

# FINLAND'S NATIONALITY ACT

Finland's current Nationality Act took effect in September 2011. One of the key objectives of the Act is to promote the social integration of those foreign nationals living permanently in Finland. This will be supported by making the acquisition of Finnish citizenship more flexible than previously.

Naturalization affects a person's legal status, but also has a bearing on supporting his/her integration. Citizenship brings civil rights and civic duties which enable full participation in the country's political, social, economic and cultural life. Citizenship will grant a foreign national full membership of Finnish society.

## CONCEPTS

### National/ethnic origin

Nationality means membership of a certain ethnic group. There are Finnish nationals residing both in Finland and outside of it, but then again a Finnish citizen can also have a nationality other than that of Finland.

### Citizenship

Citizenship can be described as a membership of a certain state. It signifies a legal relationship between the state and the individual, which entails mutual rights and obligations.

### Multiple Nationality (Dual Nationality)

Multiple nationality refers to the fact that a person is simultaneously a citizen of two or more states. Dual nationality is a colloquial expression and means the same as having multiple nationality. A citizen of both Finland and another state is considered a Finnish citizen by the Finnish authorities whether he/she is in Finland or abroad. However, he/she will not automatically be considered a Finnish citizen by the authorities of other states.

### The Principles of Parentage and Birthplace

In general, citizenship is determined on the principles of parentage or the country of birth. Each state has its own rules regarding which principle takes precedence.

According to the parentage principle, a child's citizenship is determined based on the citizenship of its mother, father or both. According to the birthplace

principle, a child's citizenship is determined on the basis of its place of birth.

In Finland, the parentage principle is the primary determinate. The citizenship of a child born abroad is the same as that of its Finnish parent. Because information on the birth of a child abroad and about its Finnish citizenship will not automatically reach the Finnish authorities, parents themselves should notify their Local Register Office in Finland or the Finnish Population Register Centre about the birth. This notice of birth is important in order to ensure that the child is granted all his/her due rights of a Finnish citizen without delay.

## LEGISLATION AND THE AUTHORITIES

Finnish citizenship is stipulated in the Finnish Constitution and the Finnish Nationality Act, which contains more detailed provisions on the matter. A person may obtain Finnish citizenship at birth or through the citizenship of his/her parents as well as acquire it by application or declaration.

A person may be released from Finnish citizenship only if he/she has or is about to acquire the citizenship of another state.

Decisions on whether a person acquires, retains or loses his/her Finnish citizenship are made by the Finnish Immigration Service. In certain cases, information on a person acquiring, retaining or losing his/her citizenship is entered into the national Population Information System independently by the Local Register Office.

Decisions made by the Finnish Immigration Service are subject to appeal at the Administrative Court, and further to the Supreme Administrative Court.

In Finland, applications and declarations concerning Finnish citizenship must be submitted to a service point of the Finnish Immigration Service. Applications or declarations outside Finland should be made at a Finnish embassy or consulate.

## HOW FINNISH CITIZENSHIP IS OBTAINED

Finnish citizenship can be based on:

- the citizenship of a parent or adoptive parent (parentage principle)
- birth in Finland (birthplace principle)
- the parents' marriage (legitimation)

- application (naturalisation)
- declaration.

A child whose parent or adoptive parent is a Finnish citizen, a child who is born in Finland or a child whose parents are married obtains Finnish citizenship automatically.

Acquiring Finnish citizenship by application or declaration requires that a person personally or through his/her legal guardian or trustee files an application or declaration with the Finnish Immigration Service in order to acquire Finnish citizenship.

### Established Identity

The basic requirement for acquiring Finnish citizenship is to have the applicant's identity reliably established. The applicant can prove his/her identity with documents (e.g. a passport) or by providing otherwise reliable information on his/her identity and family.

No other qualifications for citizenship will be considered until the applicant's citizenship is reliably established.

## A CHILD'S CITIZENSHIP

### A Finnish Parent

The child will automatically obtain Finnish citizenship at birth if

- the child's mother is a Finnish citizen.
- the child's father is a Finnish citizen and married to the child's mother who is a foreign national.
- the illegitimate child of a Finnish man is born in Finland and the father's paternity is established. If the child is born outside Finland, the child will obtain Finnish citizenship by declaration.
- the adoption decision for an adopted child of a Finnish citizen is granted prior to the child turning 12 years of age. An adopted child aged 12-17 years will acquire Finnish citizenship by declaration.

### Birth in Finland

A child of foreign parentage who is born in Finland will obtain Finnish citizenship if it cannot automatically obtain its parents' citizenship. If the child obtains its parents' citizenship automatically or is entitled to obtain it (e.g. upon registration of the birth, after establishment of paternity or by declaration), it will not obtain Finnish citizenship at birth. A child born in Finland will obtain Finnish citizenship if there is no information on the citizenship of its parents or of their statelessness.

### Parents' Marriage

A child born abroad to a Finnish man and a foreign woman will automatically obtain Finnish citizenship as of the date of the parents' marriage provided that the establishment of paternity is also accepted as valid in Finland. This additionally requires that the father has been a Finnish citizen without interruption since the child was born.

If paternity is not established until after the date of the marriage, the father must be a Finnish citizen at the time when paternity is established. In such a case, the child will obtain Finnish citizenship as from the establishment of paternity. If the parents do not enter into lawful matrimony, the child has the right to acquire Finnish citizenship by declaration.

An illegitimate child born to a Finnish man and a foreign woman in Finland will obtain Finnish citizenship automatically as soon as paternity is established.

## CITIZENSHIP BY APPLICATION

Finnish citizenship may be acquired by application. The naturalisation of an applicant is at the discretion of the authorities. An applicant who meets the requirements set out in the law has no absolute right to Finnish citizenship. Then again, it is possible to grant citizenship to an applicant who does not meet all the requirements.

A minor in the custody of the applicant, i.e. a co-applicant, may apply for and be granted Finnish citizenship only together with the applicant.

### General Requirements for Naturalisation

A person may be naturalised if he/she meets the following requirements:

- is 18 years of age or marries before turning 18.
- has been permanently resident and domiciled in Finland for the past five years without interruption (continuous period of residence) or a total of seven years since he/she turned 15, with two of these years without interruption (accumulated period of residence).
- has not committed any punishable act other than one subject to a petty fine or been placed under a restraining order (integrity requirement).
- has not materially failed to pay maintenance or any debt under public law. These payment liabilities include taxes, fines, student loans and hospital fees.
- can provide a reliable account of his/her livelihood.
- has satisfactory oral and written skills in the Finnish or Swedish language or knows Finnish or (Finnish) Swedish sign language.

Exceptions to these general requirements may be made only as laid down in the Act.

## CITIZENSHIP BY DECLARATION

Acquisition of Finnish citizenship by declaration is only available to specific groups of individuals – those whose parent is a Finnish citizen, former Finnish citizens and people who have lived in Finland or another Nordic country for a long time.

Discretion cannot be exercised in matters of declaration. If the person submitting the declaration meets the requirements, the authorities must grant citizenship to him/her. On the other hand, if any single requirement remains unfulfilled, Finnish citizenship cannot be acquired by declaration.

A co-applicant can acquire Finnish citizenship by declaration only together with the actual applicant submitting the declaration.

## FINNISH CITIZENSHIP MAY BE DECLARED BY

### A foreigner whose father is a Finnish citizen

A child obtains citizenship from its Finnish father if

- he/she is born outside Finland and the establishment of paternity abroad can be accepted in Finland as it stands.
- he/she is born in Finland and paternity is established only after the child is 18 years of age or marries before the age of 18.

### An adopted child aged 12-17 years whose adoptive parent is a Finnish citizen

No other requirements need to be met.

### A young person who has lived in Finland for a long time

An 18-22-year-old person may acquire citizenship if he/she:

- has lived in Finland for a total of a minimum of ten years, the last two without interruption, and
- has not been sentenced to imprisonment.

If the person was born in Finland, the minimum period of residence is six years, the last two of which have to be without interruption. Living in another Nordic country up to the age of 16 is equivalent to the same period lived in Finland. Of this time, a maximum of five years prior to making the declaration will count.

### A former Finnish citizen

A former Finnish citizen will regain his/her citizenship by declaration if he/she has not lost it on account of false information provided in his/her application for or declaration of citizenship or annulled paternity.

### A Nordic citizen

A Nordic citizen will acquire Finnish citizenship if he/she:

- is at least 18 years of age.
- has obtained his/her citizenship of the relevant Nordic country through a procedure other than by application.
- has been resident in Finland for the past five years.
- has not been sentenced to unconditional imprisonment or probation.

## LOSS OF OR RELEASE FROM FINNISH CITIZENSHIP

### Automatic Retention or Loss of Finnish Citizenship at the Age of 22

A Finn who is a citizen of both Finland and another state and has not had sufficient connection with Finland will lose his/her Finnish citizenship when he/she reaches the age of 22. The loss of citizenship will be entered into the Population Information System by the Local Register Office which will also notify the person in question about his/her loss of citizenship.

If a Finnish citizen has had sufficient connection with Finland, he/she will automatically retain Finnish citizenship when he/she turns 22. The Local Register Office will then notify him/her about the retained citizenship and enter the fact in the Population Information System.

### Provision of false or misleading information

If a person who has acquired Finnish citizenship by means of application or declaration and has given the authorities false or misleading information or withheld relevant information in order to acquire Finnish citizenship, he/she may lose his/her citizenship, even if he/she is a child. Decisions on the revocation of citizenship are made at the discretion of the Finnish Immigration Service within a fixed time limit.

### Annulment of Paternity

If a child's Finnish citizenship is based on the father's citizenship and the paternity is later annulled, the child may lose its Finnish citizenship. Decisions on the revocation of citizenship are made at the discretion of the Finnish Immigration Service within a fixed time limit.

## Release from Finnish Citizenship

A Finn may be released from Finnish citizenship if he/she additionally is or wishes to become a citizen of another state. A release requires that an application is submitted to the Finnish Immigration Service.

An applicant domiciled in Finland can be released from Finnish citizenship only if his/her application is based on other reasons than those of avoiding the obligations associated with Finnish citizenship, e.g. military service.

## THE RIGHTS AND OBLIGATIONS OF A FINNISH CITIZEN

Finnish citizenship is associated with certain rights and obligations.

A Finnish citizen cannot be prevented from entering Finland, expelled from Finland or extradited or deported to another country against his/her will. A Finnish citizen can obtain assistance from Finnish embassies and consulates abroad.

Certain government posts (e.g. police officers, judges and certain posts within the foreign affairs administration) are open to Finnish citizens only.

Finnish citizens of at least 18 years of age may vote at general (parliamentary, presidential and EU) and municipal elections.

Because Finland is a member of the European Union (EU), all Finnish citizens are also citizens of the EU with the related rights and obligations, such as the right to move and work freely within the EU.

In Finland, there is a general national defence obligation. To secure national defence, all Finnish citizens are liable to participate in or contribute to the defence of the country. Men over the age of 18 are liable for military service.

The Finnish Constitution contains provisions on civil rights which apply to all persons living in Finland. For instance, they are all equal before the law, enjoy freedom of speech, religion and assembly, and are free to live and move anywhere they like.

## FURTHER INFORMATION

### Finnish Immigration Service

Postal address: P.O. Box 18, 00581 Helsinki, Finland

Customer Service: tel. +358 295 419 600

Service number

for this matter: +358 295 419 626, Tue–Thu 10–11 a.m.

Internet: [www.migri.fi](http://www.migri.fi)