

EMN FOCUSSED STUDY 2012

Intra-EU mobility of third-country nationals

National Contribution from Finland

Disclaimer: The following responses have been provided primarily for the purpose of completing a Synthesis Report for the above-titled EMN Focussed Study. The contributing EMN NCPs have provided information that is, to the best of their knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of an EMN NCPs' Member State.

Top-line 'Factsheet'
(National Contribution)
[Executive Summary
(Synthesis Report)]

National Contribution (one page only)

Overview of the National Contribution – drawing out key facts and figures from across all sections of the Study, with a particular emphasis on elements that will be of relevance to (national) policymakers.

Third-country nationals moving from another Member State to Finland are generally subject to the same visa and residence permit regulations and procedures as those who enter Finland directly from a third country.

The implementation of the migration Directives pertaining to long-term residents, Blue Card holders and researchers (2003/109/EC, 2009/50/EC, 2005/71/EC) has resulted in amendments to the Finnish Aliens Act to include certain special provisions related to these categories. However, in practice these Directives have been of minor significance in Finland. There are cases of third-country nationals who have entered Finland for the purpose of employment after residing in another Member State, but there are no detailed statistics on how many of these immigrants held a long-term EC residence permit issued by another Member State. The procedures outlined in the Researcher Directive have thus far never been applied in Finland, and there have only been a few isolated cases of EU Blue Card applications.

Mobility for the purpose of employment is limited by the practice of determining home market labour availability as part of the process of deciding on residence permit applications for employed persons. The requirement applies to third-country nationals with the exception of certain occupations, which are defined in regional policies. The requirement to determine the availability of labour on the domestic labour market does not apply in contexts where, under the Finnish Aliens Act, employment is permitted for aliens who have a valid visa, are exempted from visa requirements or have a regular residence permit. The Finnish Aliens Act also permits the employment in Finland of third-country nationals having right of residence in another Member State for a limited period of time in certain occupations, such as seasonal workers and frontier workers.

While third-country nationals, with the exception of those who have been issued a long-term resident's EC residence permit by another Member State, must have specific legal grounds for being issued a Finnish residence permit and secure means of support, EU citizens are only required to have sufficient funds for residing in Finland. EU citizens who reside in Finland for longer than three months are required to register their residence at the District Police of

their place of residence. EU citizens who are seeking employment are permitted to reside in Finland for a reasonable period of time beyond the three-month limit without registering. The purpose of registration is not to grant the EU citizen right of residence or employment. There are no formal permit requirements for EU citizens regarding the commencement of employment and the right to work.

According to the migration statistics maintained by Statistics Finland, in 2011 14 378 EU-citizens moved to Finland. The number of third-country nationals moving from other Member States to Finland in the same period was much lower at 540.

Synthesis Report (up to 3 pages)

Executive Summary of Synthesis Report: this will form the basis of an EMN Inform, which will have EU and National policymakers as its main target audience.

Section 1

The National Legislative Framework: Visas and Residence Permits

(National Contribution: Maximum 8 pages)

*This section reviews the national rules and procedures which third-country nationals who are resident in one Member State need to follow in order to acquire a **visa and/or a residence permit** to reside in another Member State. It also includes any conditions that mobile third-country nationals need to fulfil in order to acquire a visa and/or residence permit, such as evidence that they have a stable and regular income, sickness insurance and/or that they comply with certain integration conditions (where applicable).*

Please note that additional provisions in national legislation which can affect the decision of mobile third-country nationals to settle in another Member State (or Norway), but are not conditions for acquiring a visa or residence permit as such (e.g. rules and procedures governing the recognition of degrees and diplomas), are examined in Section 3 of this common template.

*In their responses to this section, EMN NCPs are asked to specify and describe the relevant national rules and procedures that **specific groups of mobile third-country nationals need to follow** in order to obtain a visa and residence permit. These include groups of mobile third-country nationals that enjoy mobility rights under the EU's migration Directives, and other groups of mobile third-country nationals that do not enjoy such rights at EU level. If national legislation exists that is relevant to all groups of mobile third-country nationals, EMN NCPs should specify this is the case in the space provided.*

*Please note that **only those national rules and procedures that are specific to mobile third-country nationals should be identified**. If the national rules and procedures that apply to third-country nationals who wish to move to another Member State for the purposes of work are the same as the national rules and procedures that apply to third-country nationals who migrate to an EU Member State (or Norway) from a third-country for the first time, please indicate this is the case and do not provide further information.*

*Finally, where specific national rules and procedures governing access to a visa and residence permit exist for specific groups of mobile third country nationals, EMN NCPs are asked to specify how these national rules and procedures differ (if at all) from the national rules and procedures that apply to **mobile EU citizens**.*

The Synthesis Report will provide the reader and policymakers, in particular, with a comparative analysis of the rules and policies adopted at national level in order to implement the elements of the EU acquis set out in the background to the common template (further above), and any other national rules of relevance to intra-EU mobility of third-country nationals.

In the following, what is required is a brief outline of the relevant national rules and procedures pertinent to the group described under each entry, along with an explanation of how these rules and procedures differ (where relevant) from the national rules and procedures that apply to EU citizens.

Groups of third-country nationals who enjoy mobility rights under the EU's migration Directives:

1.1. Long-term residents in another Member State

- 1) What national rules and procedures apply to third-country nationals who are long-term residents in another Member State in respect of their access to a visa and/or

residence permit in your country?

The Council Directive concerning the status of third-country nationals who are long-term residents (2003/109/EC) has been implemented in Finland by an amendment to the Aliens Act (358/2007).

A third-country national who has been issued with a long-term resident's EC residence permit by another Member State of the European Union is issued with a fixed-term residence permit applied for in Finland or abroad: 1) for exercising an economic activity in an employed or self-employed capacity; 2) for pursuing studies or vocational training; or 3) for other purposes (Finnish Aliens Act, Section 49a, Subsection 1).

A residence permit is issued as a temporary or continuous permit, taking the nature of the intended stay into account (Finnish Aliens Act, Section 49a, Subsection 2).

A residence permit for an employed person or other residence permit is issued for the purpose of employment. A residence permit for a self-employed person is issued for the purpose of pursuing a trade. Further provisions on the issuing of a residence permit to an employed person and a residence permit to a self-employed person are given in Chapter 5 (Finnish Aliens Act, Section 49a, Subsection 3). In practice, this means that those who have been issued with a long-term resident's EC residence permit by another Member State are subject to the same residence permit regulations and requirements for issuing a residence permit as any other third-country nationals. Having a long-term resident's EC residence permit issued by another Member State does not qualify a third-country national for employment in Finland, with the exception of the circumstances specified in Section 81 of the Finnish Aliens Act that apply to all third-country nationals. Persons holding a long-term resident's EC residence permit therefore do not enjoy a more favourable status with regard to employment than any other third-country nationals.

When a third-country national with a long-term resident's EC residence permit issued by another Member State of the European Union is issued with a temporary or continuous residence permit, the family members are also issued with a temporary or continuous residence permit in Finland for the same period of time, whether applied for in Finland or abroad (Finnish Aliens Act, Section 49a, Subsection 4).

A residence permit for a third-country national who has been issued with a long-term resident's EC residence permit in another EU Member State, and for his or her family members, must be applied for as soon as possible and no later than within three months from the entry into the country. An application may also be filed before entry into the country in the Member State that issued the residence permit referred to above (Finnish Aliens Act, Section 60a, Subsection 1).

A decision on an application for a residence permit must be made within four months of the filing of the application. The time for processing an application may be extended by up to three months, if all the necessary documents are not submitted with the application or for some other special reason (Finnish Aliens Act, Section 60a, Subsection 2).

- 2) Please explain how these national rules and procedures differ from the national rules and procedures that apply to EU citizens.

An EU citizen has the right to reside in Finland without registering his or her right of residence for a maximum of three months if he or she has a valid identity card or passport and is not considered to be a threat to public order or public security.

An EU citizen who is seeking employment is permitted to reside in Finland for a reasonable period of time beyond the three-month limit without registering his or her right of residence, if he or she continues to seek employment and has a de facto opportunity to find employment.

An EU citizen and his or her family member have an unrestricted right to gainful employment

without a residence permit for an employed person, or to pursue a trade without a residence permit for a self-employed person (Finnish Aliens Act, Section 164).

An EU citizen who resides in Finland for longer than three months is required to register his or her residence at the local police department within three months of entering the country. Once an EU citizen has provided evidence of meeting the requirements for registration, he or she must immediately be issued with a certificate of registration that specifies the registered person's name, address and date of registration. The EU citizen's registration is valid indefinitely.

Pursuant to Section 158a of the Finnish Aliens Act, EU citizens may reside in Finland for more than three months if:

- 1) they are engaged in economic activity as paid employees or self-employed persons;
- 2) they have for themselves and their family members sufficient funds and, if necessary, health insurance, so that, during their time of residence, they do not become a burden on Finland's social security system by resorting repeatedly to social assistance provided in the Finnish Act on Social Assistance or other comparable benefits or in other similar manner;
- 3) they are enrolled at an accredited educational institution in Finland for the principal purpose of following a course of study and they have, for themselves and their family members, sufficient funds for their residence and, if necessary, health insurance, so that, during their time of residence, they do not become a burden on Finland's social security system by resorting repeatedly to social assistance provided in the Finnish Act on Social Assistance or other comparable benefits or in other similar manner; or
- 4) they are family members of EU citizens meeting the requirements laid down in Paragraph 1, 2 or 3 above.

The right of residence laid down in Subsection 1 above also applies to family members of an EU citizen who are not themselves EU citizens, if the EU citizen meets the requirements laid down in Paragraphs 1-3.

Family members of EU citizens residing in Finland for more than three months who themselves are not EU citizens may apply for a residence card for an EU citizen's family member. The application for the residence card must be filed within three months of entering the country and the card must be issued no later than six months from the date of application. The residence card for an EU citizen's family member is issued for five years, or if the duration of the stay is shorter than five years, for the intended duration of the stay.

Nordic citizens do not require a visa or residence permit to reside or work in Finland. Nordic citizens are not required to be in possession of a passport or other identity documents. However, they must be able to provide evidence of their identity and citizenship upon request. Nordic citizens must register with the authorities if they reside in Finland for more than six months. The registration of Nordic citizens is administered by the local Register Office.

The family member of a Nordic citizen has right of residence in Finland even if they do not have secure means of support.

No fees are collected for visas for the family members of EU citizens.

1.2. EU Blue Card holders

- 1) What national rules and procedures apply to third-country nationals who are EU Blue Card holders in another Member State in respect of their access to a visa and/or residence permit in your country?

The so-called Blue Card Directive (2009/50/EC) has been implemented in Finland by an amendment to the Finnish Aliens Act (1338/2011).

A third-country national may apply for the EU Blue Card if he or she intends to seek highly-qualified employment in Finland. A European Blue Card is issued to a third-country national who presents an employment contract or binding offer of employment for highly-qualified work with a period of validity of at least one year and meets the general requirements for issuing a residence permit. A further requirement is that the applicant's pay, as specified in the employment contract or binding offer of employment, must be at least 1.5 times the average wage-earner's gross pay (Finnish Aliens Act, Section 81b, Subsection 1).

In 2012, being issued a Blue Card requires the applicant to have a monthly gross salary of at least €4,832. The Finnish salary threshold is subject to annual adjustment and published on the Finnish Immigration Service website.

Issuing a Blue Card is subject to the Chapter 5 provisions on issuing a residence permit for an employed person, with the exception of the consideration referred to in Section 72, Subsections 1 and 2 (Finnish Aliens Act, Section 81b, Subsection 2). This means that the consideration of the availability of home market labour does not apply to issuing a Blue Card.

As a rule, the Blue Card must be applied for prior to entering Finland. A residence permit may be issued to an alien who has entered Finland without a residence permit if the conditions for issuing the residence permit abroad are present and the alien is a European Blue Card holder who, prior to entering Finland, has resided in another member state for a minimum of eighteen months for the purpose of highly-qualified employment and if the alien applies for a European Blue Card in Finland by submitting the application no later than one month after entering the country, or is a family member of such a person and the family was formed prior to entering Finland (Finnish Aliens Act, Section 49, Subsection 1, Paragraph 4a).

Decisions on European Blue Card applications must be delivered to applicants within 90 days of the application date. Any time period during which the application is supplemented with additional documentation does not count towards this 90-day limit (Finnish Aliens Act, Section 81c).

The number of Blue Card applications has been very low (with only a few applications filed after the legislative amendment that entered into force at the beginning of 2012) due to the strict criteria for issuing a Blue Card, particularly with regard to salary, and because applicants also have the alternative of applying for a residence permit for working in expert duties under an older provision contained in the Aliens Act (Finnish Aliens Act, Section 79, Subsection 6, Paragraph 1). According to established practice, a residence permit for a person working in expert duties can be applied for within the country (Finnish Aliens Act, Section 49, Subsection 1, Paragraph 5) and the criteria for issuing the permit are not as strict as the criteria for an EU Blue Card, particularly with regard to salary.

- 2) Please explain how these national rules and procedures differ from the national rules and procedures that apply to EU citizens.

See item 1.1., paragraph 2 above.

1.3. Researchers

- 1) What national rules and procedures apply to third-country nationals who are resident in another EU Member State who wish to undertake work as a Researcher in your Member State?

The so-called Researcher Directive (2005/71/EC) was implemented in Finland by an

amendment to the Finnish Aliens Act (516/2008).

Aliens have the right to gainful employment without a residence permit, in other words holding a visa or on a visa-exempt basis (provided they are citizens of a visa-exempt country) if they enter Finland for a maximum of three months as researchers on the basis of a hosting agreement under the Directive on researchers signed in another Member State to carry out a research project specified in the Directive on researchers (Finnish Aliens Act, Section 81, Subsection 1, Paragraph 6).

The procedure adhering to the Directive is set out in Sections 47a–47f of the Finnish Aliens Act. Issuing a residence permit requires, *inter alia*, that the research institute hosting the researcher is included on the list of approved research institutes published by the Finnish Ministry of Education, as specified in Section 47b of the Finnish Aliens Act, and that the institute concerned signs a hosting agreement with the researcher, in compliance with Section 47d of the Finnish Aliens Act. The consideration of the availability of home market labour does not apply to researchers.

In addition to the aforementioned entry procedures pursuant to the Researcher Directive, the Finnish Aliens Act also contains provisions on certain alternative procedures for entering the country: 1) a researcher may enter Finland for a period of no more than three months with a visa, or on a visa-exempt basis, to work as an expert (Finnish Aliens Act, Section 81, Section 1, Paragraph 1); 2) a researcher may work as a visiting researcher holding a regular residence permit if the work lasts for a maximum of one year (Finnish Aliens Act, Section 80, Section 1, Paragraph 2); or 3) a researcher with a Finnish residence permit may work professionally in the field of science (Finnish Aliens Act, Section 79, Section 6, Paragraph 4). Research institutes and researchers that meet the requirements of the Directive on researchers may choose between the admission procedure specified in the Directive and other admission procedures set out in the Finnish Aliens Act. In practice, the entry procedures established by the implementation of the Researcher Directive have not been applied at all in Finland, as the other alternatives provided by the Aliens Act are considered to be simpler and more favourable.

As a rule, a residence permit must be applied for prior to entering Finland. However, a residence permit may be issued to an alien who files the application in Finland if the conditions for issuing the residence permit abroad are met and the alien has, before entering Finland, resided in another Member State for the purpose of carrying out scientific research referred to in the Directive on researchers, and applies for a residence permit in Finland for the same purpose or is a family member of such a person (Finnish Aliens Act, Section 49, Subsection 1, Paragraph 4).

- 2) Please explain how these national rules and procedures differ from the national rules and procedures that apply to EU citizens.

See item 1.1., paragraph 2 above.

1.4. Students¹

- 1) What national rules and procedures apply to third-country nationals who are resident in another EU Member State who wish to undertake studies in your Member State?

¹ The statistics already compiled for the study Immigration of International Students to the EU may be used here.

When the duration of studies in Finland is less than three months, a third-country national entering Finland directly from a third country is required to apply for a visa, unless he or she is a citizen of a visa-exempt country. If a third-country national enters Finland from another Member State for the purpose of studying for a period of less than three months, he or she is not required to apply for a visa, as having right of residence in another Member State is sufficient.

If the duration of the studies exceeds three months, a third-country national must always apply for a student's residence permit. In this regard, the students who move from another Member State to Finland are subject to the same residence permit regulations and procedures as those who enter Finland directly from a third country.

- 2) Please explain how these national rules and procedures differ from the national rules and procedures that apply to EU citizens.

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1.5. Posted workers

- 1) What national rules and procedures apply to third-country nationals who are resident in another EU Member State who are posted by a service provider for the purposes of cross-border provision of services in your Member State?

The Finnish Aliens Act does not contain specific provisions on the movement of third-country nationals from other Member States (or Norway) to Finland as posted workers. Third-country nationals moving from another Member State to Finland are subject to the same visa and residence permit regulations and procedures as those who enter Finland directly from a third country.

- 2) Please explain how these national rules and procedures differ from the national rules and procedures that apply to EU citizens.

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Groups of third-country nationals who are not provided for by the EU acquis:

1.6. Cross-border workers

- 1) Do specific national rules and procedures governing access to a visa and/or a residence permit apply to third-country nationals who are resident in another Member State but are employed as cross-border workers in your Member State?²

Section 81 of the Finnish Aliens Act contains provisions on circumstances in which third-country nationals have the right to gainful employment without a residence permit for a limited period of time. For example, the provisions permit a third-country national who is resident in another Member State to enter Finland on the basis of an invitation or agreement to work as a teacher for a maximum of three months.

Monitoring compliance with the legislation involves considerable difficulties, particularly with regard to Section 81, Subsection 1, Paragraph 5 of the Finnish Aliens Act. That provision states that aliens have the right to gainful employment without a residence permit if they arrive in the country as permanent employees of a company operating in another

² This question only applies to those Member States that require cross-border workers to apply for a visa and/or residence permit in order to work in their Member State (even if their usual place of residence is in another Member State).

Member State of the European Union or the European Economic Area to perform **temporary** contracting or subcontracting under the freedom to provide services, if they hold permits entitling them to reside and work in that other State, and if the permits remain in force once they have completed the work in Finland.

The authorities believe that this provision for “temporary” employment is abused, particularly in the construction industry, to circumvent the regulations on residence permits for employed people. The Finnish Immigration Service guidelines “Residence permit for the purpose of employment” (11 May 2012, MIG/2012/160) state that temporary employment is, in practice, limited to three months due to visa regulations. According to the guidelines, employment of a longer duration may not be artificially divided into multiple contracting or subcontracting periods with the aim of making it appear temporary in nature. For example, if the duration of a construction project exceeds three months, the alien workers must apply for residence permits for employed persons.

- 2) If specific national rules and procedures apply to the third-country nationals described in 1.6 (1) above, how do these differ from the national rules and procedures that apply to EU citizens in a similar situation?

See item 1.1., paragraph 2 above.

1.7. Seasonal workers

- 1) Do specific national rules and procedures apply to third-country nationals who are resident in another Member State and who exercise an economic activity as seasonal workers in your Member State in respect of their access to a visa and/or residence permit?

Aliens have the right to gainful employment without a residence permit if they arrive in the country to pick or harvest berries, fruit, specialty crops, root vegetables or other vegetables or to work on a fur farm for a maximum of three months (Finnish Aliens Act, Section 81, Subsection 1, Paragraph 4). In the case of seasonal work pursuant to Section 81, Subsection 1, Paragraph 4 of the Finnish Aliens Act, a third-country national entering Finland directly from a third country is required to apply for a visa, unless he or she is a citizen of a visa-exempt country. If a third-country national enters Finland from another Member State for the purpose of seasonal work, he or she is not required to apply for a visa, as having right of residence in another Member State is sufficient.

If the duration of work exceeds three months, or if the work is not seasonal work as referred to in Section 81, Subsection 1, Paragraph 4 of the Finnish Aliens Act, the alien is required to apply for an employed person’s residence permit. In this regard, seasonal workers who move from another Member State to Finland are subject to the same residence permit regulations and procedures as those who enter Finland directly from a third country.

- 2) If specific national rules and procedures apply to the third-country nationals described in 1.7 (1) above, how do these differ from the national rules and procedures that apply to EU citizens in a similar situation?

See item 1.1., paragraph 2 above.

1.8. Workers in regulated professions

- 1) Do specific national rules and procedures apply to third-country nationals who are resident in another Member State and who apply to work in a regulated profession in your Member State in respect of their access to a visa and/or

residence permit?

Third-country nationals who move from another Member State to Finland to work in a regulated profession are subject to the same visa and residence permit regulations and procedures as third-country nationals who enter Finland directly from a third country.

Issuing residence permits for employed persons is based on consideration in order to ensure that a residence permit for an employed person is only issued to persons who meet the relevant requirements if the work requires specific qualifications or an accepted state of health (Finnish Aliens Act, Section 72, Subsection 1, Paragraph 3).

The website of the Finnish National Board of Education has information on professions that are regulated in Finland and require professional practice rights:

http://www.oph.fi/english/mobility/recognition/regulated_professions_in_finland

For example, healthcare professionals in Finland are required to have the right to practice their profession, granted by Valvira, the National Supervisory Authority for Welfare and Health. As a result, a residence permit for an employed person may only be issued to a person licenced by Valvira.

- 2) If specific national rules and procedures apply to the third-country nationals described in 1.8 (1) above, how do these differ from the national rules and procedures that apply to EU citizens?

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1.9. Any other category of migrant worker not mentioned above

- 1) Are there any specific national rules and procedures that apply to any group of third-country nationals who are resident in another Member State that has not been mentioned above?

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- 2) If yes, please describe how these rules differ from the national rules and procedures that apply to EU citizens.

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1.10. Common rules and procedures for all mobile third-country nationals

- 1) Does the national legislative framework in your Member State contain rules and procedures that are relevant to all mobile third-country nationals (rather than rules that differentiate between different groups) in respect of their access to a visa and residence permit?

Mobile third-country nationals moving from another Member State to Finland are subject to the same visa and residence permit regulations and procedures as those who enter Finland directly from a third country.

As a rule, issuing a residence permit to a third-country national requires that the applicant has secure means of support (Finnish Aliens Act, Section 39) and a valid travel document (Finnish Aliens Act, Section 35), and is not considered a danger to public order or security (Finnish Aliens Act, Section 36).

A first residence permit shall be applied for abroad, before entering Finland, in the country where the alien resides legally (Finnish Aliens Act, Section 60, Subsection 1). This applies to any country the applicant may legally reside in. The residence permit process is the same regardless of whether the permit is applied for in a third country or a Member State. However, pursuant to Section 49 of the Finnish Aliens Act, a residence permit may be issued in Finland if certain special conditions are met. Long-term residents, Blue Card holders and researchers

who meet the criteria stipulated by the Researcher Directive may, under certain conditions, apply for a residence permit in Finland, as explained above.

- 2) If yes, please describe the rules and procedures and explain how they differ from the national rules and procedures that apply to EU citizens.

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Section 2

Scale and scope of the phenomenon

(National Contribution: Maximum 4 pages)

EMN NCPs are requested to:

- (i) comment on the availability of statistics on overall intra-EU mobility of third-country nationals and for the following groups of mobile third-country nationals in their countries;*
- (ii) provide the relevant statistics available;*
- (iii) provide estimates of aggregate numbers of third-country nationals using any of the proxy sources suggested further below; and finally*
- (iv) provide statistics on the flows of EU nationals to and from other Member States and Norway, Switzerland, Iceland and Liechtenstein.*

The Synthesis Report will aim to provide a sense of the scale and scope of the phenomenon of intra-EU mobility of third-country nationals by mapping the availability of data at national and EU level on the number of mobile third-country nationals. It is recognised that there are numerous gaps and weaknesses in the available statistics. An attempt will be made in the Synthesis Report to indicate general patterns and trends in the phenomenon of third-country national intra-EU mobility by using proxy sources. The Synthesis Report will compare the scale of the movements of mobile third-country nationals that are provided for by the EU acquis and those that are not, and provide possible reasons for the differences. It will also compare these trends with available statistics on the intra-EU mobility of EU nationals.

2.1. Are statistics on overall intra-EU (work-related) mobility of third-country nationals available in your (Member) State

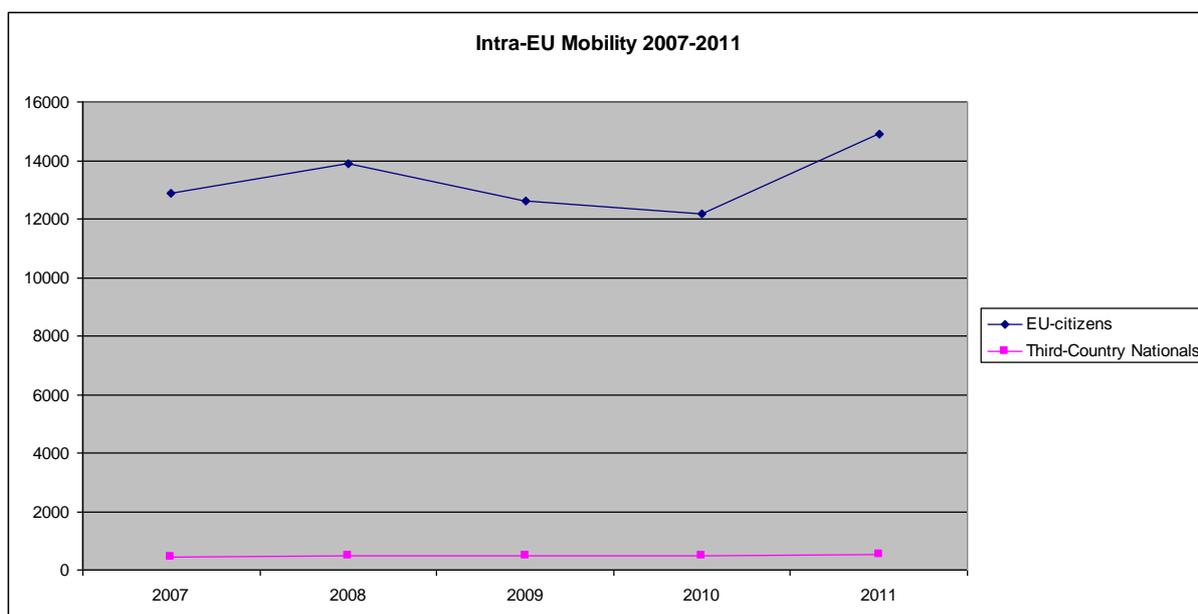
- *If **yes**, please indicate, where possible, the type of available statistics, including Member State of previous residence, skills profile (high or low-skilled), demographic profile (age, nationality, etc.), occupational profile, family status.*

Please present these statistics in a way that permits the reader to obtain a sense of the scale of the phenomenon. This should include breaking down any data on overall numbers by nationality, country of previous residence, etc.³ If the data can be cross-classified, please

³ If a number of nationality groups predominate, and individuals belonging to certain nationalities are very small in number, the latter can be grouped together under the category “Other nationalities”.

specify that this is the case. If the data is collected annually, please present it over the last 5 years; if the data is collected more sporadically, please present any data that may be available, irrespective of the years.

The only source that can be considered reliable for statistics on the intra-EU mobility of third-country nationals are the migration statistics collected by Statistics Finland. They include information on the country of previous residence and nationality. Information is also available to some extent on the occupational profile (employed, unemployed, student, retired, other reasons for not being in the work force), although this information is not complete. Information on the marital status (married, unmarried, divorced) is also available. No information on the skill level or occupational categories is available for this group. The main issue that hampers the use of the data is the small numbers of mobile third-country nationals that move to Finland from another Member State. The graph and table below illustrate the scale of the issue compared to the migration of EU-citizens to Finland.



	2007	2008	2009	2010	2011
Third-Country Nationals	461	502	473	464	540

Source: Statistics Finland

These numbers can also be compared to the number of first residence permits being issued to third-country nationals arriving from their country of origin, which have been fluctuating between 15 000 and 20 000 issued permits per year during the same time period. These numbers also include the residence permits issued to the mentioned group of mobile third-country nationals arriving from another Member State, but as they only account for approx. 3% of all issued first residence, the scale of the issue in Finland is put into perspective.

The small sample of third-country nationals migrating to Finland from another Member State also presents limitations for the use of the data from a data protection perspective. In many cases, there are only a few nationals from a certain nationality migrating to Finland from a certain Member State, which means that Statistics Finland does not allow for the information on individuals to be presented or published. Therefore neither breakdowns according to age or sex are available in this case.

An attempt is made in the context of this study to present the main nationalities and the main countries

of previous residence of the mobile third-country nationals. The following tables present the top-20 nationalities according to the country of previous residence for 2010 and 2011.

2011			2010		
Country of previous residence	Nationality		Country of previous residence	Nationality	
Estonia	Not known	40	Estonia	Not known	38
Estonia	Russian Federation	33	Estonia	Russian Federation	34
Italy	Somalia	18	Estonia	Stateless	15
Estonia	Stateless	11	Sweden	China	10
Germany	Russian Federation	11	Italy	Somalia	9
Sweden	China	9	Germany	Iraq	8
Sweden	India	9	Sweden	India	8
Germany	South-Korea	8	Germany	Russian Federation	7
Spain	Morocco	8	Spain	Morocco	7
Denmark	India	7	Spain	Chile	6
Greece	Iraq	7	Sweden	Iran	6
Sweden	Iraq	7	United Kingdom	India	6
Sweden	Pakistan	7	France	South Africa	5
United Kingdom	United States	7	Germany	South Korea	5
Portugal	Brazil	6	United Kingdom	United States	5
Sweden	Norway	6	United Kingdom	Russian Federation	4
Denmark	Nigeria	5	Belgium	Federation	4
Estonia	Ukraine	5	Denmark	India	4
Germany	China	5	Denmark	Dem.Rep. of the Congo	4
Greece	Albania	5	France	Congo	4
Other		344	Latvia	Not known	4
Total		540	Malta	Somalia	4
			Other		275
			Total		464

Source: Statistics Finland

As can be seen from the tables, the main part of the third-country nationals coming to Finland from another Member State come from Estonia and it is noteworthy that there are so many whose nationality is marked "not known" or "stateless". The plausible explanation is that these individuals are to a large extent nationals of the former Soviet Union, who for different reasons have not acquired the citizenship of Estonia.

Otherwise, it is fairly difficult to distinguish particular trends because of the small numbers; there are some nationals belonging to the largest nationalities in Finland, who have come on the basis of international protection (Iraq, Somalia). Faint signs of a south-north migration, as a consequence of the employment situation in some parts of Europe can be argued for, although because of the small numbers no clear conclusions can be drawn. The nationalities and countries of previous residence are basically the same in 2007-2009 (see statistical annex).

Only relatively rough estimations regarding the occupational profile can be given based on the data, which as mentioned previously, is a consequence of data protection issues as well as incomplete data. The data on occupational profile is not yet available for 2011, so the estimation is presented for 2010 in the table below.

Estimation of Occupational Profile, Third-Country Nationals (Intra-EU), 2010

Employed	34 %
Unemployed	20 %
Student	17 %
Children 0-14 years of age	6 %
Retired	0,80 %
Other not in the work force	23 %

Source: Estimation based on data from Statistics Finland

The estimation shows that about half of the third-country nationals (Intra-EU) are active either as employed persons or students, 20% are unemployed and 23% are not part of the work force for other reasons (this group includes e.g. housewives).

Regarding the marital status, the estimation for 2011 is presented in the table below.

Estimation of Marital Status, Third-Country Nationals (Intra-EU), 2011

Married	53 %
Unmarried	42 %
Divorced	5 %

Source: Estimation based on data from Statistics Finland

The estimation shows that slightly over half of the third-country nationals are married, which exhibit a considerable difference to the estimation regarding EU-citizens presented below in section 2.4.

2.2. Are statistics based on administrative registrations available in your (Member) State on the following groups of mobile third-country nationals? If they are not available could they in principle be made available from existing registrations?

- *For each group, please indicate the type of statistics, including Member State of previous residence, skills profile (high or low-skilled), demographic profile (age, nationality, etc.), occupational profile, family status.*

Groups of third-country nationals who enjoy mobility rights under the EU's migration Directives:

- 1) Long-term residents coming from another Member States (information should be collected by national contact points established under Directive 2003/109/EC on third-country national long-term residents)

Data is available, although in Finland only one residence permit has been issued in 2012 on the basis of long-term resident status in another Member State.

- 2) EU Blue Card holders (information should be collected by national contact points established under Directive 2009/50/EC on EU Blue Card holders)

The directive was transposed into the Finnish Alien's Act and came into force from the beginning of 2012 as stated in section 1. Data on EU Blue Card issued in Finland is available. Finland has issued only 8 EU Blue Cards so far (November 2012) and there is no information on the country of previous residence of these third-country nationals (see also the text below).

- 3) Researchers

Please see the text below.

4) Students⁴

Please see the text below.

5) Posted workers

No data available.

Groups of third-country nationals who are not provided for by the EU acquis:

6) Cross-border workers

N/A. The cross-border workers are mostly EU-citizens. The third-country nationals are included in the overall residence permit statistics, but not as a group on their own.

7) Seasonal workers

Seasonal workers coming to Finland are usually entering with a visa. Data on visas is collected by the Ministry for Foreign Affairs. Accurate data regarding country of previous residence and nationality are not published and are not readily available.

8) Workers in regulated professions

N/A

9) Any other category of migrant not mentioned above

N/A

Regarding statistics based on administrative registrations of third-country nationals in Finland, the main data source are the residence permit statistics produced by the Finnish Immigration Service. The main problem in tracing the intra-EU mobility of third-country nationals in the residence permit statistics is that data is not collected on the country of previous residence, as it is not considered important for the processing of the application for a residence permit. Therefore it is impossible in the statistics to distinguish a mobile third-country national coming from another Member State from the other applicants for residence permits (e.g. for researchers and students).

2.3. Are there any other/proxy sources of statistics that could provide indications of patterns and trends?

- ***It is recognised that most proxy sources of statistics will only capture a portion of the mobile third-country nationals concerned and therefore cannot provide indications of the scale of total mobility among third-country nationals with any degree of accuracy. However, they may provide approximate indications of general patterns and trends and will be used with caution in the Synthesis Report.***

(i) Number of applications for the recognition of diplomas/certificates acquired in another Member State.

N/A. Some data available regarding certain professions (e.g. medicine), although not readily available data regarding previous country of residence and nationality.

[If **available**, please specify, where possible, the type of diploma or certificate, including information

⁴ The statistics already compiled for the study Immigration of International Students to the EU may be used here.

on whether the qualifications were obtained in a Member State or outside the EU. If the latter, were the qualifications already recognised in the first Member State, or was the request for recognition in your (Member) State the first of its kind within the EU?]

(ii) Number of visa applications by third-country nationals who are resident in another EU Member State.

N/A. Not readily available or reliable information.

[If **available**, please specify, where possible, the stated purpose of the visit].

(iii) Number of social security registrations⁵ by third-country nationals who were resident in another Member State before arrival?

N/A Not readily available data

[If **available**, please indicate any characteristics of the individuals concerning, including their occupation, which may be available]

(iv) Information about previous country of residence contained in the latest population census.

N/A. Finland uses register data, as mentioned elsewhere.

[If **available**, please indicate the date of the census and the precise questions asked in this respect].

- **Your responses to the following proxy sources of information are OPTIONAL. Please ONLY respond if the information is considered relevant to this study in your Member State and readily accessible.**

(v) Any information that might be collected about the motivations of third-country nationals who apply for citizenship in (your) Member State (e.g. as a proxy source of information on the number of third-country nationals wishing to travel within the EU).

N/A

(vi) Any other proxy sources of statistics.

N/A

2.4. Please provide any statistics available on the flows of EU nationals within your (Member) State over the last 5 years in order to provide a comparison with the flows of third-country nationals

Please indicate, where possible, any available statistics, including Member State of previous residence, skills profile (high or low-skilled), demographic profile (age, nationality, etc.), occupational profile, family status.

Please present these statistics in a way that permits the reader to obtain a sense of the scale

⁵ A social security registration is normally required on arrival in a Member State before access to employment can be granted.

of the phenomenon. This should include breaking down any data on overall numbers by nationality, country of previous residence, etc.⁶ If the data can be cross-classified, please specify that this is the case. If the data is collected annually, please present it over the last 5 years; if the data is collected more sporadically, please present any data that may be available, irrespective of the years

The graph shown in section 2.1 and the table below clearly demonstrates the scale of the flow of EU-citizens compared with the flow of third-country nationals coming from another Member State. EU-citizens outnumber the third-country nationals many times over.

Intra-EU Mobility 2007-2011

	2007	2008	2009	2010	2011
EU-citizens	12 434	13388	12162	11727	14378
Third-Country Nationals	461	502	473	464	540

Source: Statistics Finland

The following tables show the top-10 nationalities of EU-citizens and their previous country of residence coming to Finland.

2011			2010		
Country of Previous Residence	Nationality		Country of Previous Residence	Nationality	
Estonia	Estonia	4668	Estonia	Estonia	3750
Sweden	Finland	2577	Sweden	Finland	2167
United Kingdom	Finland	777	Sweden	Sweden	628
Sweden	Sweden	638	United Kingdom	Finland	605
Germany	Finland	571	Germany	Finland	415
Spain	Finland	498	Spain	Finland	405
Denmark	Finland	372	Denmark	Finland	297
Poland	Poland	301	Germany	Germany	257
United Kingdom	United Kingdom	270	Poland	Poland	235
Hungary	Hungary	269	United Kingdom	United Kingdom	206
Other		3437	Other		2792
Total		14378	Total		11727

Source: Statistics Finland

The tables show that Estonians form by far the largest group of other EU-citizens coming to Finland. The rest of the top-10 is dominated by Finnish citizens who return from other Member States. The data for 2007-2009 shows a similar picture (see statistical annex).

The occupational profile of the EU-citizens is also an estimate; although it can be considered more accurate than that of the third-country nationals because of the larger sample size.

Estimation of Occupational Profile, EU-Citizens, 2010

Employed	43 %
Unemployed	7,50 %
Student	7,20 %
Children 0-14 years of age	16 %

⁶ If a number of nationality groups predominate, and individuals belonging to certain nationalities are very small in number, the latter can be grouped together under the category "Other nationalities".

Retired	4 %
Other not in the work force	17 %
No information available	5 %

Source: Estimation based on data from Statistics Finland

When comparing the estimation with that of the third-country nationals, it clearly shows the higher share of employed persons, as well as smaller share of persons who are either unemployed or not part of the work force. Another difference is the lower share of students and the higher share of children.

Regarding the estimation of the marital status of the EU-citizens a significant difference compared to the third-country nationals can be noted.

Estimation of Marital Status, EU-Citizens, 2011

Married	22 %
Unmarried	70 %
Divorced	8 %

Source: Estimation based on data from Statistics Finland

The sample size probably affects the outcome regarding the third-country nationals, and in part also the profile of the EU-citizens coming to Finland, returning Finnish citizens and Estonian citizens include also younger persons, who are not likely to be married yet.

The main aim of the data presented it is to give a scope of the issue in the Finnish context. The estimations of the occupational profile and marital status are better treated as indications only, mainly due to the small number of third-country nationals who migrate to Finland from another Member State.

Section 3

Identified Restrictions to Intra EU mobility of third-country nationals

(National Contribution: Maximum 3 pages)

Please note that the possible restrictions listed below must be distinguished from the conditions for applying for a visa and/or residence permit reviewed in section 1 above. By 'restrictions' the focussed study has in mind additional provisions in the national legislation of your (Member) State that may affect the decision of third-country nationals to settle in your (Member) State even if they fulfil all the necessary (formal and administrative) conditions for acquiring a visa and/or residence permit.

These restrictions are often introduced for reasons of labour market policy or in order to maintain certain professional standards. Examples of such restrictions are provided below. EMN NCPs are asked to comment on the relevance of these examples to their national legislative framework; if relevant, to explain why they have been introduced; and to comment on how they work in practice. They should also indicate, in the space provided, whether there are any additional restrictions in place in their (Member) State that may affect the decision of third-country nationals to settle in your (Member) State.

The Synthesis Report will identify any restrictions to the mobility of third-country nationals that have been included in national legislation/policies and explain why these are considered necessary.

3.1. Member States (and Norway) may examine the situation of the labour market and give preference to Union (or EEA/EFTA) citizens when considering applications for

work from a third-country national in another Member State or EFTA country.

The Finnish residence permit system is more complicated than those of many other Member States due to the fact that there are several different types of residence permits that may be issued for the purpose of employment. These include the residence permit for an employed person, the regular residence permit and the residence permit for a self-employed person. The right to employment may also be linked to visas and visa exemption.

Chapter 5 of the Aliens Act contains provisions on residence permits for employed and self-employed persons. The purpose of the system of residence permits for employed persons is to support the availability of labour in a systematic, prompt and flexible manner, with consideration for the legal protection of employers and foreign employees and the employment opportunities for labour already in the labour market (Finnish Aliens Act, Section 70).

The social partners participate in monitoring and assessing practices related to issuing residence permits for employed persons, and in preparing national and regional policies related to the general requirements for using foreign labour. National guidelines are issued by Government decision, and regional policies by decisions of relevant Centres for Economic Development, Transport and the Environment (Finnish Aliens Act, Section 71).

Issuing residence permits to employed persons is based on consideration in order to: 1) establish whether there is labour suitable for the work available in the labour market within a reasonable time; and 2) ensure that issuing a residence permit for an employed person will not prevent a person referred to in Paragraph 1 from finding employment. When considering the issue of residence permits for employed persons, account shall be taken of the (*aforementioned*) guidelines referred to in Section 71 (Finnish Aliens Act, Section 72, Subsection 1, Paragraphs 1 and 2, and Subsection 2).

Government Bill 269/2009 proposed the discontinuation of the consideration regarding home market labour availability. However, the proposed amendment to the Finnish Aliens Act expired in Parliament in 2011. According to the Government Programme (22 June 2011), the consideration regarding home market labour availability will remain a part of the process of issuing residence permits for employed persons.

However, Chapter 5 of the Finnish Aliens Act contains three broad and difficult-to-interpret provisions (Finnish Aliens Act, Sections 79, 80 and 81) concerning circumstances in which consideration regarding home market labour availability is not required. In practice, a considerable proportion of work performed by third-country nationals in Finland is carried out pursuant to these provisions by persons holding a regular residence permit or a visa, or on a visa-exempt basis. (The consideration regarding home market labour availability does not apply to, for example, experts, trainees and athletes. It also does not apply to family members, as third-country nationals who are issued a residence permit on the basis of family ties have the right to unrestricted employment.)

3.2. Minimum wages are often specified in the national legislative framework that may affect the decision of a third-country national, who is resident in one Member State (or EFTA country), to settle in another Member State (or Norway).

Employment in Finland is subject to Finnish law. Unlike many other countries, Finland does not have a statutory minimum wage. Instead, minimum wages are determined on an industry-specific basis by collective labour agreements or, in the case of government and local government employment, by public sector collective agreements. The wages specified in collective agreements apply to all industry employees.

The employer shall observe at least the provisions of a national collective agreement considered representative in the sector in question (generally applicable collective agreement) on the terms and working conditions of the employment relationship that concern the work

the employee performs or nearest comparable work (Finnish Employment Contracts Act, Chapter 2, Section 7).

If neither a collective agreement binding under the Collective Agreements Act nor a generally applicable collective agreement is applicable to an employment relationship, and the employer and the employee have not agreed on the remuneration to be paid for the work, the employee shall be paid a reasonable normal remuneration for the work performed (Finnish Employment Contracts Act, Chapter 2, Section 10).

Practical experience suggests that, for third-country nationals, what is significant is that wages paid in Finland are higher than what they have previously earned (particularly in the case of third-country nationals who enter Finland directly from their home country). Third-country nationals generally are not aware of minimum wages in Finland, and the issue of wages does not appear to be significant in terms of their willingness to migrate to Finland.

3.3. If the third-country national who moves from another Member State (or EFTA country) is in a self-employed capacity, Member States (and Norway) may require that they have the appropriate funds which are needed, in accordance with national law, to exercise an economic activity in such capacity.

Issuing residence permits to self-employed persons is based on consideration to ensure that the intended business operations meet the requirements for profitable business. When considering the issue of residence permits for employed or self-employed persons, the authorities shall ensure that the alien's means of support are secured by gainful employment, pursuit of a trade or in some other way (Finnish Aliens Act, Section 72, Subsections 3 and 4).

According to Government Bill 28/2003, a self-employed person must receive regular income in the form of business profit, salary, personal withdrawals or sales profit that exceeds the lower limit for granting basic income support during the validity of his or her residence permit.

In the first stage of processing applications for residence permits for self-employed persons, the Centre for Economic Development, Transport and the Environment assesses the profitability of the business and the adequacy of income derived from it. The profitability of business is assessed on the basis of various information such as a business plan, binding preliminary agreements and financing.

A third-country national who has been issued with a continuous residence permit for a self-employed person (permit type A) may, in the early stages of self-employment, also work for another employer to a small extent if he or she does not yet earn an adequate income from the business.

3.4. National rules or procedures governing the recognition of degrees and diplomas may affect the decision of a third-country national, who is resident in one Member State (or EFTA country), to settle in another Member State (or Norway).

The Directive on the recognition of professional qualifications (2005/36/EC) has been implemented in Finland by, among other things, the introduction of the Finnish Act on the Recognition of Professional Qualifications (1093/2007). The Act applies to the recognition of professional qualifications obtained by an EU citizen primarily in another Member State. The Act also applies to the recognition of professional qualifications based on the Agreement on the European Economic Area, or other agreements concluded between the European Communities and their Member States with third parties, or Community regulations pertaining to the status of third-country nationals. According to the preamble to the Act

(Government Bill 26/2007), the reference to Community regulations pertaining to the status of third-country nationals particularly refers to the provisions of the Directive on free movement (2004/38/EC) and the Directive concerning the status of third-country nationals who are long-term residents (2003/109/EC) pertaining to the recognition of professional qualifications. However, the extent to which the provisions concerning the status of third-country nationals contained in the Act can be applied to the procedures for the recognition of professional qualifications is restricted by Article 1 of the Directive on the recognition of professional qualifications, which states that the provisions regarding the recognition of professional qualifications only apply when the professional qualifications have been primarily obtained in one or more Member States.

Decisions on competence conferred by studies taken abroad are made by the Finnish National Board of Education. Professional practice rights in Finland are granted by the industry-specific authorities. Private sector employers generally assess the competence of qualifications obtained outside Finland themselves in making recruitment decisions.

According to the experts, there are no significant problems related to the recognition of professional qualifications obtained by third-country nationals in third countries to the extent that they would restrict mobility. However, finding employment in Finland appears to be difficult despite the recognition of qualifications or degrees due to factors such as inadequate skills in the official languages of Finland.

3.5. National rules or procedures governing access to social security and social services for third-country nationals and their families may affect the decision of a third-country national, who is resident in one Member State (or EFTA country), to settle in another Member State (or Norway).

The Finnish social security system is based on domicile, which means that the right to social security benefits is obtained through residence in the country. When a person moves to Finland, the Social Insurance Institution of Finland (Kela) makes the decision on whether the person is included in the Finnish social security system, that is, whether the person is entitled to social security benefits provided by Kela. The decision is based on the Finnish Act on the Application of Residence-Based Social Security Legislation, also known as the Scope of Application Act (1573/1993).

The right to Finnish social security is decided on the basis of the duration of the residence. As a rule, foreign nationals who move to Finland on a permanent basis are covered by social security, but those who move to Finland on a temporary basis are not.

Employment in Finland of at least two years in duration, and a marriage with or a close family relationship to a person residing permanently in Finland, for instance, are regarded as permanent residence. In addition, it is required that a residence permit has been granted for a year at the minimum if the person is obliged to obtain a residence permit.

Foreign nationals who move to Finland on a temporary basis are generally not entitled to Finnish social security benefits. For instance, students are considered to be only temporary migrants into Finland, if the sole reason for migration is studying.

However, foreign nationals who move to Finland to work on a temporary basis are covered by Finnish public health insurance if the duration of employment exceeds four months. Employed persons who move to Finland on a temporary basis from another EU/EEA country or Switzerland may, in some cases, also have a broader right to social security and healthcare benefits provided by Kela.

Moving to Finland from a Member State

The social security benefits of persons moving from one Member State to another have been coordinated since 1 May 2010 by EC Regulation 883/2004.⁷ Initially, the new Regulation only applied to EU citizens moving from one Member State to another. Regulation 1231/2010 extended the scope of Regulation 883/2004 to third-country nationals legally resident in the EU with effect from 1 January 2011 onwards.

In the case of third-country nationals, the country from which they move to Finland is relevant when the right to social security is assessed on the basis of employment. For persons whose right to social security is based on permanent residence, citizenship or the country from which the person moves to Finland do not have an effect on the right to social security.

A third-country national moving to Finland from another Member State has the same status in this regard as an EU citizen. On commencing employment, persons who intend to work in Finland for a minimum of four months are granted the right to the social benefits specified in Section 1 of the Finnish Scope of Application Act that are subject to EU Regulation 883/2004. These social benefits include pension accrual, the right to child benefits (even for children residing outside Finland) and disability benefits. The employed person's wages and total weekly working hours must also meet certain minimum requirements stipulated by the definition of an employee in the Finnish Scope of Application Act. An employed person is also covered by health insurance and the Finnish Unemployment Security Act. The four-month rule does not apply to employment pension insurance or accident insurance. EU employees are entitled to these benefits and public healthcare even when the duration of employment is less than four months.

A third-country national moving to Finland from a third country for the purpose of employment is covered by health insurance provided that he or she meets the four-month employment condition. However, the right to other Kela benefits is subject to becoming a permanent resident of Finland.

3.6. Any other restrictions

[Insert comments here]

Section 4

Conclusions

(National Contribution: Maximum 2 pages)

⁷ EC Regulation 883/2004 has replaced EC Regulation 1408/71 in cases in which a person moves from one Member State to another, or otherwise migrates within the EU as an employed person. The new Regulation is used in deciding in which country's social security system the person migrating within the EU will be included. As a rule, employed persons are included in the social security system of the country they are employed in. For persons who are not employed, the right to social security is determined by the legislation of their country of residence.

Regulations 883/2004 and 1408/71 apply to EU/EEA and Swiss citizens as well as third-country nationals migrating within the EU (excluding Denmark and the United Kingdom in the case of Regulation 883/2004, and excluding Denmark in the case of Regulation 1408/71). A further requirement is that the third-country national must have legal residence in a Member State prior to migration.

However, Regulations 883/2004 and 1408/71 do not apply to third-country nationals migrating between Member States and Switzerland.

The Synthesis Report will outline the main findings of the Study and present conclusions relevant for policy makers at national and EU level.

With regard to the aims of this Focussed Study, what conclusions would you draw from your findings? What is the relevance of your findings to (national and/or EU level) policymakers?

The implementation of the migration Directives pertaining to long-term residents, Blue Card holders and researchers (2003/109/EC, 2009/50/EC, 2005/71/EC) has resulted in amendments to the Finnish Aliens Act to include certain special provisions related to these categories. However, in practice the Directives intended to promote mobility have only had a minor impact in Finland.

Third-country nationals who have a long-term EC residence permit issued by another Member State are subject to the same permit regulations regarding the right to employment as other third-country nationals, which means that they are not exempt from the requirement for the consideration of home market labour availability. The entry procedures outlined in the Researcher Directive have thus far never been applied in Finland, and there have only been a few isolated cases of EU Blue Card applications. Instead of applying the provisions introduced through the implementation of the Directives concerning researchers and experts, the practice in Finland is to apply other, existing provisions of the Finnish Aliens Act that are considered to be simpler and more favourable, and the effectiveness of which has been proven prior to the implementation of the European Mobility Directives. Critics have suggested that the relevant Finnish legislation has become more difficult to understand and interpret as a result of the legislative amendments introduced in order to implement the Directives.

According to the current Government Programme, there are no plans to forego the requirement for consideration regarding home market labour availability in relation to residence permits for employed persons, which has the effect of restricting the mobility of third-country nationals. However, the consideration regarding home market labour availability does not apply to all employment. The Finnish permit system pertaining to the employment of third-country nationals is complicated and the relevant provisions of the Finnish Aliens Act are subject to interpretation.

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