Russian and Indian citizens. In 2022, they submitted 3,483 applications. Filipino citizens were also the biggest group applying for residence permits that require a partial decision from the TE Office (Employment and Economic Development Office). In practice, this means residence permits for work in professions where the pay is below the national gross wage in Finland. The 2,270 applications submitted by Filipino citizens made up 18% of all applications in this labour-based residence permit category. The prevalence of Filipinos among labour migrants in Finland can be at least partly explained by the fact that, since 2007, private companies have been recruiting professional nurses from outside Finland (Vaittinen 2017).

Regarding Thailand to Finland migration, there is no previous research literature that addresses it specifically. There has been a similar marriage migration phenomenon from Thailand as in Finland's neighbour, Sweden (see Webster & Haandrikman 2014), but in 2022 the most applied for residence permit by citizens of Thailand was that for an employed person (Migri Statistics 2023). When it comes to mobility from Thailand, Finland has also created a rather exceptional migration corridor by utilising the Schengen visa as an instrument: annually, between 2,000 and 4,000 Thai nationals are invited by Finnish berry-purchasing companies to pick wild berries for the industry's use. Because wild-berry picking is not regarded as employment, the pickers' status is to a large extent unregulated. Furthermore, the exploitation of migrant pickers has recently been addressed in the public debate and, currently, in autumn 2023, the police are conducting a further investigation into human trafficking related to the berry industry. We discuss this also in the section on tourism policy (see also Seikkula *forthcoming*).

Regarding Vietnamese citizens, who, as discussed in the next section, were among the first recognised refugee groups to arrive in Finland, there has been a Vietnamese community in Finland since the 1980s. In 2022, Vietnamese citizens made a total of 1,461 residence permit applications to Finland, of which the largest proportion was for student permits (529 applications). However, one particular form of labour migration has been discussed recently in relation to Vietnamese migrants in Finland. In the Ostrobothnia region, which was previously profiled as a producer of greenhouse agricultural products, the number of Vietnamese migrants grew fivefold between 2012 and 2021, and over 700 persons whose mother tongue is Vietnamese are living in the sparsely populated region of Närpiö, which has just 13,000 inhabitants (Raunio et al. 2023). Vietnamese people have been recruited for agricultural work in greenhouses. In 2022, the police announced that they would investigate large-scale labour exploitation and human trafficking regarding Vietnamese greenhouse workers (*ibid.*).

Finally, with regards to Japan and Hong Kong the numbers are smaller compared with other AspirE countries. In 2022, Japanese citizens made a total of 489 first residence permit applications, and the most popular category was the student permit, with 248 applications. With regards to Hong Kong, there are generally no separate statistics (see above).

The report is structured as follows. In the next section, we address the (im)mobility regime in Finland as well as some relevant societal background to the development of migration policies in the country. After this, we describe the methodology of this report. This is followed by the actual analysis part, where we discuss labour migration, family reunification, tourism, and student mobility policies (see also the complementary tables in the Annexes). Some of the key findings are addressed in the discussion section, followed by a brief conclusion.

The (im)mobility regime in Finland

In this section, we chronologically address the key developments related to the (im)mobility regime in Finland. At the end of the section, we present the relevant general requirements that apply to all the mobility policy categories discussed in the subsequent sections.

The history of migration control in Finland is connected both to the country's transformation from a poor, agrarian society in the 1950s and 1960s to a Nordic welfare society in the 1980s, and to being shaped by its proximity to the Soviet Union until the latter's collapse. During the decades after the Second World War, Finns emigrated to Sweden, especially low-educated people living in rural areas, and Finland can be characterised as having been a country of emigration until the 1980s, during which decade immigration exceeded emigration because the considerable migration to neighbouring Sweden decreased and the majority of immigrants were in fact returning migrants, mainly from Sweden (Korkiasaari & Söderling, 2003, p.7).

One of the most defining features of Finnish im/mobility policies was for a long time the Common Nordic Labour Market, established in 1954. This market allows inter-Nordic freedom of movement for Nordic citizens (cf. Korkiasaari & Söderling, 2003), and it historically facilitated the movement of Finnish citizens to Sweden while the number of foreign nationals in Finland itself remained low. For instance, in 1965 the number of foreigners residing in Finland from outside of Europe, the Soviet Union, and North America was below 200 (Lepola, 2000, p.42). In a historical inspection of the presence of foreign nationals in Finland, Leitzinger (2008, pp.290–293) mentions a handful of Asian nationals, who were naturalised during the early and mid-20th century. For instance, in 1917 the residence permits register names three Chinese citizens living in Finland but, according to Leitzinger, by 1970 there were none. He also mentions the first Thai citizen to be naturalised in Finland, in 1972; and two Filipino citizens who were naturalised in 1959 and 1968. This illustrates the very moderate scale of Asia to Finland migrations at that time. During the 1970s, the Finnish government decided to receive two groups of refugees, first 182 political refugees from Chile in 1973 and, second, a group from Vietnam in 1979 (Välimäki, 2019; Kosonen, 2008, p.5). The Vietnamese refugees, who were accepted from midway camps in Southeast Asia after they had fled their native country in the aftermath of the Vietnam War, came through the UNHCR's Orderly Departure Programme, and were also the first group to settle in Finland under the so-called refugee quota system (Valtonen, 2019). The first few hundred Vietnamese refugees came in several waves between 1979 and 1986 (Kosonen, 2008, p.5). Since 1986, Finland has regularly accepted a fixed number of refugees of different nationalities in line with an annual quota, usually of between 500 and 1,000 (Korkiasaari & Söderling, 2003, p.8). However, the period from the 1950s to the 1980s was also characterised by the absence of any declared governmental plans for immigration or immigration policy (Välimäki, 2019). The first Government Programme to mention migration as a theme date from 1987 – it briefly addresses refugee reception (*ibid.*, p.72).

The first Aliens Act (400/1983) was enacted in the early 1980s. Prior to this, immobility was regulated by a decree dating from 1958 (i.e., there was no law-level regulation) (Välimäki, 2019). Before this first Aliens Act, which came into effect in 1984, the perspective of the legal protection of foreigners was almost completely disregarded, and matters related to foreigners were primarily seen as matters of public order, to be regulated by the police (Lepola, 2000, p.43). However, the first Aliens Act has also been regarded as weak regarding the legal position and legal protection of foreigners (Välimäki, 2019), and both the law and immigration governance more broadly were subjected to public criticism by several societal actors at the end of the 1980s. As the legal culture and the legislative environment developed towards the end of the 1980s (Finland joined the

Council of Europe in 1989 and the European Convention on Human Rights in 1990), the need to renew the law became apparent (Lepola, 2000, pp.46–47).

At the start of the 1990s, the demographic situation in Finland changed considerably. Or, as Kosonen (2008, p.5) describes it, “[t]he miniscule foreign-born population in Finland began to change radically and grow rapidly in the 1990s with the global recruiting by Finnish IT-companies, the coming of new refugee groups, including Somalians, ex-Yugoslavians and Iraqis and the large numbers of Finnish-ethnic repatriates coming from the former Soviet Union”. The Aliens Act had already been renewed in 1991 (378/1991), and this first comprehensive reform emphasised a European perspective as well as harmonisation with Nordic practices. Finland joined the European Union in 1994 and consequently joined the Schengen free-travel area, together with other Nordic countries, in 2001. This resulted in other migration-related questions at the EU level becoming important issues nationally, for instance external border control, collaboration between authorities, and joint asylum procedures. In addition, Finland implemented the Dublin Convention in 1998. (Tuominen & Välimäki, 2021.) In mid 1990s, Ministry of Interior drafted the first immigration policy programme, and the responsible working group argued for the need for their work by stating Finland lacked any prior officially defined migration policy (Välimäki, 2019, p.73).

During the first decade of the 20th century, migration became a politicised theme in the public debate. Political parties and governments started to present numerous policy proposals concerning migration (Välimäki 2019, p.74). Also, a second comprehensive reform of the Aliens Act took place in the early 2000s, and the updated law came in effect in 2004 (301/2004). One central aspect of this legal reform and the consequent amendments to the Act has been to anchor the national legislation to the European standards (Välimäki, 2019, p.91). Further, the government bill cited both the increased number of foreigners in Finland and the 1995 amendment of basic rights as reasons for the need to clarify the legal protection of foreign nationals in the Aliens Act (Alitalo, Pirjatanniemi & Rytönen, 2023, p.11). In other words, the current Aliens Act (301/2004) was also written so as to meet the requirements of the constitution (ibid.).

The current migration governance infrastructure finds its grounding in the Constitution of Finland (731/1997, 9 §4), which states: “The right of foreigners to enter Finland and to remain in the country is regulated by an Act” (the same section states further the principle of non-refoulement). As Ojanen and Scheinin (2011) indicate, the point of departure in the constitution is the common principle in international law, according to which a foreigner does not generally have the right to settle in another country. However, they continue that, as also stated in international human rights treaties, a foreigner needs to be guaranteed procedural protection while their right to enter and remain in a country is decided on. This is regulated in more detail by the Aliens Act (301/2004). Also, state sovereignty and the right to decide on a foreigner’s right to enter the country is mentioned in the legislative history of every version of the Finnish Aliens Act, as well as in legislation that preceded these (Leppälä, 2021). The Aliens Act states that third-country nationals (TCNs, differentiated from European Union citizens and similar persons) can enter the country on the basis of either a permit that allows a stay for a short period (*visa*) or a *residence permit* that allows repeated entering and staying in the country for a purpose other than tourism or a similar short-term stay. Visa applications are processed and visas issued by consulates (steered by the Ministry for Foreign Affairs), while the Finnish Immigration Service (Migri) is the competent authority regarding residence permits.

Before discussing in detail residence permits issued for distinct purposes, and also the Schengen tourist visa, we describe here some general conditions that apply to all residence permit types. There are three categories of residence permits: fixed-term permits granted as temporary residence permits (B), fixed-term permits granted as continuous residence permits (A), and permanent residence permits (P) (and, parallel to this, there is the EU permanent residency permit category, EU-P) (Aliens Act, 33 § 688/2013). The status of the fixed-term permit (temporary B or continuous A) is determined directly in law; in the case of family reunification it is based on the sponsor's permit category; or the authorities' discretion (Leppälä, 2021). The majority of fixed-term permits are granted as continuous, but the law states that a residence permit for seasonal work, for instance, is always granted as a temporary, B permit (Seasonal Work Act, 907/2017, §3 & §11). One of the most significant consequences of the status of the fixed-term category is its impact on the right to apply for permanent residency and naturalisation – the period of residency that is taken into account is exactly that allowed by type A permits, but type B permits qualify for only half of their duration (citizenship, see Citizenship Act, 359/2003, 13 §; 15 § 579/2011) if at all (permanent residency, see Aliens Act, 56 § 380/2006). What is excluded from our discussion below is the national visa category D, which is meant exclusively for permit-holders. This recently created instrument is intended to speed up the mobility of people who have already been granted a residence permit.

With all residence permit categories, there is a set of general requirements that define the grounds for granting a permit. These requirements, listed in the Aliens Act (§ 36 668/2013) include that the applicant has a valid passport, that they have not been prescribed a prohibition of entry, that they are not regarded as a danger to public order and security, and that they are not regarded as a danger to public health. In addition, according to the same section of the Act, a residence permit is denied if there are “reasonable grounds to suspect that the alien intends to evade the provisions on entry into or residence in the country”. Evading is specified both with regard specific permit categories and on a general level. A 2022 government report (discussing the situation of failed asylum-seekers) states: “Some NGOs as well as the Non-discrimination Ombudsman regard that application of the section on evading provisions on entry has tightened during the last couple of years” (The Migration Department of the Ministry of the Interior, 2022, p.26). The same report recommends that previous failed permit applications should not be regarded as an attempt to evade provisions on entry (ibid., p.30), which implies that the law can be interpreted in this way.

According to the Aliens Act (60 § 121/2018), a first residence permit shall be applied for in the country where the alien resides legally before entering Finland, from a Finnish consulate or similar, and the TCN is expected to wait for the permit to be issued before entering the country. However, the law also provides some exemptions, for instance, because of ancestors having lived in Finland or for humanitarian reasons (victims of human trafficking and TCNs who have worked in Finland illegally, for instance, as a minor or for a justified reason on account of a criminal investigation or court proceedings). From the perspective of human behaviour, what is important is that extended permits can be applied for on a different ground to that cited for the first permit (for instance, someone who has had a work permit might apply for an extension because of family ties). Furthermore, a permit may be withdrawn if the grounds on which it was issued no longer exist. The same applies if the permit-holder moves out of the country permanently or continuously resides outside Finland for over two years for permanent purposes.

In 2021, Sanna Marin's government appointed a group to conduct a preliminary evaluation for another comprehensive reform of the Aliens Act. The need for the reform was justified, among

other reasons, on the basis of the very broad spectrum that the law covers, pointing out that since its enactment the Act has been altered circa 90 times, including the implementation of over 20 EU directives. Consequently, the law's structure has been compromised, and it has become challenging to grasp and interpret; thus, the goal of the reform work was stated as being clarity by way of one single law that would cover all immigration-related issues (Ministry of the Interior, 2023). Finland's current government, led by Petteri Orpo, came into office on 20th June 2023. The government's political action plan, known as the Government Programme, includes several suggested amendments to the Aliens Act to be made prior to the comprehensive reform. The suggested changes have been regarded as tightening the current regulation, and the media has featured several stories stating that immigrants in Finland are worried about this.

Methodology

This report has been compiled following AspirE's common blueprint for policy content analysis. The framework described in the blueprint distinguishes the following mobility policies: labour, family reunification, student, investment-based migration, tourism, and mobility policies connected to the Schengen area, all with their different dimensions (guarantees required and benefits that the residence permit/visa grants). Furthermore, the analysis guide (see Annex 2) encourages the examination of distinct actors, intersectional characteristics, and temporality, regarding each mobility policy. The analysis and results we present here are grounded on this framework. Additionally, a set of questions provided by the research project has guided our interpretation of the policies. These questions are:

- 1) Why does the State require a set of conditions for the entry or stay of a third-country national (TCN) in its territory?
- 2) Why does the State provide a specific set of rights/privileges when entry/stay conditions are met?
- 3) Why does the State penalise specific actor(s) when one or more conditions are not met?
- 4) Why does the State provide exemptions? Or why does it give no exemptions?
- 5) Why does the State connect its two or more mobility policies to each other?
- 6) Why does the State focus on one or more actors in its mobility policies?
- 7) Why does the State privilege or prioritise actors with a specific set of characteristics?
- 8) Why does the State favour a specific temporality over the others? Why does it limit to a specific duration a TCN's stay in its territory?
- 9) What does the State consider as "acceptable" or "unacceptable" human behaviour in the context of a specific mobility policy?
- 10) To what extent does the State consider or not human behaviour in its mobility policies?

Our analysis of the five mobility policies (given that Finland has no investment-based residence permit) is primarily based on legal documents. This means that the results should be understood as a description of law-on-the-books, which defines the scope of our discussion. As Könönen (2018, p.144) states, in "the field of immigration, the gap between law-on-the-books and law-in-action is more significant than in the other spheres of legislation" and, therefore, the discussion in this report that draws solely on legal references should not be regarded as an accurate description of how the practices of migration governance are applied in the everyday. When possible, we also refer to previous research and other relevant resources that enlighten the perspective of law-in-action. However, migration research linked to Finland has placed great emphasis on forced migrations and humanitarian permit categories, which are beyond the scope of the AspirE framework.

Human behaviour in Finland’s mobility policies: key results

In this section, we will discuss human behaviour in Finland’s migration policies through five migration policy categories: labour, family reunification, tourism, Schengen and student mobility policy. For each policy we will explain the guarantees, conditions of entry, benefits and penalties related to the particular residence permit, and how the policies are connected to each other. In addition, we will analyse the kinds of human behaviour that are seen as acceptable and unacceptable in the context of (re)migration.

Labour migration policy

Finnish legislation recognises distinct categories of entry and stay for the purpose of work, depending on the type of employment. For instance, there are specific categories for entrepreneurs, start-up entrepreneurs, people working in the fields of culture and the arts, seasonal workers, employees of a religious community, and athletes to name but a few. Furthermore, the permit categories differentiate between “specialists” and persons employed in low-pay sectors. Permits are issued mainly for a given field of employment rather than for a specific employer (however, the residence permit for a seasonal worker, for instance, is employer-specific). The system is demand-based (the applicant is required to have secured employment in Finland); in other words, there are no quotas (cf. AspirE country report for Italy). Since there are multiple types of labour residence permit, we do not have the scope here to cover them all. Our analysis will therefore focus on **residence permits for employed persons, specialists, and seasonal workers**.

Before going any further, however, we want to point out the politicised nature of labour migration in Finland. On the one hand, there is a common understanding of the challenges brought about by the aging and shrinking population, and labour migration is often referred to as a solution to this demographic issue. Also, the current Government Programme states that increasing labour migration is an important goal, and the current immigration policies include a list of the four most important countries from which Finland actively seeks to recruit foreign labour – the countries, as specified by the Ministry of Economic Affairs and Employment, are India, Vietnam, Turkey, and Brazil. On the other hand, the Government Programme suggests tightening certain labour migration policies. The suggestions concern, for instance, the removal of status in case of unemployment and the raising of the minimum income limit for a residence permit for an employed person from €1,331 to €1,600 per month (if a higher sector-specific salary due to a collective agreement does not apply) (Government of Finland, 2023, pp.226–227).

Guarantees

The starting point for every residence permit category in Finland’s labour migration policy is that a TCN should already have employment in Finland when they apply. In practice, this means a valid employment contract or a binding job offer. However, the conditions for applying for a residence permit for an employed person, for a specialist and for seasonal work differ to some extent, and which actors are involved depends on the process in question. The general starting point is that, besides the applicant, the employer is also investigated. While Migri is the competent authority issuing the residence permits, the investigation of the employer is tasked to a different authority. In those cases where the practice of labour-market testing is applied, the

officials involved are based in the ELY Centre (Centre for Economic Development, Transport and the Environment), which is responsible for regional work permit policies, and the TE Office (Employment and Economic Development Office), which implements the labour-market testing.

A residence permit for an employed person requires that certain guarantees concerning the employee's salary and terms of employment are fulfilled. Furthermore, the employer is required to meet a set of standards. Labour-market testing should support the employment of the labour force from beyond the EU/EEA region and therefore the decision is made in two stages. The first part of the decision also defines the duration the residence permit is granted for, and whether the employment is considered fixed-term or temporary (Aliens Act, § 72a 216/2023). Because a TCN must have sufficient income in Finland during the entire time for which the residence permit is valid (Aliens Act, § 71 216/2023), there is a requirement for the income details to be provided by the employer. The salary should meet at least the minimum specified in the relevant collective agreement or, if such an agreement does not apply, €1,331 per month, in 2023.

The employer has certain duties during both the application process and the period of employment. They should add the terms of employment to the residence permit application and ensure that these comply with the provisions of law in force and with any applicable collective agreement. The employer should also verify that the TCN has the professional skills and qualifications required for the job. There are also some requirements regarding employers themselves: for instance, employers should ensure that they can fulfil their obligation as such (Aliens Act 216/2023, §71 & §71b). In other words, employers are assessed regarding their viability, their ability to pay salaries, and whether they are following labour regulations. For instance, if an employer is in tax arrears this is an impediment for the granting of a permit. To confirm an employer's financial standing, Migri can request information from the Tax Office or, if the employer is recently established, they may need to provide other evidence to Migri during the application process, such as a business plan (Migri, 2023a, p.23).

The residence permit for an employed person will be granted for a certain field (or fields) of work. This means that the TCN cannot start working in another professional field without applying for a new residence permit.

A further requirement for the residence permit for an employed person is labour-market testing, a mechanism that aims to ensure that workers outside the EU/EEA region are allowed to work only after employers have searched for national workers and workers within the EU/EEA region (European Commission n.d.). As mentioned, labour-market testing involves multiple actors in the residence permit process. A regional work permit policy defines whether the field of work is exempted from labour-market testing or not. This assessment of regional need and availability of labour is carried out by regional ELY Centres, together with social partners (Aliens Act, §72b 216/2023). ELY regions define the sectors in which the availability of labour is insufficient and therefore case-by-case labour-market tests are not needed before workers are recruited from outside the EU/EEA. Certain fields of work (e.g. in the cleaning sector) are exempted from labour-market testing.

The first application for a residence permit for an employed person is processed in two stages. First, the TE Office will assess whether the terms of employment comply with the provisions of law in force and with the applicable collective agreement, whether the TCN will have sufficient means of support, whether the work will be temporary or continuous and, as mentioned, whether a labour force would be available within a reasonable timeframe in either Finland or the EU/EEA region for the work in question. If labour-market testing is required, the employer should post

the vacancy on the TE Office's job portal for at least two weeks. The TE Office considers applicants from the entire EU/EEA region. If the TE Office's partial decision is positive, it will instruct Migri as to the time period for which the permit can be granted (a residence permit for an employed person is usually granted as a type A, continuous permit) and whether the employee will be able to work in one or more fields (Aliens Act, §72a 216/2023). After the TE Office's partial decision, Migri will make the final decision on granting the residence permit. If the employer is certified³, the TCN can apply for a D visa, to enter Finland faster.

Labour-market testing is applied only to the first residence permit for an employed person; permit-holders seeking an extension are exempted. Labour-market testing is also applied for seasonal work, if the employment lasts over six months (we will discuss this later in this section), but specialists are not subject to this testing.

In order for their application to be processed, a residence permit applicant is also required to pay a processing fee. For a first application requiring a TE Office partial decision (i.e. a residence permit for an employed person), the fee in 2023 is €740 for a paper application and €490 for an electronic one.

The residence permit for specialists is for TCNs whose job in Finland requires special expertise and the salary for which is at least the average gross wage in Finland (Aliens Act, §73 216/2023). In 2023, Migri has stated that this is €3,473 per month. If the salary is less than this, the TCN should apply instead for a residence permit for an employed person (if none of the other labour-related permit categories are applicable). Also, to apply for a residence permit for specialists a TCN is required to have a higher degree or to have acquired the special expertise required in the post through work experience or other education. The employer must verify that the TCN has the expertise required (Migri, 2023a, pp.47–48). Unlike with the residence permit for an employed person, the specialist does not need to go through labour-market testing and the TE Office is not involved in the decision-making (Aliens Act, §73 216/2023). A residence permit for a specialist is granted for the duration of the employment, up to a maximum of two years.

Compared with the residence permit based on employment, the permit for a specialist has temporality-related advantages that allow the application process to be speeded up. If a specialist already has a Schengen visa, they can work in Finland for 90 days without a residence permit and apply for one while in the country (Aliens Act, §81b 216/2023). Also, a specialist has the right to apply for a residence permit via the fast-track service. This service is Migri's service promise to process the residence permit applications of specialists, and their children and spouses seeking residence based on family reunification, within two weeks (Migri, 2023a, pp.16–17).

In order for their application to be processed, a residence permit applicant is also required to pay a processing fee. For a first application for a specialist, the fee in 2023 is €480 for a paper application and €380 for an electronic one. In other words, the processing fee for the specialist's permit is considerably lower than for a permit for an employed person or for seasonal work.

³ If a company hires a large number of employees from outside Finland, it may apply for employer certification for the company (Aliens Act, §76 216/2023). Certification will shorten the time it takes to process residence permit applications, because a certified employer does not need to enter the company information separately for each employee's application and employees do not need to fill in the terms of employment in their applications. Also, if the employer is certified, an employee can apply for a national D visa.

A residence permit for seasonal work is granted for a type of work that lasts between three and nine months, and which takes place, for instance, in the fields of agriculture, garden work, forestry or tourism. According to the Seasonal Workers Act (907/2017, §5 & §6), a residence permit for seasonal work can be granted for a TCN who has a contract proving that they will be employed in Finland. For periods shorter than three months, a visa for seasonal work is applied (see the section on tourism for general requirements of the Schengen visa). The contract should also prove that the TCN will have appropriate accommodation, meaning that their living conditions should meet generally recognised health and safety requirements, with warm water for washing and a sufficient sleeping area.

A TCN who is coming to carry out seasonal work in Finland should be able to earn a living in the country through gainful employment during the time the residence permit for seasonal work is valid. The wages must meet or exceed the minimum set in accordance with the collective agreement that is applicable to the employment contract. If there is no collective agreement for the job, the gross salary must, in 2023, be at least €1,331 per month. The permit is granted for work under a specific employer, which means that the seasonal worker is allowed to work only for the employer whose name is on the permit. If a seasonal worker wants to add a new seasonal-work employer to a valid residence permit for seasonal work, a separate application is needed.

If the seasonal work will last over six months, the application will be processed in two stages, in the same ways as a residence permit application for an employed person. First, the TE Office issues a partial decision and then Migri processes the application and decides whether to grant the permit. If the employment will last between three and six months, labour-market testing is not needed (Seasonal Workers Act 2017/907, §11). The residence permit for seasonal work will be valid no earlier than the first day of the employment contract and it will be granted as a temporary permit (type B). The decision on a seasonal work application must be made within 90 days of Migri receiving the completed application. (Seasonal Workers Act 2017/907, §11.)

In order for their application to be processed, a residence permit applicant is also required to pay a processing fee. For a first application requiring the partial decision, the fee in 2023 is €740 for paper applications and €490 for electronic ones. This applies also to first applications for seasonal work if the work will last over six months. Application fees for seasonal work between three and six months (no TE Office decision required) is €480 (paper applications)/€380 (electronic applications).

Benefits

There are certain rights and social benefits for TCNs who have a residence permit to work in Finland, but to some extent these depend on the type of work and permit. The permit for an employed person allows a TCN to work and study in Finland. However, the right to work is strictly limited to the professional field or fields for which the TCN was granted the permit during the period of the first permit (Aliens Act, §72 216/2023). Also, a specialist is allowed to work and change employer within the field defined on the residence permit. A seasonal worker is allowed to work only for the employer whose name is on their permit.

People living permanently in Finland have the right to social and healthcare services organised by the municipality and to social security benefits paid by Kela (Social Insurance Institution of Finland). According to the Residence Act (1659/1995, §4), a person moving to Finland will get a home municipality if they have a valid continuous or permanent residence permit, if a family

member has a home municipality in the country, or if they have a temporary residence permit that is valid at least for one year and are planning to stay in Finland (meaning, for example, that they have a two-year employment contract or studies that imply permanent residency). Consequently, a TCN who has a home municipality and a valid residence permit has the right to social benefits. These social benefits are, for example, maternity assistance, housing benefit, and child benefit (Act on Residence-Based Social Security in Cross-Border Situations, 16/2019, §4). Also, according to the Unemployment Security Act (1290/2002, §2) a person who is working in Finland on a continuous residence permit has the right to unemployment benefits if they become unemployed.

A continuous residence permit (A) that has been granted on a basis other than for studying allows a TCN to study in a higher education institution for free (Universities Act, 1600/2015, §10). If a TCN has been granted a continuous residence permit to work in Finland, they are not required to pay any tuition fees. This benefit may encourage TCN students to try to switch their residence permit category from one that is student-based to an employment-based one. This scenario is discussed further in the section concerning student mobility policy.

The benefits we have discussed in this section apply to TCNs who have a permit for an employed person or specialist. In other words, seasonal workers from outside the EU/EEA do not have the right to family reunification, nor do they have rights granted through the principle of home municipality. However, they may apply for the right to access public healthcare in Finland. A TCN who has a temporary residence permit (B) for work is not eligible for unemployment benefits (Unemployment Security Act, 636/2004, §2).

Penalty & forgiveness

It is stated in the Aliens Act (§ 58 668/2013) that a fixed-term residence permit can be revoked if the conditions on the basis of which the permit was granted no longer exist. When it comes to residence permits for work, employment is considered such a condition, and if the employment ends the conditions for the permit vanish as well. However, if a valid permit is tied to a certain field of work, a TCN can try to find a new job. Migri has an established practice such that in this situation a TCN is granted a reasonable time to find employment, “reasonable time” meaning approximately three months (Migri, 2023a, p.107). However, if unemployment happens when the permit’s validity is under six months, or if the TCN has temporarily been laid off from their job, Migri has recently announced that a residence permit will not be revoked.

As mentioned, residence permits for employed persons and for specialists are tightly tied to a job in a specific field. In practice this means that if the TCN becomes unemployed, they must get a new job in the field for which the residence permit was granted. A TCN can also get a new job in another field of work, but in such a case they need to apply for a new residence permit compliant with the field of work. The application process will be same as when applying for the first residence permit: for an employed person it will be in two stages, with the TE Office doing the labour-market testing (Aliens Act, §72a 216/2023), and it is not guaranteed that the TCN will obtain a new permit. If the TCN cannot find a new job, they must leave Finland.

If it is possible for a TCN to remain in post after a residence permit for an employed person expires, the requirements for an extended permit are a little easier to meet compared with those for the first permit. Labour-market testing is not applied if the extended permit is for the same

field of work as the first one, or if the TCN has been working on a residence permit for an employed person for at least nine months (Aliens Act, §72 216/2023).

There is a forgiving clause in the case of exploitation, and this applies to all TCNs working in Finland on a residence permit, regardless of type. If an employer has exploited a TCN and neglected their obligations, the TCN can apply for an extended permit, giving them the chance to stop working for that employer without fear of losing their residence permit (Migri, 2023a, p.68) In this case, an extended permit will be granted for the purpose of looking for a new job or starting a business, and the field of employment is not limited. The extended permit is valid for one year from the expiry date of the previous permit and does not require the TCN to have a secure income (Aliens Act, §54b 121/2018).

Referrals

When a TCN is working in Finland on a residence permit for an employed person or a specialist their family members can apply for a residence permit based on family ties. In this migration policy the TCN working in Finland is seen as a “sponsor”, and the conditions of the sponsor’s permit determine the conditions of the permit based on family reunification.

Family reunification policy

Family members of a foreigner who has a residence permit in Finland, or family members of Finnish citizens, can apply for a residence permit based on family reunification. The policy identifies *a sponsor*, the family member already residing in Finland because of citizenship or a residence permit. Migri is the authority that decides whether to grant the permit. The duration of the residence permit is tied to that of the sponsor: family members will be granted a permit for the same time period and of the same type as the sponsor’s (Migri, 2021, p. 7). Family members of Finnish citizens and permanent permit-holders will be granted a continuous residence permit (Migri, 2021, p.4 & p.7; Aliens Act, §47§ 720/2018).

The current Government Programme suggests a couple of changes to family reunification policy, firstly that the possibilities of restricting the definition of family that is used in this context are explored, so that in all situations a permit would cover only the spouse and children. Introducing an age limit of 21 years for a sponsor in connection with spousal family reunification is also being suggested. Furthermore, it is proposed that the income requirements applied in family reunification policy are reviewed, with the aim of seeking to increase them (Government of Finland, 2023, pp.223–224.)

Guarantees for family reunification

A TCN applying for a residence permit based on family ties must be leading a family life with a sponsor, the family member already living in Finland (Aliens Act 301/2004, §37). In the Aliens Act (301/2004, §37) a family member is defined as a spouse, a registered partner, a cohabiting partner, a guardian of a child under 18 years of age, or an unmarried child who is a minor. Cohabiting partners are persons who have been living together for at least two years. If a couple have a child together, the two years of cohabiting time is not required. A dating partner is not considered to be a family member (ibid.).

The guarantees depend on the nationality/status of the sponsor. If the sponsor is a Finnish citizen or is granted international protection, the law also recognises a category of “other relative”, which means a family member other than a spouse or a child. To qualify for this category, the applicant must be dependent specifically on the sponsor and not, for example, on healthcare or elderly care in Finland (see also Pellander, 2015). The dependency requirement does not work the other way: the fact that the sponsor is dependent on the applicant is not a suitable reason for granting a permit to the other family member. Aging is often used as a grounds for applications, but aging alone is not a reason for an elderly person to be reasonably unable to continue to live alone in their home country (Migri, 2021, p. 38.).

A TCN who is applying for a residence permit based on family ties must have sufficient financial resources in Finland, for example from employment or entrepreneurship (Aliens Act 301/2004, §39). Also, some social benefits reduce the required income, such as child benefit and housing benefit. However, as stated, if the sponsor is a Finnish citizen (Aliens Act, § 50 360/2007) or has received international protection and meets a certain criterion (Aliens Act 301/2004, §114) the income requirement is not applied at all. Sources for the income requirement can also include revenue from the family member, the sponsor, living in Finland. Currently Migri defines the income requirement as being €1,000 for one adult, €700 for another adult living in the same household, €500 for a family member under the age of 18, and €400 for a second such family member. This means that for a family of two adults and two children the income requirement for a family reunification residence permit is €2,600 per month. Further, the law recognises that the income requirement can be forgiven in a single, exceptional case if there are exceptionally strong reasons for doing so, or if a child’s wellbeing requires it (Aliens Act, 301/2004, §39).

The first residence permit application should be submitted abroad, to a Finnish embassy or an other Schengen state’s embassy (Aliens Act, §60 121/2018). In theory, the law also allows for the permit to be applied for in Finland, if “the alien has already, before entering Finland, lived together for at least two years with his or her spouse who lives in Finland, or has lived together on a permanent basis for at least two years in the same household in a marriage-like relationship with a person who lives in Finland” (Aliens Act 301/2004, §49). However, this is not the standard procedure. A residence permit applicant is also required to pay a processing fee. For a first application for family reunification, the fee in 2023 is €520 for paper applications and €470 for electronic ones. In addition, submitting the application to a Finnish consulate might require travel to and visa fees for another country, if there is no consulate representation in the applicant’s country of origin. Prior to 2012 it was possible for a sponsor residing in Finland to submit the application, but since 2012 a family member seeking a residence permit based on family ties must submit the application personally. As the nearest embassy can be in another country, Pellander (2015, p.120) notes that this has made it more difficult for TCNs with a lower socio-economic status to apply for family reunification, since travelling to another country can be expensive.

Migri assesses the family ties and may investigate them by way of an oral hearing or interview (Aliens Act, §64 216/2023), for example in cases when there is doubt as to whether a marriage is genuine or not. Further, family ties may be tested with a DNA analysis to investigate biological kinship (Aliens Act, §65 301/2004), or an age test may be used to investigate the true age of the applicant or sponsor, if there are solid reasons to doubt the reliability of the informed age (Aliens Act, §6a 549/2010).

Research (Pellander, 2016; Leinonen & Pellander, 2014) has shown that the residence permit guarantees and Migri’s assessment of family ties include multiple dimensions: gendered, racialised, social-class-related, and cultural characteristics, as well as an evaluation of care and

dependency. Firstly, the income requirement can be regarded as implying the kind of economic characteristics that are acceptable, desirable or undesirable in the context of family reunification. Pellander (2016, p.28) suggests that family migration is often considered “unwanted”, owing to the expectation that most migrants who move for family reasons will not integrate into the labour market. Thus, according to Pellander (2016, p.30) the reason for requiring a certain income from TCN family migrants and their spouses is to select spouses from a certain socio-economic background. The income requirements are also gendered: women earn less than men on average, and therefore a woman as a sponsor may find it harder to reach the required income level. Furthermore, Pellander (2016, p.84) argues that the income requirement has racialised boundaries, because it does not apply to family members of Finnish citizens.

Secondly, when a foreign spouse applies for a residence permit based on marriage, the marriage has to be proved to be authentic. Migri’s assessment of whether a marriage is “real” or not reveals its understanding of acceptable and unacceptable human behaviour and expected cultural norms regarding marriage and family life. When determining the authenticity of a marriage, attention is paid to how the spouses have lived together before and after they got married. If the spouses state that they met or have lived together in the applicant’s country of residence, they must present proof of this (for example passport stamps, airline tickets, visas or residence permit information). If spouses have not lived together at all or the marriage has been very short-term, they must present a justified reason why they have not been living together. In such cases the bureaucrats are obliged to take into consideration the fact that religion and culture can limit dating and premarital cohabitation. (Migri, 2021, p.15.)

Even though religious and cultural characteristics are taken into account when determining the authenticity of a marriage, Pellander (2016, p.99) argues that Finnish marriage norms define what kind of marriage is seen as acceptable or unacceptable. Pellander suggests that when Migri’s bureaucrats are assessing the validity of a marriage by way of an oral hearing, cultural traits and gender roles in marriage become important. If the couple’s behaviour differs from the immigration officer or police’s perceptions of “local culture”, officials may suspect that the marriage is possibly one of convenience. The gendered characteristics may be seen in how husbands and wives stress different roles: husbands are featured as providers, while wives are featured as nurturers. (Pellander, 2016, p.100.) Furthermore, a spouse’s previous migration status may affect whether the marriage is seen as authentic or not: Leinonen and Pellander (2014, p.1494) argue that migration status, such as that of an asylum-seeker, combined with gender and national origin, may arouse suspicions of immigration marriage fraud.

In some cases, family bonds and cultural and social ties to the home country are considered important characteristics. For example, Leinonen and Pellander (2014) argue that transnational couples (e.g. marriages between Finns and foreigners) in particular need to navigate immigration authorities’ expectations and norms about family life and care relations within the family. For instance, the country of residence of other family members may affect the way in which family life is assessed in permit consideration. While family ties in migrants’ countries of origin were seen as proof of their family life being centred outside Finland, this did not work the other way: having family members in Finland was not considered to strengthen migrants’ ties to the country. (Leinonen & Pellander, 2014, p.1503.)

Benefits

Family members can work and study in Finland without limitations (Aliens Act, §81 216/2023). Also, as we discussed in the section concerning labour migration policy, people living

permanently in Finland have the right to social and healthcare services organised by the municipality, and social security benefits.

Penalty & forgiveness

The residence permit for family reunification is tied to family relationships, and if the family ties no longer exist a permit granted on this basis may be withdrawn or no longer extended. However, there are a couple of clauses for forgiveness. Firstly, if the family ties are broken (for example in the case of divorce or death of the sponsor, or if a sponsor is no longer a child) but the TCN continues to have strong ties to Finland and has integrated well, the permit may, in some cases, be continued (Aliens Act, §54 121/2018). Strong ties are not specified in law, but Migri's guidelines define them as children or other family members, a job, a business, or place at an educational institution in Finland (Migri, 2021, p.68). Another clause of forgiveness is based on human rights grounds. If a TCN divorces their spouse because of the spouse's violent behaviour towards them or their child, a residence permit can be extended (Aliens Act, §54 121/2018). The TCN should present a supporting document, such as a doctor's certificate or a statement from a family counselling centre, as proof of violence or exploitation (HE 155/2014 vp, p.81; Migri, 2021, p.69).

Referrals

The guarantees of entry and the type of permit depend on the sponsor's status. Therefore, legislation determining the sponsor's status is relevant for the position of a family migrant.

Policy on tourism

If a TCN wants to visit Finland for short-term tourism, for a business conference, to visit a family member, to study or for seasonal work under 90 days they must apply for a short-stay visa. The short-stay, or Schengen, visa, is an authorisation issued by Finland for an intended stay in the country for a duration of 90 days in a 180-day period (EY 2009/810, §2). The visa policy is shared across the Schengen area and its guarantees and conditions are based on European Union Regulation No. 810/2009, which establishes a Community Code on Visas (EY 2009/810). While Finland's residence permits fall under the remit of Migri, the authority in charge of assessing applications and granting Schengen visas for Finland are the country's consulates, guided by the Ministry for Foreign Affairs. In practice, the actor that receives the visa applications is the external service provider, VFS Global.

A TCN must submit the visa application in person at the VFS Global Visa Application Centre in their country of residence. Biometric identification, such as fingerprints, will be collected at this stage, if needed (EY 2009/810, §14). The TCN pays a service fee for the Schengen visa (€80) to Finland's Ministry for Foreign Affairs and possibly an additional service fee to VFS Global for the processing of the application. After the application has been submitted the mission may invite the TCN to a personal interview to find out about the purpose of their visit.

Guarantees

The Schengen visa application includes several guarantees concerning the required documents and applicants' economic characteristics. Firstly, a TCN should have a travel document issued within the previous 10 years and with at least three months' validity after the intended date of

departure from Finland (EY 2009/810, §12). The TCN must also have sufficient financial means to cover the duration and purpose of their stay in line with the cost of living in Finland. For this purpose, the Ministry for Foreign Affairs has determined that a person applying for a Schengen visa should have a minimum of €30 for each day they will spend in Finland. The visa applicant should also have travel insurance for the period of validity of the applied-for visa, and which covers the entire Schengen area. The insurance must provide a minimum cover level of €30,000 and also cover expenses arising from sudden illness and accident (also the patient's repatriation), and repatriation expenses in case of death (EY 2009/810, §12 & §15).

Besides having sufficient financial means and insurance, a visa applicant must provide documents that indicate, for example, the purpose of their trip and their accommodation arrangements (EY 2009/810, §14). Also, a separate invitation letter may be required. The required documents are listed in the official instructions provided on finlandvisa.fi, but there is some variation depending on the visa applicant's country of origin (Table 7). For example, proof of pension is among the requirements for visa applicants from Vietnam, and applicants from Thailand may be required to provide proof of studies. The listed documents are used as proof of the TCN's financial situation, citizenship, and migration status, as well as of their ties to their country of origin and their travel plans in Finland. For example, a bank statement should show transactions for the last three months, so that the visa applicant cannot temporarily keep the required money in the account. By these means, the state of Finland aims to ensure that a TCN on a short-term visit to Finland has sufficient money for their stay and will leave the country as required in the Schengen visa conditions.

If a TCN has been granted a residence permit, they cannot be granted a Schengen visa, because one of the conditions of the Schengen visa could not be met (i.e. the stay in Finland could last longer than 90 days) (HE, 99/2022, p.7).

Benefits

Our analysis did not identify any specific benefits of the policy on tourism.

Penalty & forgiveness

A granted Schengen visa can be annulled or revoked in certain situations. A visa can be annulled if it becomes evident that the conditions for issuing it were not met at the time it was issued, or if there are serious grounds for believing that it was fraudulently obtained. If it becomes evident that the conditions for issuing a visa are no longer met, the visa can be revoked (EY 2009/810, §34). A visa shall in principle be annulled or revoked by the competent authorities of the member state that issued it. In Finland, if the holder of the visa resides in national territory, the actor/authority that annuls or revokes a Schengen visa is Migri, a local police department or a/the? border control authority (Aliens Act, §31 121/2022).

The forgiving clause in the Schengen Visa Code is related to the duration of the short-stay visa. A visa's duration can be extended in two cases, firstly, when the TCN holding the visa has force majeure or humanitarian reasons that prevent them from leaving Finland. In this situation the extension should be granted for free. Secondly, if the TCN faces a serious personal situation that justifies an extension of the visa, the extension fee is €30. In both cases the visa-holder should provide proof of cause (EY 2009/810, §33). In Finland, the actor who has jurisdiction to extend the visa is a local police department (Aliens Act, §30 121/2022).

Referrals

There is one exceptional way in which the Schengen visa is used to create a specific mobility corridor from Thailand to Finland and, relatedly, the so-called “Lex Berry” (487/2021) seems to codify the usage of the visa for this purpose. Since 2005 Finland has issued Schengen visas for citizens of Thailand invited by Finnish berry-purchasing companies to pick wild berries, defined as a common (see La Mela 2014), in current legislation. In theory, a similar visa practice applies to all TCNs but, in practice, the pickers have been predominantly Thai nationals. The Lex Berry was enacted based on the 2019 Government Programme, to regulate the earlier completely unlegislated relationship between the berry companies and pickers, a relationship that is not regarded as one of employment. Even though the law explicitly states that entry to the country is regulated through the Aliens Act, Lex Berry seems to implicitly rely on the existing practice of applying for Schengen visas for this purpose. Lex Berry defines (§2) the role of “actor in natural products branch”, who, according to the law, can be the party responsible for the visa invitation. The law also determines the authorities’ responsibility for monitoring the actors in the natural products branch in their capacity as the parties responsible for visa invitations. Until 2022, the Finnish authorities participated in the very exceptional procedure of determining the number of pickers allocated to each company during each berry season. (Seikkula, *forthcoming*.)

While the Lex Berry itself does not contain ethnicity- or nationality-specific descriptions, the government bill (HE 42/2021 vp) proposing the law explicitly justifies the legislation by referring to the position of Thai citizens picking berries:

“Most of the foreign collectors of natural products have come from Thailand since 2005, when the first Finnish company invited a group of collectors, about 70 people, to collect natural products in Finland. Other companies in the field joined in the following years, and gradually Thai collectors of natural products replaced Russian and Estonian collectors of natural products in Finland. [...] The entry of collectors of natural products is enabled through a Schengen visa.” (HE 42/2021)

During the winter of 2022/2023 the Ministry of Economic Affairs and Employment initiated a legislative process to include the berry pickers in the Seasonal Workers Act (207/2017). This can be regarded as a response to the police informing the general public about a large-scale human trafficking investigation related to the berry branch. The decree proposal was not passed for various reasons, but the debates around it stressed the politicised nature of the issue. Unlike the previous Government Programme, the current programme does not name the wild-berry branch.

Investment-based immigration policy

Finland does not observe an investment-based immigration policy.

Student mobility policy

If a TCN comes to Finland for studies that last over 90 days, they need to apply for a residence permit for studies. For studies lasting less than 90 days, a TCN can apply for a Schengen visa, which has been discussed in the section on tourism policy. Education in Finland had previously been free of cost at all levels, but in 2017 the country’s higher education institutions introduced

tuition fees for non-EU/EEA students studying bachelor's and master's degrees taught in English. Despite this, there has been a significant rise in student migration to Finland from non-EU/EEA countries in recent years (Maury, 2022, p.370; Migri, 2023b).

Finland's current government has proposed a change concerning student mobility policy: a residence permit based on studies will be cancelled if a student claims Finnish social assistance. To monitor this, Kela will be obliged to provide information on such matters to Migri upon request, as well as on its own initiative. The argument for this is to ensure that education-based immigration is controlled. (Government of Finland, 2023, p.229.) However, it is appropriate to mention that, as we will discuss in this section, in most cases TCN students are not actually entitled to social assistance in Finland.

Guarantees

To obtain a residence permit for studies in Finland, certain guarantees regarding the characteristics of the educational institution and the student's economic security must be met. Firstly, the TCN should have already been granted a place to study in an educational institution in Finland when applying for a residence permit for studies. The education must lead to either a degree or a vocational qualification. The residence permit for studies is applicable to exchange students also. The TCN is required to pay the tuition fees charged by the higher education institution. (Act on the Conditions of Entry and Residence of TCNs on the Basis of Research, Study, Internship and Volunteering, 277/2022, §7.)

It is stated in the Aliens Act (§39 668/2013) that TCNs with a residence permit in Finland should be able to support themselves financially, including paying for their accommodation, food, and other needs for the entire duration of their stay. Migri considers this to mean having at least €560 at their disposal every month, or €6,720 a year. If the applicant intends to fund their stay with savings, they should present a bank statement as proof. (Migri, 2022, p.18.) A foreign student must also personally be able to cover the costs of possible illness. Therefore, to obtain a residence permit based on studies a TCN is required to hold private insurance that will cover medical and pharmaceutical expenses, and they must not cancel the insurance during their stay in Finland (Act on the Conditions of Entry and Residence of TCNs on the Basis of Research, Study, Internship and Volunteering 277/2022, § 7).

Migri can also take other characteristics into account when considering whether to grant a residence permit based on studies. These include, for example, whether an applicant's language skills are adequate for the studies, the circumstances in the applicant's home country, and what kind of work experience the applicant has. It is the educational institution's responsibility to make sure that the applicant has the sufficient language skills. (Migri, 2022, p.21.)

The first residence permit will be granted for the entire duration of the degree, which is three years for a bachelor's degree and two years for a master's. An applicant is also required to pay a fee to have their application processed. For a first residence permit application for studies, the fee in 2023 is €450 for paper applications and €350 for electronic ones.

Benefits

A residence permit based on student mobility policy allows a TCN studying in Finland to work in paid employment in any field, but the working hours are limited to a maximum of 30 hours a

week on average (Act on the Conditions of Entry and Residence of TCNs on the Basis of Research, Study, Internship and Volunteering, §14 277/2022). If the work is included in the degree as an internship or as a paid thesis, the student is able to work without limitations (Migri, 2022, p. 36).

According to Maury (2022, p.374), working while studying is quite common among students from non-EU/EEA countries, Switzerland, and the United Kingdom. Maury (ibid.) presents an estimate that 80% of TCN students in Finland do so. Many of them need to work for economic reasons, but doing so may also open up an opportunity for them to change their residence permit status. By changing the status to that of employed person, the student-migrant would no longer need to pay tuition fees but could still study, because the right to study is not tied to any residence permit category. (Palander & Hyytiä, 2018, p.263.)

As we discussed in the sections concerning labour migration policy and family migration policy, people living permanently in Finland have the right to social and healthcare services organised by the municipality, and social security benefits paid by Kela. A TCN student will get a home municipality if their studies last longer than two years, or if there are other conditions that prove that the residence will last at least two years (Residence Act, 201/1994, §4), for example if they have a certificate of student status showing that the studies will last at least two years (Digital and Population Data Service Agency n.d.). However, TCN students are not eligible for social benefits, because they are not considered to be living in Finland permanently (Act on Residence-Based Social Security in Cross-Border Situations, 16/2019, §10).

Penalty & forgiveness

A student residence permit can be cancelled if a TCN student is working over 30 hours a week, if the studies are not progressing as expected, if the student's economic situation is not secure, if the insurance is not valid (Act on the Conditions of Entry and Residence of TCNs on the Basis of Research, Study, Internship and Volunteering, 277/2022, §12), or if the student has not paid the tuition fees. These guarantees are supervised by Migri and for this reason Migri can receive information from educational institutions concerning progress of studies and paid/unpaid tuition fees, and also from Kela, if the working hours limit is exceeded. (Migri, 2022, p.38.) Migri has announced that it is carrying out automatic post-decision monitoring to check that TCNs holding a residence permit for studies still meet the permit requirements (Migri, 2023c).

If a TCN student's working hours exceed the maximum of 30 hours a week, they need to apply for a residence permit for an employed person or for another type of work permit. However, moving from a student-permit to a work-based one is not straightforward. Firstly, the guarantees for a TCN student to apply for a residence permit for an employed person are the same as those discussed regarding labour migration policy. Therefore, even though the student already has a job, the application process will be in two stages and the vacancy may be subject to labour-market testing. Palander and Hyytiä (2018, p. 263) note that working in fields that do not require higher education is typical for students (such as in hotels and restaurants) and the TE Office's partial decision on labour-market testing concerning these fields may be negative, so it is not guaranteed that a TCN will be granted the permit for an employed person even though they already have a job. In such a situation the TCN should reduce their working hours to less than 30 a week if they want to continue their studies in Finland.

Secondly, when Migri is considering whether the guarantees of a residence permit for work have been met, an applicant's previous actions can be noted. If an applicant has not progressed in their

studies, their intention to change permits can create a reason to believe that the applicant intended to evade the provisions on entry or residence in the country, which, according to the Aliens Act (§36 668/2013) may lead to refusal of the residence permit. (Migri, 2023a, pp.65–66.)

It is stated in the Universities Act (558/2009, §41) that a student has the right to finish their university degree up to two years later than expected. A residence permit will be granted for the duration of the studies, and if they need more time the student can apply for an extended permit to complete the degree. To apply for an extended permit, the student must present documentation of the duration of the remaining studies. Migri guidelines (2022, p.35) state that when Migri is assessing whether there has been adequate progress in the studies, the characteristics of the studies should be taken into account, as well as any health-related or personal issues.

Until the law was updated in April 2022, a residence permit was granted for a year at a time, and the student had to apply annually for a new one (HE, 232/2021) (or switch to another migratory category). One of the consequences of this is discussed by law professor Elina Pirjatanniemi (2013), who has criticised practices intended to monitor the progress of foreign students' studies. Pirjatanniemi presents a case in which the authorities refused to continue a residence permit for studies because the studies had not progressed as expected, even though the right to study was still valid and the educational institution had considered the progress to be sufficient. Pirjatanniemi points out that in this case the Aliens Act took precedence over the Universities Act and the student's right to extra time to complete the degree. Maury (2021, p.15) describes how students' lives were shaped in relation to the intervals between the points at which the one-year residence permit had to be extended. A permit extension cost €350–450 at the time and included a requirement of sufficient funds (€6,720 per year), private health insurance and successful educational progress (45 ECTS per year). Maury argues that many non-EU/EEA student-migrants had to combine work and studies to obtain the required amount of money to extend their permit. (Maury, 2021, pp.15–16.)

Because of the financial imperative to work, Maury (2021, p. 96) argues that at this time student-migrants represented a flexible labour force that was capable of being employed in various fields in Finland, but also a labour force that was vulnerable to insecure work arrangements, such as zero-hours contracts. This was a class-related issue, since wealthy and financially supported students did not have the same need to work. (Maury, 2021, p.98.) Therefore, in the context of student mobility policy, acceptable human behaviour is considered progress in studies in the expected time, which for a master's degree is two years and for a bachelor's three. The state does, however, seem to take some human behaviour into account in this policy by recognising that health-related or personal issues may affect progress. For non-EU/EEA students the pressure to complete their studies has been and still is much greater than for students who have Finnish citizenship. For example, TCN students do not have the chance to take a year off from their studies like Finnish ones do. (Maury, 2021, p.93.)

Referrals

There are a few referrals to the students' residence permit. Firstly, a TCN coming to study in Finland can reunite their family: if a TCN is granted a residence permit for studies, their family can apply for a residence permit based on family ties (Act on the Conditions of Entry and Residence of Third-Country Nationals on the Basis of Research, Study, Internship and Volunteering, 177/2022, §16).

Another referral concerns the time after a TCN's graduation from a Finnish educational institution. If a TCN, who has been granted a residence permit based on studies, graduates and gets a job in the country, they can apply for a residence permit for a person with a degree completed in Finland (Aliens Act, 216/2023, §75). If a TCN has graduated from an educational institution in Finland but does not have a job, they are able to apply for a residence permit for applying for a job or starting a business. This permit should be applied for within five years of the expiration of the previous permit, and the permit may be applied for after a period of residency abroad. It will be granted for two years and, according to the Aliens Act (301/2004, §39), the TCN should be able to financially support their stay in Finland (Act on the Conditions of Entry and Residence of Third-Country Nationals on the Basis of Research, Study, Internship and Volunteering 277/2022, §10). Palander and Hyytiä (2018, p.265) note that there is no other similar possibility for unemployed TCNs to stay in the country while seeking a job. The residence permit's aim is that the newly graduated TCN uses their degree in Finland and that the Finnish labour markets benefit from a graduate TCN.

Schengen policy

The Schengen countries form a territory where there are no travel restrictions or border controls between member states. Finland has applied the Schengen agreement since 2001. The Schengen provisions provide a single set of rules for controls at the external borders that are applicable to those who enter the Schengen area for a short period of time (up to 90 days); this joint visa policy is discussed in the previous section. In this section, we briefly address, firstly, the implications for TCNs of abolishing checks at the EU's internal borders, secondly, the EU residence permit and, thirdly, penalties related to all residence permits that are linked to the joint control of external borders. The legislation also recognises that other Schengen states' consulates may represent the Finnish authorities, for instance in receiving residence permit applications (Aliens Act 60 §, 121/2018) but we will not discuss this further in this report.

Benefits

Firstly, a TCN holding a Finnish residence permit regardless of type (A, B or P) may travel to other countries in the Schengen area for a short period of time but is not allowed to take up paid employment there. Each Schengen state's officials determine the permit required for living or working in the country in question. Similarly, a TCN holding a visa or a residence permit issued by another Schengen state may legally reside in Finland for up to 90 days within a period of 180 days (Aliens Act 40 § 5, 121/2022; 1206/2022). The right to transit when travelling to another Schengen country is also recognised in the Aliens Act (42 § 121/2022).

Guarantees

Secondly, a TCN who has been living within the EU may be granted an EU residence permit. The long-term EU resident's EU residence permit granted by Finland is considered to be on a par with the permanent residence permit (Aliens Act 33§ 2013/668). The guarantees to apply for the EU residence permit include requirements regarding the duration of the stay (uninterrupted residence in Finland for a period of five years with either a continuous residence permit [an A permit] or a continuous and permanent residence permit [A and P permits]) and that the requirements for issuing a continuous residence permit are still met (see the guarantees of labour/family/study permits). When calculating the uninterrupted residence period of five years,

TCNs who are holders of an EU Blue Card (i.e. the work permit for non-EU highly skilled citizens recognised by the majority of the member states) receive more generous terms for exemptions.

A TCN who has been granted a long-term EU resident's permit by another member state can be granted continuous or temporary residence in Finland because of work, entrepreneurship, studies, or another reason, and their family members may be granted a similar type of permit for the same duration. These permits can be applied for either from abroad or in Finland. (Aliens Act 49 a §, 121/2018.)

Penalties & forgiveness

Finally, a TCN can also receive an entry ban and be prohibited from entering one or several Schengen states (Aliens Act 301/2004, §144) if any of the following conditions apply: the TCN's application has been rejected because of evasion of immigration regulations (e.g. entering a so-called sham marriage); the TCN is considered to present a danger to public order or security (e.g. the TCN has committed crimes); the TCN has applied for international protection and the application has been rejected after expedited processing; the TCN has not left Finland voluntarily within the required time limit. A temporary or permanent residence permit or an EU residence permit might be withdrawn if another Schengen state requests this because the permit-holder has been issued a Schengen entry ban in another Schengen state (Aliens Act 58 § 668/2013). However, an entry ban issued by Finland applies only to entry into Finland in cases where the TCN has a residence permit from another Schengen state that cannot be withdrawn (Aliens Act, §150 1214/2013,).

Discussion of research results

In this section, we discuss the findings in relation to the 10 questions listed in the methodology section. The two first questions (Questions 1 and 2) concern the state's interests when it comes to conditions of entry and stay. Linked to the state sovereignty principle, the entry of foreigners into a country is commonly regulated by independent states. In Finland, the state's right to regulate entry is stated in the constitution and further specified in the Aliens Act and certain other pieces of legislation, including the Visa Code. The rationale for mobility policies derives from the state's right to regulate the entry of foreigners, which speaks for the logic that there is less interest in what happens to people as they exit the country (the non-refoulement principle set aside). The conditions of entry and stay consider, on the one hand, the state's interests – for instance, income requirements applied in connection with several mobility policies are meant to ensure that the TCN does not become an economic burden on the state. On the other hand, fulfilling the requirements of various human rights treaties (e.g. The Charter of Fundamental Rights of the European Union) also guides the formulation of the conditions of entry and stay. In addition, there might be political interest in attracting TCNs – the need for foreign labour is repeatedly discussed in Finland.

When it comes to penalisation (Question 3), when it is considered that a permit-holder does not meet the conditions of a permit or visa, the permit/visa might be withdrawn. The assessment of “acceptable” and “unacceptable” human behaviour (Question 9) is connected to this. We refer above to literature that addresses the question of how the authenticity of a marriage is determined, as well as to resources that indicate that student permit-holders' study progress is monitored in order to determine whether they continue to meet the permit conditions. Similarly, work permit conditions require the obtaining of employment (and, in case of determination, seeking new

employment). Failing to meet the conditions might lead to an interpretation of evasion of immigration regulations, which in turn can be penalised with an entry ban to the Schengen area. Exemptions from conditions of stay (Question 4) are, in turn, mainly related to humanitarian reasons (e.g. victims of labour exploitation, human trafficking or domestic violence may apply for a separate permit because of their exploited status). However, as we discuss in connection to Question 7, it can also be interpreted that the “desired category” of highly skilled migrants is exempted from conditions applied to labour migrants working in low-pay sectors.

Family reunification is a prominent example of connected mobility policies (Question 5). As the status of a sponsor, the family member residing in Finland, determines some of the conditions of entry as well as the type of permit given to a family migrant, the legislation determining the sponsor’s status as a permit-holder or citizen plays an indirect role in family reunification policy. In other words, since the sponsor is also regarded as a key actor from the perspective of meeting the condition of a family permit, their characteristics are assessed during the permit process too.

With regards to actors determined in the process (Question 6), a somewhat parallel assessment concerns the employers of work permit candidates. The permit consideration takes into account whether the employer is able to prove their viability and their ability to pay salaries. This overlap between family reunification and labour migration-related policies and other policies has to do with the fact that actors other than the TCN applying for the permit are also considered in the permit process.

With regards to privileged or prioritised actors (Question 7), recent policy formulations that present plans to actively recruit labour migrants, in particular from Brazil, India, Turkey, and Vietnam, highlight labour migrants as “a desired category”. At the same time, restrictions concerning labour migration illustrate how highly skilled people with high incomes are prioritised in policies. While the residence permit for an employed person requires labour-market testing, ensuring that the vacancy cannot be filled by a worker from Finland or the EU/EEA, this practice is not applied to “persons employed as a specialist”. In other words, highly skilled migrants with high incomes (and their employers) are exempted from labour-market testing (see Question 4). While all applicants for the specialist’s permit may apply to the fast-track service and get a decision on their permit within two weeks, the estimated processing time for applications for an employed person’s permit is two months.

With regards to temporality (Question 8), our analysis has highlighted that Finland has recently implemented practices (fast track and the national D visa) that aim to speed up the permit process and the possibilities for entering the country, in particular for highly skilled labour migrants and their families. The duration of a permit depends on several factors (permit type and type of guarantees, e.g. with family reunification it is the status of the sponsor, with labour permits, the length of the contract).

As stated earlier, “acceptable” and “unacceptable” (Question 9) human behaviour is mainly assessed with regards to the fulfilment and non-violation of the distinct permit conditions. Therefore, the governance of mobility policies entails such practices as examining the “authenticity” of marriages and DNA testing (family reunification), and monitoring progress in studies (student migrants). Regarding study permits, there is potentially some consideration of human behaviour as health-related or personal issues are, at least in theory, recognised to potentially affect study progress, which is also monitored throughout the permit period. In addition to the permit-specific requirements, a TCN applying for a residence permit needs to meet the general requirements for permits, which state, for instance, that being regarded as a

danger to public order and security might prevent the issuance of a permit. Furthermore, a permit might be withdrawn or a continuation not issued if the permit-holder moves out of the country permanently or continuously resides outside Finland for periods that are regarded as permanent residency.

Regarding human behaviour (Question 10), changing behavioural patterns is recognised to a limited extent. Importantly, flexibility, to the extent it exists, is mainly connected to permit extensions. Extended permits may be applied for on different grounds from those of the first permit. In other words, this potentially allows, for instance, a TCN having entered the country as a labour migrant to apply for a continuation of their status through family reunification policy. Furthermore, those holders of labour-related permits who have been subjected to labour-market testing when applying for the first permit are exempted from this if they seek an extension. With regards to student migrants who have graduated from a Finnish educational institution, there is a particular permit category according to which TCN graduates may stay in Finland for one year to look for a job or start a business. While the legislation allows TCNs to seek a new permit on new grounds, applying for several permits simultaneously might in some cases be regarded as evading the provisions of entry – in other words, the flexibility has its limits too. Furthermore, some privileged groups of migrants are provided faster permit processes, which too could be regarded as consideration of human behaviour (by facilitating faster mobility). Beyond this, there is very little evidence of considering the aspiring migrant’s perspective in the analysed policies. When it comes, for instance, to the interest in attracting foreign labour, the emphasis is on the needs of the nation state rather than those of (aspiring) migrants.

Conclusion

Finally, to address the question this report was tasked with – “How does the migration or mobility regime in Finland consider aspiring re-migrants’ behaviour in its policies?” – we conclude that consideration of aspiring re-migrants’ behaviour is almost non-existent. Beyond time limits, when it comes to required periods of residency for fulfilling different permit criteria, the perspective that TCNs’ mobility involves elements other than migration from the country of origin to the receiving country is hardly recognised in policies. For instance, our analysis did not find that holders of EU residence permits issued by other Schengen states (potential re-migrants) had been considered beyond the implementation of EU legislation in Finland. However, as stated earlier, this is not surprising considering that the main rationale for mobility policies derives from the state’s right to regulate the entry of foreigners and its interest in doing so.

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ANNEXES

Annex 1 – Mobility policies in Finland

Table 1.1. Description of Finland’s labour migration policy: Residence permit for an employed person

dimensions themes (indicators)	actors	characteristics	temporality
<p>guarantee(s) (conditions of entry/stay)</p> <ul style="list-style-type: none"> - General requirements for entry into Finland and for issuing residence permit (Aliens Act 301/2004, §11: §36) are fulfilled - TCN has found a job in Finland - TCN has sufficient qualifications and education for the job in question - TCN has sufficient income in Finland for the entire time the residence permit is valid (salary should be at least the minimum specified in the relevant collective agreement) - TCN’s terms of employment are in line with the provisions of law in force and with the applicable collective agreement. - Labour-market testing supports employment of TCN <p>Residence permit application fees</p> <ul style="list-style-type: none"> - Electronic application fee: first permit 490 € / extended permit 160 € - Paper application fee: 	<p>TCN coming to Finland to work, proof of employment in Finland</p> <p>Employer</p> <ul style="list-style-type: none"> - Employer must supplement the residence permit application by filling in the terms of employment, and meet obligations of an employer <p>ELY Centre</p> <ul style="list-style-type: none"> - Defines the fields of work where the availability of labour is insufficient and where case-by-case labour-market tests are therefore not needed before workers are recruited from outside the EU/EEA. <p>TE Office</p> <ul style="list-style-type: none"> - Determines whether the vacancy could be filled by a worker already in Finland or the EU/EEA region and makes the first partial decision on the residence permit application. <p>Migri</p> <ul style="list-style-type: none"> - Makes the final decision on granting the residence permit 	<p>Type of work:</p> <ul style="list-style-type: none"> - Residence permit for an employed person is meant for fields where there are no specific residence permit applications. - Low-paid sectors - Residence permit for an employed person may be subject to labour-market testing <p>Top 5 residence permit applicant nations in 2022:</p> <ol style="list-style-type: none"> 1. Philippines 2. Uzbekistan 3. Russia 4. Ukraine 5. Kosovo 	<ul style="list-style-type: none"> - Residence permit for an employed person will primarily be granted as type A (fixed-term, continuous) - A D visa can be granted if the employer is certified. With a D visa a person can arrive in Finland 100 days before their residence permit becomes valid - Expected processing time for electronic and paper applications: first permit 2 months & extended permit 2 months

<p>first permit 740 € / extended permit 430 €</p>			
<p>benefits (rights/privileges of entry/stay)</p> <ul style="list-style-type: none"> - Right to work in Finland in a field(s) the residence permit is granted for - Residence-based social benefits - Unemployment benefit 			
<p>penalty/ties (penalising clause/article for IFs)</p> <p>Unemployment: - If the employment ends TCN needs to find a new job. If the employment has ended and TCN cannot find a new job, the conditions of the permit are not met.</p> <p>New job in a different field: - If the TCN changes jobs and the new job is in another field, they must apply for a new residence permit for an employed person</p>			
<p>forgiveness (forgiving clause/article)</p> <p>Negligence & exploitation by employer - A victim of negligence or exploitation by employer has the right to apply for a certificate of expanded right to work. The purpose of the certificate is to enable the migrant to stop working for the employer.</p> <p>The extended permit is exempted from labour- market testing if it is for the same field of work as the first one, or if TCN</p>			<ul style="list-style-type: none"> - The expanded right to work is valid for as long as TCN's current residence permit is valid. If TCN intends to stay in Finland after the current residence permit expires, they need to apply for a residence permit before the certificate of expanded right to work expires. - An extended permit is granted for the purpose of looking for work or starting a business, and is valid for 1 year. The permit becomes valid when the previous residence permit expires.

has been working in Finland for at least 9 months.			
<p>referrals (connecting with other mobility policies)</p> <p>- Family reunification policy</p>	<p>- Family members of a TCN who has a residence permit for an employed person can apply for a residence permit based on family reunification.</p>		

Table 1.2. Description of Finland’s labour migration policy: Residence permit for a specialist

dimensions themes (indicators)	actors	characteristics	temporality
<p>guarantee(s)</p> <p>- General requirements for entry into Finland and for issuing residence permit (Aliens Act 301/2004, §11: §36) are fulfilled</p> <p>- TCN has secured a job that requires special expertise</p> <p>- The job in Finland must require special expertise and the salary must be at least the average gross wage in Finland</p> <p>- TCN has sufficient education for the job in question</p> <p>Application fees</p> <p>- Electronic application fee: first permit €380 / extended permit €160</p> <p>- Paper application fee: first permit €480 / extended permit €430</p>	<p>- The TCN who is coming to Finland to work and is defined as a specialist, proof of employment in Finland</p> <p>- The employer must verify that TCN has the special expertise required in the work and provide proof of meeting obligations of an employer</p> <p>- Migri will make the decision on granting the residence permit</p>	<p>Highly skilled work:</p> <p>- Salary requirement for a specialist is €3,473.</p> <p>- The vacancy requires special expertise (TCN should be considered a “highly skilled worker”)</p> <p>- TCN should have a higher degree or have acquired the special expertise required in the work through work experience or other education.</p> <p>Top 5 residence permit applicant nations in 2022:</p> <ol style="list-style-type: none"> 1. Russia 2. India 3. Turkey 4. United Kingdom 5. China 	<p>- First residence permit will be granted for a maximum of 2 years</p> <p>- Expected processing time for electronic and paper applications: first permit 2 weeks / extended permit 1–2 months</p> <p>- TCN can apply for a residence permit for a specialist while in Finland on a Schengen visa</p> <p>- Residence permit can be applied for as a fast-track service: a service promise to process within 2 weeks the applications of specialists, and their children and spouses seeking a permit based on family reunification</p> <p>- Specialists can apply for a D visa to get to Finland faster</p>
benefits			

<ul style="list-style-type: none"> - Right to work in Finland in a field for which the residence permit is granted - Change employer in a field the residence permit is granted for - Right to residence-based social benefits - Right to unemployment benefits 			
<p style="text-align: center;">penalty/ties</p> <p>Unemployment:</p> <ul style="list-style-type: none"> - If the employment ends TCN needs to find a new job. If the employment has ended and TCN cannot find a new job, they must leave Finland no later than when the residence permit expires. <p>New job in a different field:</p> <ul style="list-style-type: none"> - If the specialist changes jobs and the new job is in another field, they must apply for a new residence permit for a specialist 			
<p style="text-align: center;">forgiveness</p> <p>Negligence & exploitation by employer</p> <ul style="list-style-type: none"> - A victim of negligence or exploitation by the employer has the right to apply for a certificate of expanded right to work. The purpose of the certificate is to enable the migrant to stop working for the employer. 	<p>- Migri</p>		
<p style="text-align: center;">referrals</p> <ul style="list-style-type: none"> - Family reunification policy 	<ul style="list-style-type: none"> - A family member of a specialist can apply for a residence permit based on family ties 		

Table 1.3. Description of Finland’s labour migration policy: Residence permit for seasonal work

<p>dimensions themes (indicators)</p>	<p>actors</p>	<p>characteristics</p>	<p>temporality</p>
<p>guarantee(s)</p> <ul style="list-style-type: none"> - General requirements for entry into Finland and for issuing residence permit (Aliens Act 301/2004, §11: §36) are fulfilled - TCN has an employment contract that proves they will be employed in Finland. The contract should also prove that the TCN will have appropriate accommodation in Finland, meaning that the living conditions should meet generally recognised health and safety requirements, and there must be warm water for washing and a sufficient sleeping area. - TCN should be able to earn a living in Finland through gainful employment throughout the time for which the residence permit for seasonal work is valid <p>Application fees</p> <ul style="list-style-type: none"> - Electronic application fee: first permit, 3–6 months: €380, first permit, 6–9 months: €490 / extended permit: €160 - Paper application fee: first permit, 3–6 months: €480, first 	<ul style="list-style-type: none"> - TCN coming to Finland to work as a seasonal worker (for instance in the fields of agriculture, garden work, forestry or tourism). <p>Employer</p> <ul style="list-style-type: none"> - Has certain duties concerning the TCN’s living conditions during their stay in Finland - Seasonal worker is allowed to work only for the employer whose name is on the residence permit. <p><i>If seasonal work lasts 3–6 months:</i></p> <ul style="list-style-type: none"> - Migri makes the decision on the residence permit <p><i>If seasonal work lasts 6–9 months, the process has 2 stages:</i></p> <p>ELY Centre</p> <ul style="list-style-type: none"> - defines the fields of work in which the availability of labour is insufficient and case-by-case labour-market tests are therefore not needed before workers are recruited from outside the EU/EEA. <p>TE Office</p> <ul style="list-style-type: none"> - Determines whether the vacancy could be filled by a worker 	<p>Type of work:</p> <ul style="list-style-type: none"> - low-paid seasonal work <p>Top 5 residence permit applicant nations in 2022:</p> <ol style="list-style-type: none"> 1. Ukraine 2. Thailand 3. Vietnam 4. Russia 5. Belarus 	<ul style="list-style-type: none"> - Seasonal work is a type of work that lasts for maximum of 9 months <p>Application process depends on the duration of the work:</p> <ul style="list-style-type: none"> - If the work lasts 3–6 months, Migri decides on the permit - If the work lasts 6–9 months the application will be processed in 2 stages <p>Expected processing time for electronic application:</p> <ul style="list-style-type: none"> - first permit for 3–6 months: 1–2 months - first permit for 6–9 months: 3 months / extended permit 1–3 months

<p>permit, 6–9 months €740 / extended permit €430</p>	<p>already in Finland and makes the first partial decision on the residence permit application.</p> <p>Migri - Makes the final decision on granting the residence permit</p>		
<p>benefits (rights/privileges of entry/stay)</p>			
<p>penalty/ties (penalising clause/article for IFs)</p> <p>- TCN may apply for the right to access public healthcare in Finland</p>			
<p>forgiveness (forgiving clause/article)</p> <p>Negligence & exploitation by employer - A victim of negligence or exploitation by an employer has the right to apply for a certificate of expanded right to work. The purpose of the certificate is to enable the migrant to stop working for the employer.</p>			
<p>referrals (connecting with other mobility policies)</p>			

Table 2. Description of Finland's family reunification policy

<p>dimensions themes (indicators)</p>	<p>actors</p>	<p>characteristics</p>	<p>temporality</p>
<p>guarantee(s) (conditions of entry/stay)</p> <ul style="list-style-type: none"> - General requirements for entry into Finland and for issuing residence permit (Aliens Act 301/2004, §11: §36) are fulfilled - TCN must lead a family life with the sponsor. - TCN applying for residence permit is required to have sufficient financial resources in Finland from sources other than social benefits (for example, income from the employment or business activities of the family member living in Finland) - Conditions of entry are different if the sponsor in Finland is a Finnish citizen. In this case the person applying for a residence permit should be fully dependent on the family member living in Finland (both mentally and physically), have led a close family life with them and intend to continue to do so in Finland. <p>If the sponsor is a Finnish citizen or has received international protection and meets a certain criterion, there are no income requirements.</p>	<p>Sponsor and family member applying for the residence permit</p> <ul style="list-style-type: none"> - Family member who lives in Finland. Not all relatives can act as sponsors. The family members of a Finnish national or a foreign national who is not an EU citizen are a spouse, a registered partner, a cohabiting partner, a guardian of a child under 18 years of age, and a child. <p>Other family members applying for the residence permit</p> <ul style="list-style-type: none"> - Residence permit for other family members is possibly when the family member living in Finland is a Finnish citizen <p>Other family members</p> <ul style="list-style-type: none"> - the parent of a person who has turned 18; a sister or brother of a child under 18 years of age, if the sister or brother who is in a country other than Finland is also under 18 years of age and has no guardian or has a different guardian from that of the child living in Finland (the consent of the guardian is also required); an unmarried sister or 	<p>Social class</p> <ul style="list-style-type: none"> - Income requirements presuppose certain revenue <p>Age</p> <ul style="list-style-type: none"> - Granting a residence permit to a child based on family reunification requires the child to be a minor on the day their residence permit application is processed. - Granting a residence permit to a child's family member requires the child who is the sponsor to be a minor on the day the family member's residence permit application is processed (Aliens Act 301/2004, §38) <p>Gender:</p> <ul style="list-style-type: none"> - the concept of marriage is gender neutral; yet, research has shown that the application of law might contain some gender stereotypes - women may find it harder to meet the income requirements than men, because men earn more than women on average <p>Civil status</p> <ul style="list-style-type: none"> - A spouse is one's husband, wife or registered same-sex partner, or a cohabiting partner who has lived with you for at least 2 years in a marriage-like relationship or with whom you have joint custody of a child. 	<ul style="list-style-type: none"> - A residence permit based on family ties is usually granted for 4 years at a time. - A D visa can be granted if family member/sponsor is coming to Finland as a certified employer. - There is no minimum requirement for how long a Finnish sponsor must have lived in Finland before being eligible to "bring in" family members. (Pellander 2016, p.25)

<p>Also, application fees depend on the age of the sponsor or the family member. For example:</p> <ul style="list-style-type: none"> - Residence permit application on the basis of family ties for a child whose guardian lives in Finland: electronic application fee €240 / paper fee €270 - Residence permit application based on family ties when your spouse has a residence permit in Finland: electronic application fee €470 / paper fee €520 	<p>brother of a person who has turned 18</p> <p>Migri/bureaucrats</p> <ul style="list-style-type: none"> - Investigating family ties 	<p>Nationality</p> <ul style="list-style-type: none"> - A Finnish citizen's other family members can apply for a residence permit and the income requirements do not apply <p>Dependency</p> <ul style="list-style-type: none"> - the other family member should be fully dependent on the Finnish citizen to get a residence permit based on family ties <p>Migrant status</p> <ul style="list-style-type: none"> - TCN migrant status may affect the assessment of family ties, e.g. if TCN has previously applied for asylum, the marriage may not seem genuine to Migri. Therefore, nationality and ethnicity may also be essential characteristics (Leinonen & Pellander 2013, p.1495) <p>Top 5 residence permit applicant nations in 2022:</p> <ol style="list-style-type: none"> 1. Russia 2. India 3. Iraq 4. Sri Lanka 5. Philippines 	
<p>benefits (rights/privileges of entry/stay)</p> <ul style="list-style-type: none"> - Right to work and study is not limited in any way. - Right to residence-based social benefits 			
<p>penalty/ties (penalising clause/article for IFs)</p> <p>Changes in family ties</p> <ul style="list-style-type: none"> - If the family tie no longer exists, a residence permit granted on that basis 			<ul style="list-style-type: none"> - If there are changes in the family ties (such as divorce) the TCN should inform Migri right away

will not necessarily be extended. e.g. Divorce: If a fixed-term residence permit has been granted on family ties, divorce may affect the permit.			
forgiveness (forgiving clause/article) In some situations, changes in family ties can be forgiven - If a person divorces their spouse because of the spouse's violent behaviour towards the TCN or their child/ren, the residence permit can be extended despite the divorce. - If there are changes in family ties but the person has strong ties to Finland, the residence permit may be extended (e.g. children or other family members in Finland, place at an educational institution in Finland, or job or business in Finland)	Doctor / Family counselling centre - Doctor's certificate or statement from a family counselling centre concerning the violence		
referrals (connecting with other mobility policies)	A sponsors' status determines the family migrant's status. Hence, policies determining the sponsor's status indirectly define the family migrant's status.		

Table 3. Description of Finland's policy on tourism

	dimensions			
themes		actors	characteristics	temporality

(indicators)			
<p>guarantee(s) (conditions of entry/stay)</p> <ul style="list-style-type: none"> - general requirements for entry into Finland are fulfilled (Aliens Act 301/2004, §11) - passport that is valid for at least 3 months after the end of the intended travel and which was issued no more than 10 years previously - travel insurance that is in force for period of the validity of the visa and which covers the entire Schengen area. Minimum cover level should be €30,000. - Proof of financial means to cover the duration of the stay. A minimum of €30 a day is required. 	<p>TCN on a short-term visit to Finland, for example as a tourist</p> <p>Possible issuer of an invitation letter</p> <p>Finnish consulate in TCN's home country</p> <p>VFS Global – external service provider</p> <p>Ministry for Foreign Affairs of Finland – gives instructions</p> <p>EU law – guarantees and conditions are based on European Union law</p>	<p>Nationality</p> <ul style="list-style-type: none"> - The documents required for the application process depend on TCN's home country <p>Social class</p> <ul style="list-style-type: none"> - TCN should have €30 in their bank account for each day in Finland to cover the costs of the stay 	<p>Schengen visa allows TCN to stay in Finland for a maximum of 90 days over a 180-day period</p> <p>Right to work in Finland for a maximum of 90 days over a 180-day period in the wild-berry picking field</p>
<p>benefits (rights/privileges of entry/stay)</p>			
<p>penalty/ties (penalising clause/article for IFs)</p> <ul style="list-style-type: none"> - Schengen visa can be revoked or annulled 	<ul style="list-style-type: none"> - The actor/authority that will annul or revoke a Schengen visa in Finland is Migri, a local police department, or the border control authority, if holder of the visa resides in the territory of Finland 		
<p>forgiveness (forgiving clause/article)</p> <p>The police may extend the visa:</p> <ul style="list-style-type: none"> -if TCN cannot leave Finland because of a humanitarian cause or for a different overwhelming reason. 	<ul style="list-style-type: none"> - Local Police 		

- For personal issues, for example if a close family member becomes seriously ill			
referrals (connecting with other mobility policies)			

Table 4. Description of Finland's student mobility policy

dimensions themes (indicators)	actors	characteristics	temporality
<p>guarantee(s) (conditions of entry/stay)</p> <ul style="list-style-type: none"> - General requirements for entry into Finland and for issuing residence permit (Aliens Act 301/2004, §11: §36) are fulfilled - Financial ability to support oneself in Finland during the studies; proof of possessing €6,720 - A place on a course in a higher education institution leading to a degree, or in another educational institution where studies lead to a degree or a vocational qualification - TCN student should have insurance that will cover their costs if they become ill in Finland - Paid tuition fees or evidence that TCN student has enough assets to pay them <p>Application fees:</p> <ul style="list-style-type: none"> - Electronic application fee - first permit €350 	<p>Student</p> <ul style="list-style-type: none"> - TCN coming to Finland to study; . <p>Educational institution in Finland</p> <ul style="list-style-type: none"> - Educational institution will charge the tuition fees and follow the student's progress <p>Migri/bureaucrats</p> <ul style="list-style-type: none"> - Monitor whether the conditions of the permit are being fulfilled before and during the residence permit period 	<p>Social class</p> <ul style="list-style-type: none"> - income requirements imply a certain social class. TCN should have €6,720 in their bank account when they apply for a student residence permit. <p>Nationality</p> <ul style="list-style-type: none"> - Finnish institutions of higher education charge tuition fees to degree students who arrive from outside the EU/EEA. <p>Language</p> <ul style="list-style-type: none"> - Student should have sufficient language skills for the studies 	<ul style="list-style-type: none"> - Person needs residence permit if they are going to study in Finland for longer than 90 days - a residence permit for bachelor's or master's degree studies is usually granted for the normative duration of the degree. - TCN studying for a higher degree will be granted an A permit, that is, a continuous residence permit. - TCN studying for a degree other than a higher degree, will be granted a B permit, that is, a temporary residence permit. <p>D visa</p> <ul style="list-style-type: none"> - with a D visa a person can arrive in Finland 100 days before their residence permit becomes valid <p>Expected processing time</p>

Paper application fee: first permit €450			- for electronic application: first permit 2 months - for paper application: first permit 3 months
benefits (rights/privileges of entry/stay) - Right to work for limited hours. A person studying on a student residence permit can work an average of 30 hours per week in any field.			
penalty/ties (penalising clause/article for IFs) The residence permit can be cancelled in certain situations: - if the student does not keep to the working hours limit. - if the studies do not progress as expected. - if student's economic situation is not secure or if their insurance is not valid.	Migri - automatic post-decision monitoring Kela - will provide information as to whether the working hours have been exceeded		
forgiveness (forgiving clause/article) TCN student may apply for extended permit if they need more time for their studies. For this they need to provide a statement of the reasons why they have not made enough progress.	Educational institution/supervisor Migri		
referrals (connecting with other mobility policies) Family reunification			

<p>- When TCN is granted a residence permit for studies, their spouse and children can be granted a residence permit based on family ties</p> <p>- When TCN has completed their studies in Finland and they have a job in Finland, they can apply for a residence permit on the basis of a degree completed in Finland</p> <p>- Residence permit to look for work or start a business in Finland for graduated persons</p>			
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Table 5. Description of Finland's Schengen policy

dimensions themes (indicators)	actors	characteristics	temporality
guarantee(s) (conditions of entry/stay)	- each Schengen state's officials determine the permit required for living or working in the country in question.		
benefits (rights/privileges of entry/stay) - TCN may travel to other countries in the Schengen area for a short period of time, but is not allowed to take up paid employment			
penalty/ ties (penalising clause/article for IFs) TCN can receive an entry ban for the Schengen area if: - application has been rejected because of evasion of immigration regulations (e.g. entering a sham marriage) - TCN is considered to present a danger to public order or security (e.g. TCN has committed crimes) - TCN has applied for international protection and the application has been rejected after expedited processing - TCN has not left Finland voluntarily within the required time limit.			
forgiveness (forgiving clause/article)			
referrals (connecting with other mobility policies)			

Table 6. Labour, family reunification, and student-based residence permit applications submitted by nationals of Japan, Thailand, Hong Kong, Philippines, and Vietnam in 2022

n = Number of first residence permit applications from the particular country (including granted, denied, and case closed)					
% = Percentage of all applications from non-EU/EEA countries					
	Japan n (%)	Thailand n (%)	Hong Kong n (%)	Philippines n (%)	Vietnam n (%)
All first residence permit applications in 2022	489 (1%)	1,138 (2.4%)	1 (0%)	3,483 (7.3%)	1,461 (3.1%)
Family reunification	116 (0.7%)	340 (1.9%)	1 (0%)	744, (4.3%)	420 (2.4%)
= Employed person	34 (0.3%)	457 (3.7%)	-	2,270 (18.2%)	318 (2.6%)
Seasonal work	-	162 (11.9%)	-	28 (2.1%)	116 (8.5%)
Specialist	19 (0.8%)	10 (0.1%)	-	22 (0.9%)	7 (0.7%)
Student	248 (2.7%)	97 (1.1%)	-	325 (3.5%)	529 (5.8%)

Table 7. Required documents relating to travel, citizenship, employment, and personal ties to country of origin for visa applications from citizens of five AspirE countries

	Japan	Thailand	Thailand: Visa instructions for wild-berry pickers	Vietnam	Philippines	Hong Kong
Visa application form with photograph	x	x	x	x	x	x
Travel document	x	x	x	x	x	x
Other travel documents	x	x	x		x	x
Travel medical insurance	x	x	x	x	x	x
Proof of itinerary	x	x		x	x	x
Transport reservations	x	x	x	x	x	x
Proof of accommodation	x	x	x	x	x	x
National ID		x	x			
Invitation letter	x		x			
Travel order or letter from sending organisation	x					
Proof of financial means	x	x	x	x	x	x
Proof of employment	x	x		x	x	x
Documents confirming employer's circumstances					x	x
Proof of studies		x			x	x
Documents for third-country citizens	x	x	x	x	x	x
Proof of pension				x		x
Birth certificate	x	x			x	x
Additional documents (any other documents relating to personal ties in country of origin, such as marriage certificate)			x (proof of identity)		x	

Other submission documents	X	X	X	X		X
Documents for when parent/guardian is not travelling with the child		X		X	X	X
Proof of custody changes					X	X

Annex 2 – Guide used for policy content analysis

Decision-making of aspiring (re)migrants to and within the EU: the case of labour market-leading migrations from Asia

AspirE researchers will consider the general themes and dimensions below when analysing mobility policies at national level. To achieve the objective of Work Package 2, they will identify the State’s suppositions behind specific information stated in each policy. These hidden suppositions will help AspirE researchers to determine whether or not the State took into account individuals’ changing or unpredictable behaviour when it wrote its mobility policies.

dimensions themes (indicators)	actors	characteristics	temporality
guarantee(s) (conditions of entry/stay)	<p style="color: red;">Who is exempted? Who is not?</p> <p>concerned persons (citizens, non-citizens...)</p>	<p style="color: red;">What are the characteristics of the concerned actors?</p> <p>age gender filiation nationality civil status legal status social class ethnicity language</p>	<p style="color: red;">What temporality/ties are reinforced or produced in the process?</p> <p>Visa duration time requirement</p>
benefits (rights/privileges of entry/stay)			
penalty/ties (penalising clause/article for IFs)			
forgiveness (forgiving clause/article)			
referrals (connecting with other mobility policies)			

Determining the State’s hidden suppositions (by themes):

- 1) Why does the State require a set of conditions for the entry or stay of a third-country national (TCN) in its territory?
- 2) Why does the State provide a specific set of rights/privileges when entry/stay conditions are met?
- 3) Why does the State penalise specific actor(s) when one or more conditions are not met?
- 4) Why does the State provide exemptions? Or why does it give no exemptions?
- 5) Why does the State connect its two or more mobility policies to each other?

Determining the State’s hidden suppositions (by dimensions):

- 6) Why does the State focus on one or more actors in its mobility policies?
- 7) Why does the State privilege or prioritise actors with a specific set of characteristics?

8) Why does the State favour a specific temporality over the others? Why does it limit to a specific duration a TCN's stay in its territory?

Concluding questions (considering the answers to the questions above):

9) What does the State consider as “acceptable” or “unacceptable” human behaviour in the context of a specific mobility policy?

10) To what extent does the State consider or not human behaviour in its mobility policies?