

Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of the Interior, Finland

Act on the Implementation of Certain Provisions on Residence Rights under the Withdrawal Agreement of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community

(666/2020; amendments up to 685/2022 included)

By decision of Parliament, the following is enacted:

Section 1

After the transition period laid down in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (Withdrawal Agreement), the provisions of Part Two of the Withdrawal Agreement apply to the residence and the provisions of Article 18, paragraph 1 apply to the application of residence rights of the citizens of the United Kingdom of Great Britain and Northern Ireland and their family members (applicant) who fall within the scope of application of the Withdrawal Agreement.

Applicants who have resided or reside in Finland in accordance with Union law before the end of the transition period and continue to reside in Finland thereafter shall apply for the right of residence in accordance with the Withdrawal Agreement. Applications can be submitted from 1 October 2020 and must be submitted no later than nine months after the end of the transition period.

Section 2

Applicants who have resided legally in Finland for a continuous period of five years before the end of the transition period and who do not hold a valid permanent residence document shall apply for a permanent right of residence in accordance with the Withdrawal Agreement within the period laid down in section 1, subsection 2. A condition for residence is that the applicant is not considered a danger to public order or security or public health as provided in section 156 and section 156a, subsection 1 of the Aliens Act (301/2004).

Section 3

The application for the right of residence referred to in this Act is submitted in Finland to the Finnish Immigration Service and abroad to a Finnish mission.

Section 4

The applicant is issued with a residence permit card referred to in section 33a of the Aliens Act as proof of their right of residence under the Withdrawal Agreement. Provisions on the entries on the residence permit card are laid down in Commission Implementing Decision notified under document C(2020) 1114 on documents to be issued by Member States pursuant to Article 18(1) and (4) and Article 26 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community. An additional "P" entry is made, where applicable, to indicate a permanent right of residence. A residence permit card is valid for five years.

Section 5

Five years after the end of the transition period, Finland will no longer accept as a document entitling the applicant to enter or exit Finland a national identity card that does not include a chip that complies with the International Civil Aviation Organisation standards related to biometric identification.

Section 6

Applicants are considered to have the same status as the persons referred to in chapter 2, section 1, subsection 3, paragraph 1 of the Act on Public Employment and Business Service (916/2012). Applicants have the right to take up employment and self-employment.

Section 7

The Finnish Immigration Service is the competent authority for processing and making a decision on the application for a right of residence referred to in this Act.

Finnish missions are the competent authorities for receiving applications abroad and submitting them to the Finnish Immigration Service.

Sections 203, 204, 205 and 206 of the Aliens Act apply to the service of a decision on the application both in Finland and abroad.

Section 8

The Finnish Immigration Service's decision referred to in this Act may be appealed to an administrative court as provided in the Administrative Judicial Procedure Act (808/2019).

An administrative court decision may be appealed to the Supreme Administrative Court only if the Supreme Administrative Court grants leave to appeal. Leave to appeal may be granted if it is important to refer the matter for decision by the Supreme Administrative Court for the application of the law in other similar cases or for the sake of uniformity of legal practice, or if there are very serious grounds for granting the leave. In all other respects, the provisions of the Administrative Judicial Procedure Act apply to requests for a review by the Supreme Administrative Court.

Section 9

This Act enters into force on 1 October 2020.

This Act also applies to applicants who enter Finland for the first time after the entry into force of the Act but before the end of the transition period. The provisions of sections 159 and 161a of the Aliens Act on registering a right of residence and applying for a residence card do not apply to such applicants. Applicants shall apply for a right of residence in accordance with the Withdrawal Agreement before the end of the transition period.