

Nationality Act

(359/2003)

Chapter 1

General provisions

Section 1

Scope of application and purpose

This Act lays down provisions on the requirements for acquiring, retaining or losing Finnish citizenship and on the procedure for processing such matters.

The purpose of this Act is to regulate the acquisition and loss of Finnish citizenship taking account of the interests of both individuals and the State, to prevent and reduce statelessness and to observe and promote the principles of good governance and legal protection when processing and making decisions on matters of citizenship.

Section 2

Definitions

For the purposes of this Act:

1) *citizenship* means a legislative bond between an individual and the State defining the individual's status in the State as well as the basic rights and duties existing between the individual and the State;

2) *alien* means a person who is not a Finnish citizen;

3) *involuntarily stateless* means a person who has no citizenship in any State and who has remained stateless against his or her own or his or her parent's or guardian's will;

4) *voluntarily stateless* means a person who has no citizenship in any State and who has remained stateless by his or her own or his or her parent's or guardian's will;

5) *person with unknown citizenship* means a person for whom there is no information on citizenship or statelessness;

6) *citizenship status* means present or former citizenship, statelessness or citizenship being unknown;

7) *child* means an unmarried person who is under 18 years of age;

8) *spouse* means the husband or wife of the party or a person cohabiting with the party in a relationship resembling marriage; provisions on a spouse also apply to a person living with the party in a relationship in accordance with the Registered Partnership Act (950/2001);

9) *applicant* means a person who has made an application or declaration in order to acquire or be released from Finnish citizenship or on behalf of whom his or her parent, guardian or representative has made an application or declaration in order to acquire or be released from Finnish citizenship; and

10) *co-applicant* means a child in the custody of the applicant for whom the applicant wishes to acquire Finnish citizenship on the same application or declaration as for himself or herself, or whom the applicant, on his or her application, wishes to be released from Finnish citizenship.

Section 3

Duties of the Directorate of Immigration

The Directorate of Immigration decides on the acquisition, retention and loss of Finnish citizenship and on the definition of citizenship status under this Act.

Standard forms needed for application or declaration under this Act are approved by the Directorate of Immigration.

Section 4

Preventing statelessness

The provisions of this Act on the loss of and release from citizenship must not be applied if, as a consequence of the application of these provisions, a person were to become stateless.

Section 5

Interviewing a child and a parent or guardian

A child who has reached the age of 12 years shall be interviewed in respect of any application or declaration concerning him or her. Any parent or guardian other than the one who has made the application or declaration shall also be interviewed in respect of the application or declaration, except in cases where his or her residence is unknown and cannot be ascertained.

A child who has reached the age of 15 years cannot acquire Finnish citizenship on application or declaration nor can he or she be released from it if he or she has stated his or her objection to being granted or released from citizenship. Similarly, a child cannot acquire Finnish citizenship on application or declaration nor can he or she be released from it if a parent or guardian other than the one who has made the application or declaration has stated his or her objection to the child being granted or released from citizenship.

The application or declaration can be approved in spite of objections by the child or a parent or guardian other than the one who has made the application or declaration if this is deemed to be the best interest of the child. In order to establish the best interest of the child, the organ referred to in section 6 of the Social Welfare Act (710/1982) will be asked to express its opinion on the matter, unless it is manifestly unnecessary to ask for an opinion.

Section 6

Established identity

A requirement for the acquisition of Finnish citizenship is that the person's identity has been reliably established.

A person's identity can be established by means of documents or by providing other information which is considered reliable on the person's name, date of birth, family relations and other personal data necessary to decide the matter. When establishing a person's identity, any information provided earlier by the person on his or her own and his or her child's identity may be taken into account.

If an alien has used an identity registered in the population information system for at least ten years, even though he or she had earlier used more than one identities, his or her identity is considered to be established in accordance with subsection 1.

Section 7

Permanent residence and domicile

When assessing an alien's residence in Finland, permanent residence and domicile mean in this Act a person's actual and principal residence where his or her residence is of a permanent nature.

Section 8

Being born in Finland

In this Act, being born on a Finnish ship or aircraft in the territory of a foreign State or in international territory is equivalent to being born in Finland.

Chapter 2

Finnish citizenship by birth

Section 9

Children

A child acquires Finnish citizenship by birth if:

- 1) the mother is a Finnish citizen;
- 2) the father is a Finnish citizen; and
 - a) is married to the child's mother; or
 - b) the child is born in Finland and the man's paternity of the child is established;
- 3) the father is dead, but was a Finnish citizen at the time of his death; and
 - a) was married to the child's mother; or
 - b) the child is born in Finland and the man's paternity of the child is established; or
- 4) the child is born in Finland and does not acquire the citizenship of any foreign State at birth, and does not even have a secondary right to acquire the citizenship of any other foreign State.

A child who is born in Finland acquires Finnish citizenship through the place of birth if his or her parents have refugee status in Finland or if they have otherwise been provided protection against the authorities of their State of nationality. An additional requirement is that the child does not acquire either parent's citizenship except through registration of the child's birth with the authority of the parent's State of nationality, or through another procedure requiring the assistance of the authorities of this State. If the

protection referred to above was given to only one of the parents, it is also required that the child does not acquire the other parent's citizenship by birth nor has even a secondary right through birth to acquire it.

Section 10 Adopted children

An adopted alien child under 12 years of age at least one of whose adoptive parents is a Finnish citizen acquires Finnish citizenship through adoption as of the date the adoption is valid in Finland.

Section 11 Parents' marriage

A child who does not acquire Finnish citizenship under section 9 or who has not acquired Finnish citizenship upon declaration acquires Finnish citizenship through the marriage of his or her parents as of the date when the marriage was contracted, if the man was a Finnish citizen at the child's birth and has been ever since, and the man's paternity of the child was established before the marriage was contracted.

If, however, paternity is established after the marriage was contracted and the father is still a Finnish citizen, the child acquires Finnish citizenship only as of the date when the paternity was established. If the father has died after the marriage was contracted, the child acquires Finnish citizenship as of the date when the paternity was established if the father was a Finnish citizen at the time of his death.

Section 12 Foundlings and children of parents with unknown citizenship

A foundling who is found in Finland is considered to be a Finnish citizen as long as he or she has not been established as a citizen of a foreign State. If the child has been established as a citizen of a foreign State only after he or she has reached the age of five, the child retains Finnish citizenship, however.

A child who was born in Finland to parents with unknown citizenship is considered a Finnish citizen as long as he or she has not been established as a citizen of a foreign State. The same applies to a child who was born out of wedlock to a mother with unknown citizenship. If the child has been established as a citizen of a foreign State only after he or she has reached the age of five, the child retains Finnish citizenship, however.

Chapter 3

Finnish citizenship on application

Section 13 General requirements for naturalisation

An alien is granted Finnish citizenship on application if, when the decision is made on the application:

- 1) he or she has reached the age of 18 years or has married before that;
- 2) he or she is and has been permanently resident and domiciled in Finland (*period of residence*);
 - a) for the last six years without interruption (continuous period of residence); or
 - b) for eight years after reaching the age of 15 years, with the last two years without interruption (accumulated period of residence);
- 3) he or she has not committed any punishable act nor has a restraining order been issued against him or her (*integrity requirement*);
- 4) he or she has not materially failed to provide maintenance or to meet his or her pecuniary obligations under public law;
- 5) he or she can provide a reliable account of his or her livelihood; and
- 6) he or she has satisfactory oral and written skills in the Finnish or Swedish language, or instead of oral skills similar skills in the Finnish sign language (*language skills requirement*).

Exceptions to the general requirements for naturalisation may be made only as laid down below.

No one may be naturalised, even if he or she would meet the requirements for naturalisation, if there are well-founded reasons for suspecting that the naturalisation will jeopardise the security of the State or public order, or if the main purpose of acquiring citizenship is to take advantage of the benefit related to Finnish citizenship without aiming to settle in Finland, or if naturalisation conflicts with the best interests of the State for some other reason on the basis of an overall consideration of the applicant's situation.

Section 14

Period of residence

Even a period of residence without a permit or part of it may be approved as part of the period of residence owing to the applicant's age or health or for some other similar reason if it may be considered reasonable from the applicant's point of view.

Section 15

Start of the period of residence

The period of residence starts:

- 1) on the date the applicant moves or returns to Finland if he or she has been or was before that granted a permit or right to move to Finland on a permanent basis;
- 2) on the date the first residence permit is granted if the applicant, when entering Finland, does not have a permit which gives him or her the right to move into the country;
- 3) on the date an alien made an application for asylum or residence permit if he or she, on the basis of the application that has been lodged, was given asylum here or granted a residence permit on the basis of the need for protection; or
- 4) for a Nordic citizen, on the date he or she moves to Finland or registers his or her notice of removal, depending on which of these was done later.

If the applicant's identity has not been established, the approved period of residence starts only after he or she has given an account of his or her identity. The period the applicant has stayed in Finland before that, or part of it, may be approved as part of the period of residence if the applicant has shown initiative in establishing his or her identity, and similarly the period the applicant has stayed in the country as a minor, or part of it, if the fact that identity has not been established depends on the parent or guardian or is due to some other reason not depending on the applicant.

Section 16

Interruptions in the continuous period of residence

Periods of absence other than short ones interrupt the continuous period of residence. The continuous period of residence is also interrupted if the periods of absence occur so regularly and are so many that the applicant may be considered to have stayed or stay mostly outside Finland. The continuous period of residence may, however, be considered uninterrupted if the absence is due to a well-founded personal reason.

Short periods of absence may be included in the continuous period of residence. Such short periods are:

- 1) periods of absence not exceeding a month;
- 2) a maximum of six periods of absence exceeding one but not exceeding two months;
- 3) one period of absence exceeding two but not exceeding six months; and
- 4) one period of absence not exceeding six months.

Temporary periods of absence exceeding six months but not exceeding a year are not included in the continuous period of residence nor do they interrupt it.

Section 17

Evidence of language skills

Proficiency at level three of the general language examination or in the National Language Examination with satisfactory oral and written skills or completion of basic education with Finnish or Swedish as a native tongue meet the language skills requirement. Language skills can also be shown through other school education or in another way if a person entitled to award national language examination certificates has considered that the language skills level meets the language skills requirement.

Section 18

Exceptions to the period of residence and the language skills requirement

An alien may be granted Finnish citizenship notwithstanding sections 13(1)(2) and 13(1)(6) if:

- 1) he or she has strong ties with Finland on the basis of his or her long period of lawful residence in Finland or for some other similar reason; and
- 2) he or she is and has been permanently resident and domiciled in Finland for the past two years without interruption and if:
 - a) it is unreasonably difficult to be engaged in permanent full-time work in Finland without Finnish citizenship;
 - b) there are extremely weighty reasons for naturalisation with regard to the circumstances of an applicant who is 65 years old or older;
 - c) the applicant has, through no fault of his or her own, been considered a Finnish citizen for a minimum of 10 years as a result of such a mistake made by a Finnish public authority which has led

to a serious consequence related to the rights and obligations of a Finnish citizen; or

- d) there are otherwise special and weighty reasons equivalent to those mentioned in subparagraphs (a)-(c).

An alien may be granted Finnish citizenship notwithstanding section 13(1)(6), if he or she cannot meet the language skills requirement because of his or her state of health, sensory handicap or a speech defect.

Section 19

Exceptions to the integrity requirement

An alien may be granted Finnish citizenship notwithstanding section 13(1)(3) if it is considered on the basis of an overall consideration of the applicant's situation that there are well-founded reasons for an exception to the integrity requirement taking account, in particular, of the time that has passed since the crime was or crimes were committed, the severity of the punishment and the nature of the act. Account will also be taken of whether the applicant has repeatedly committed punishable acts. Even a sentence passed abroad may be taken into account in the assessment, provided, however, that the punishment imposed abroad is not incompatible with the Finnish penal system.

On the basis of the assessment it will be possible to impose a waiting period during which the applicant is not naturalised unless there is a well-founded reason for doing that. The waiting period may be from one to a maximum of seven years from the date of serving an unconditional sentence of imprisonment. With regard to suspended sentences, community service, juvenile punishment and fines, the waiting period may be from one to a maximum of three years from the date the crime was committed. The same applies to offences where the court has waived the sentence. The Ministry of the Interior may give further instructions on the definition of the waiting period.

Section 20

Exceptions pertaining to refugees and involuntarily stateless persons

An alien may be granted Finnish citizenship notwithstanding section 13(1)(2) if:

- 1) he or she has refugee status in Finland, or a residence permit based on the need for protection or he or she is involuntarily stateless; and
- 2) he or she is and has been permanently resident and domiciled in Finland:

a) for the last four years without interruption; or

b) for a total of six years since reaching the age of 15 years with the last two years without interruption.

A citizenship application made by a person as referred to in subsection 1 above is processed expeditiously.

Section 21

Exceptions pertaining to former Finnish citizens and Nordic citizens

A former Finnish citizen and an Icelandic, Norwegian, Swedish or Danish citizen may be granted Finnish citizenship notwithstanding section 13(1)(2) if he or she is and has been permanently resident and domiciled in Finland for the last two years without interruption.

Section 22

Exceptions pertaining to the spouse of a Finnish citizen

The spouse of a Finnish citizen may be granted Finnish citizenship notwithstanding section 13(1)(2) if:

1) the spouses live and have lived together for a minimum of three years; and

2) the applicant is and has been permanently resident and domiciled in Finland;

a) for the last four years without interruption; or

b) for a total of six years since reaching the age of 15 years, with the last two years without interruption.

Section 23

Exceptions pertaining to co-applicants

A co-applicant under 15 years of age may be granted Finnish citizenship notwithstanding sections 13(1)(2) and 13(1)(6) if, when the decision is made on the application, he or she is permanently resident and domiciled in Finland.

A co-applicant who has reached the age of 15 years may be granted Finnish citizenship notwithstanding section 13(1)(2) if, when the decision is made on the application, he or she is and has been permanently resident and domiciled in Finland for the last four years without interruption or a total of six years since reaching the age of seven years, with the last two years without interruption.

Section 24

Naturalising a child

A child may be granted Finnish citizenship on an application made by his or her parent or guardian if the person who has made the application is a Finnish citizen and the child lives with this person.

The child referred to in subsection 1 above may be granted Finnish citizenship notwithstanding sections 13(1)(2) and 13(1)(6) if the child is under 15 years of age and permanently resident and domiciled in Finland, when the decision is made on the application.

If the child has reached the age of 15 years, when the decision is made on the application, he or she may be granted Finnish citizenship notwithstanding section 13(1)(2), provided that the child is and has been permanently resident and domiciled in Finland for the last four years without interruption or for a total of six years since reaching the age of seven years, with the last two years without interruption.

If the child referred to in subsection 3 is a former Finnish citizen or a Nordic citizen, a two-year period of residence is required for the application to be approved, however.

Section 25

How coming of age affects a pending application

If a co-applicant reaches the age of 18 years or marries before a decision has been made on the application, he or she must complete the application so that it applies to him or her.

If a child reaches the age of 18 years or marries before a decision has been made on an application that his or her parent or guardian has made on behalf of him or her, the child must confirm the application with his or her own signature. If the application is not confirmed, it will be rejected.

For persons referred to in subsections 1 and 2, the Directorate of Immigration will set a reasonable term during which they must complete or confirm their applications. Requirements under sections 23(2) and 24(3) apply to applicants who have completed or confirmed their citizenship applications if the requirements have been met before the applicant has come of age.

Chapter 4

Finnish citizenship by declaration

Section 26

An alien whose father is a Finnish citizen

An alien who does not acquire Finnish citizenship under section 9, may acquire Finnish citizenship by declaration if his or her father was a Finnish citizen when he or she was born, and he or she was born:

- 1) in Finland and paternity was established only after he or she had reached the age of 18 years or married before that; or
- 2) outside Finland and paternity has been established.

Section 27

An adopted child who has reached the age of twelve years

If an alien child has reached the age of 12 years before adoption, he or she may acquire Finnish citizenship by declaration if at least one of the adoptive parents is a Finnish citizen and the adoption is valid in Finland.

Section 28

Young persons

A person who has reached the age of 18 but not 23 years may acquire Finnish citizenship by declaration if he or she is and has been permanently resident and domiciled in Finland for a minimum of 10 years in all, with a minimum of two years without interruption before making the declaration, and if he or she has not been sentenced to imprisonment.

If an applicant referred to in subsection 1 was born in Finland, the requirement for the declaration to be approved is a six-year period of residence, however. If an applicant referred to in subsection 1 has been permanently resident and domiciled in Iceland, Norway, Sweden or Denmark before making the declaration, this residence is equivalent to residence in Finland, but only for the five years before the declaration was made and only to the extent that the period of residence occurred before the age of 16 years.

Finnish citizenship cannot be acquired under subsection 1 by a person who has lost Finnish citizenship on the grounds that he or she has provided false information nor by a citizen or former citizen of a hostile State after a state of defence has been declared.

Section 29

Former Finnish citizens

A former Finnish citizen may acquire Finnish citizenship by declaration if he or she is and has been permanently resident and domiciled in Finland for a minimum of 10 years in all, with a minimum of two years without interruption before making the declaration and he or she has reached the age of 18 years.

A former Finnish citizen may acquire Finnish citizenship by declaration if he or she has lost his or her citizenship on the basis of an insufficient connection with Finland. In addition it is required that the applicant has not received information on the procedure for retaining citizenship.

A person who has lost Finnish citizenship on the grounds that he or she has provided false information cannot acquire Finnish citizenship under subsection 1.

Section 30

Nordic citizens

An Icelandic, Norwegian, Swedish or Danish citizen who has reached the age of 18 years may acquire Finnish citizenship by declaration if he or she has acquired Icelandic, Norwegian, Swedish or Danish citizenship through a procedure other than naturalisation, if he or she is and has been permanently resident and domiciled in Finland for the last six years, and if he or she has not been sentenced to a penalty involving deprivation of liberty during this period.

A person who has lost Finnish citizenship and has thereafter been an Icelandic, Norwegian, Swedish or Danish citizen without interruption may acquire Finnish citizenship by declaration if he or she is permanently resident and domiciled in Finland.

Section 31

Date for the acquisition of citizenship

Citizenship on the basis of a declaration is considered acquired on the date the declaration process commenced with the competent authority if the requirements for acquiring citizenship were met on the date the process commenced. Otherwise, citizenship is considered acquired on the date the requirements laid down for the acquisition of citizenship are met.

Chapter 5

Losing and retaining Finnish citizenship

Section 32

Effects of annulment of paternity

If the husband's paternity has been annulled or if a claim which has resulted in his paternity being annulled has been brought before the child has reached the age of five years, or if an established paternity has been annulled or a claim which has resulted in the annulment of paternity has been brought within five years of establishing paternity, a decision may be made to the effect that the child loses the Finnish citizenship which he or she has acquired on the basis of his or her father's citizenship. A decision on this is based on an overall consideration of the child's situation. In the assessment, particular account shall be taken of the child's age and ties with Finland.

Section 33

Loss of citizenship on the basis of false information

If a person has provided such false or misleading information on his or her person or other false or misleading information the knowledge of which would have resulted in refusing Finnish citizenship, or withheld such a relevant circumstance which would have had the same effect, a decision may be made to the effect that the person loses the Finnish citizenship which he or she has acquired on application or by declaration.

If a child has acquired Finnish citizenship together with a person as referred to in subsection 1, or if the citizenship of a person as referred to in subsection 1 has been a requirement for the child to acquire Finnish citizenship, a decision on loss of citizenship may also be made with regard to the child. A child cannot lose Finnish citizenship if the child's parent is a Finnish citizen, however.

A decision referred to in subsections 1 and 2 above is based on an overall consideration of the person's situation. In the assessment, account is also taken of the culpability of the act and the circumstances in which it is committed, and of the ties with Finland of the person who has made the application or declaration. With regard to a child, account shall also be taken of the child's age and ties with Finland.

A decision on the loss of citizenship cannot be made in cases under subsections 1 and 2 if more than five years have passed since a decision was made on the application or declaration for the acquisition of Finnish citizenship. If, however, proceedings concerning a

loss of citizenship have commenced before five years have passed since a decision on citizenship was made, a decision may be made even after this. If the decision on a citizenship application has been given on the condition that the applicant is released from his or her current citizenship before acquiring Finnish citizenship, the decision is not deemed to be made until it has been declared that the requirement is met or a new decision without a condition has been given.

Section 34

Retaining citizenship at the age of 22

A Finnish citizen who also holds the citizenship of a foreign State retains Finnish citizenship at the age of 22 years only if he or she has a sufficient connection with Finland.

A sufficient connection is deemed to exist, if:

- 1) the person was born in Finland and his or her municipality of residence as referred to in the Municipality of Residence Act (201/1994) is in Finland when he or she reaches the age of 22 years;
- 2) the person's municipality of residence has been in Finland or he or she has been permanently resident and domiciled in Iceland, Norway, Sweden or Denmark for a minimum of seven years in all before he or she has reached the age of 22 years; or
- 3) the person has, after reaching the age of 18 but before reaching the age of 22 years:
 - a) given notice in writing to a Finnish diplomatic mission or a consulate headed by a career consul or the Register Office of his or her wish to retain Finnish citizenship;
 - b) been issued with a Finnish passport; or
 - c) completed military or civil service in Finland.

Section 35

Release from Finnish citizenship

A Finnish citizen who also holds the citizenship of a foreign State or who wishes to become a citizen of a foreign State may be released from Finnish citizenship on application. The application shall state the reason why the applicant wishes to be released from Finnish citizenship. The application will not be approved if the applicant's municipality of residence is in Finland and if the aim of the release is to escape an obligation related to Finnish citizenship.

If the applicant is not yet a citizen of a foreign State when the decision is made on the application, he or

she may be released from Finnish citizenship only by a decision whose entry into force requires that the applicant produces a report on the acquisition of citizenship of a foreign State within the time limit mentioned in the decision. After the report on the acquisition of citizenship of a foreign State has been produced, a certificate will be issued of the requirement being met.

Chapter 6

Definition of citizenship status and notification by public authorities

Section 36

Definition of citizenship status

The Directorate of Immigration will define citizenship status at the request of a public authority or the party, if the matter is of importance with regard to the existence of Finnish citizenship or some right or obligation related to it, the correctness of any entry in the public authorities' personal registers, the alien's residence in Finland or some other reason equivalent to these.

Efforts shall be made to define citizenship status of a person with unknown citizenship if his or her municipality of residence is in Finland. Citizenship status will not be defined if the person's identity has not been established in other respects, however.

Section 37

Information on how to retain citizenship

Information will be collected from the population information system every year on people who are registered as Finnish citizens reaching the age of 18 years that year and whose address is entered in the population information system so that they can be reached. Information will not, however, be collected on people whose municipality of residence has been in Finland for a minimum of seven years in all.

People on whom information is collected from the population information system will be given instructions on how to retain citizenship when reaching the age of 22 years. The Directorate of Immigration is responsible for giving instructions. The instructions are given the year the person reaches the age of 18 years.

Section 38

Tasks of the Register Office related to the definition of citizenship

Where a person retains Finnish citizenship at the age of 22 years on the basis of a sufficient connection, the Register Office will make an entry to that effect in the population information system and notify the party of the entry.

Information will be regularly collected from the population information system on people who have reached the age of 22 years and are entered in the population information system as citizens of Finland and a foreign State. If a person has lost Finnish citizenship when reaching the age of 22 years because he or she has not had a sufficient connection with Finland, the Register Office will make an entry to that effect in the population information system and notify the party of this if his or her address is available.

Section 39

A party's obligation to provide information

For the definition of citizenship status, a party shall provide the Directorate of Immigration and, in the cases referred to in section 38, the Register Office with all information in his or her possession related to the acquisition or loss of citizenship, and contribute to producing the necessary information and documents to the extent such contribution can reasonably be demanded from him or her.

Section 40

Reciprocal obligation of the authorities to notify each other

The Directorate of Immigration will notify the competent authorities of decisions on Finnish citizenship to be entered in the population information system.

The Register Office will notify the Directorate of Immigration of any child born in Finland if the child's parents have been entered in the population information system as stateless or if the parents' citizenship is unknown.

After a Finnish diplomatic mission has received information on a person's wish to retain Finnish citizenship or after the police or the diplomatic mission have issued a Finnish passport to a person who has reached the age of 18 but not 22 years, the police or the diplomatic mission will notify the population information system of the matter. A similar notification will also be given by the Defence Staff and the Civil Service Center when a Finnish citizen who is under 22 years of age has completed military or

civilian service in Finland. An entry of the retention of Finnish citizenship under section 34 will be made in the system before the person reaches the age of 22 years.

Notification under subsection 3 above will not be necessary, however, if the person's municipality of residence has been in Finland for a minimum of seven years in all.

Chapter 7

Appeal

Section 41

Appeals against decisions of the Directorate of Immigration

Decisions made by the Directorate of Immigration under this Act can be appealed to an Administrative Court as provided in the Administrative Judicial Procedure Act (586/1996).

Section 42

Appeals against decisions of an Administrative Court

Decisions made by an Administrative Court under this Act can be appealed to the Supreme Administrative Court. Even the Directorate of Immigration has the right of appeal to the extent that a decision by the Directorate of Immigration has been reversed or changed by a decision of an Administrative Court.

Chapter 8

Miscellaneous provisions

Section 43

Co-applicant in an application and a declaration

A co-applicant may be granted Finnish citizenship on application or by declaration only together with the applicant. The requirements concerning the applicants under chapter 4 do not apply to co-applicants in declarations.

A co-applicant in a declaration under section 30(2) above is required to be permanently resident and domiciled in Finland. If it is a requirement for granting citizenship by declaration that the applicant is and has been permanently resident and domiciled in Finland for at least the last two years, a co-applicant who has reached the age of 15 years is required to

be and have been permanently resident and domiciled in Finland for the last two years without interruption, and a co-applicant under 15 years is required to be permanently resident and domiciled in Finland.

Section 44 Commencement of an application and declaration process

An application and declaration under this Act shall be personally submitted to the District Police in whose area of jurisdiction the applicant's municipality of residence lies. An application for release from Finnish citizenship, a declaration for a child or an adopted child under sections 26 and 27 and a declaration under section 29(2) can also be submitted to the relevant Finnish diplomatic mission, consulate or honorary consulate. An application or declaration on behalf of a child who is applying must be made and submitted by his or her parent or guardian. The co-applicant and the child who is applying shall be present when the application or declaration is submitted.

The police will check the identity of the applicant or the parent or guardian who submits an application or declaration on behalf of a child. If the co-applicant or the child who is applying has a travel document or an identity card of his or her own, the police will also check the child's identity. If the declaration process is commenced outside Finland, the identity will be checked by the diplomatic mission.

For an application and declaration process to be continued after the check referred to in subsection 2, it is a requirement that the Directorate of Immigration's processing fee is paid. The fee is determined under the Act on the Charge Criteria of the State (150/1992). Further provisions on the fee are laid down by Ministry of the Interior decree.

The Administrative Procedure Act (598/1982) will be applied to the processing of matters under this Act at the honorary consulates.

Section 45 Annexes to be included in the application by the applicant

The applicant shall enclose in the citizenship application an account of his or her skills in the Finnish or Swedish language referred to in section 17. An account of language skills will not be required, however, if the applicant is a child under 15 years. If a co-applicant who has reached the age of 15 years is included in the application, the applicant shall also enclose with the application an account of the co-applicant's skills in the Finnish or Swedish language. If the child reaches the age of 15 years

after the commencement of the application process, but before a decision has been made on the application, an account of his or her language skills shall be enclosed with the application.

If the applicant, in support of his or her application, wishes to invoke any of the exceptions provided for in this Act, he or she shall enclose a report on which the claim is built with his or her application.

Section 46 Providing additional information

The applicant may be obliged to enclose with his or her citizenship application a report equivalent to an extract from the criminal records in the States in which the applicant or the co-applicant who has reached the age of 15 years has been residing for a minimum of two years, if such a report can reasonably be obtained. Alternatively, the applicant may give his or her consent to obtaining such report.

The Security Police, the National Bureau of Investigation, the Defence Staff and the relevant social welfare authorities may be asked to give an opinion on the application.

The Directorate of Immigration, the Security Police and the National Bureau of Investigation may call the applicant to provide information needed for the processing of the application or declaration. These authorities shall, if possible, interview the applicant at the same time. If the application or declaration process is commenced abroad, the relevant Finnish diplomatic mission or a consulate headed by a career consul may at the request of the Directorate of Immigration call the applicant to provide information needed for processing the matter.

The applicant may also be obliged to provide other additional information, if it is necessary for establishing the grounds for approving an application or declaration.

Section 47 Documents to be given to the Directorate of Immigration

The authorities should be provided with authentic documents relating to applications, declarations or definition of citizenship status under this Act. The Directorate of Immigration can also approve a certified copy of a document if the copy can be considered reliable.

A document issued by a foreign authority shall be legalised or accompanied by a certificate issued by a competent authority of the State concerned, unless it is manifestly unfounded to legalise the document or

to attach a certificate to it. The applicant or another party shall on his or her own initiative in the pending matter see to that the document is translated into Finnish or Swedish. The Directorate of Immigration may also approve other documents than legalised ones, and documents without a certificate mentioned above, as well as documents which have not been translated, if this is justifiable on the basis of the document concerned and the nature of the matter.

Section 48

Right of access to information in registers

Notwithstanding the provisions of confidentiality, the Directorate of Immigration is entitled to receive, in addition to what is otherwise provided, free of charge in the manner agreed with the competent registrar, the information necessary to establish the grounds for acquiring, retaining, losing or being released from Finnish citizenship or for defining citizenship status, in order to perform the functions laid down for it by law, as follows:

- 1) information from the Frontier Guard's border control data file and criminal information data file;
- 2) information from the register of fines; and
- 3) information on the income and assets of taxpayers from the information systems of the Tax Administration, and other information on taxation.

Provisions on the right of access to information in the criminal records are laid down in the Criminal Records Act (770/1993)

The information referred to in section 1 above can be obtained via a technical interface or in a machine-readable form. Before being given access to the technical interface, the Directorate of Immigration shall provide the registrar with a statement to the effect that information security is properly maintained.

Section 49

Notification of contact information

Anyone initiating a procedure under this Act will be obliged to provide the relevant authorities with his or her contact information and any changes to it.

Section 50

Decisions and notification

A decision favourable to the applicant made under this Act does not have to be justified. If a decision is only partially favourable or if a favourable decision on a child was made against the other parent's or

guardian's or the child's will the decision will be justified.

Notification of a decision favourable to the applicant can be given by sending the decision by post to the address the applicant has given. The addressee is deemed to be informed of the decision in Finland at the latest on the seventh and abroad at the latest on the thirtieth day following the date the letter was posted, unless proven otherwise.

Decisions other than those favourable to the applicant are notified by post against a certificate of service. The decision may also be surrendered to the recipient of the service or his or her representative under the authority given to him or her by the applicant, his or her parent or guardian or a party in another citizenship matter or his or her parent or guardian. A written certificate of the notification shall in that case be drawn up indicating the process server, the party served and the date of service. If a notice cannot be served abroad the document will be notified in Finland through a general service process as laid down in the Act on the Service of Documents in Administrative Matters (232/1966).

Section 51

Further provisions

Further provisions on the authorities' duties in commencing and handling an application or declaration process or a definition of citizenship status, on paying the processing fee when the process is commenced at an honorary consulate and on organising cooperation among public authorities to coordinate the functions in an appropriate manner and to handle communication in matters relating to Finnish citizenship are laid down by Government decree.

Chapter 9

Transitional provisions and entry into force

Section 52

Entry into force

This Act comes into force on 1 June 2003.

This Act repeals the Nationality Act of 28 June 1968 (401/1968), as amended (*the former Act*).

Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

Section 53

General transitional provisions

This Act applies to processes commencing after the entry into force of the Act with the exceptions laid down below.

Instead of the period of residence under section 13(1)(2), the period of residence under the former Act applies to the applicant and co-applicant of a citizenship application where the application process commences after the entry into force of the Act, if the applicant meets the requirement for the period of residence in the former Act when the application process commences, and if the application process commences within a year after the entry into force of the Act.

The provisions of this Act on the accumulated period of residence will apply to a citizenship application under subsection 2 above, however, if they give a result which is more favourable to the applicant.

Section 54

Matters pending at the entry into force of the Act

As regards the requirements for acquiring and retaining citizenship, the former Act applies to a declaration for the acquisition of and to an application for the retention of Finnish citizenship pending at the entry into force of this Act, and the provisions of the former Act on losing and retaining citizenship apply to a matter under sections 8 b(1) and 8 b(3) of the former Act.

The requirement for the period of residence under the former Act applies to a citizenship application pending at the entry into force of this Act, if the applicant at the entry into force of this Act is and has been permanently resident and domiciled in Finland at least for a period of time in accordance with the requirement for the period of residence in the former Act and the requirement for secured livelihood under the former Act is met. The provisions of this Act on the accumulated period of residence will apply to the application, however, if they give a result which is more favourable to the applicant.

The requirement for respectable life under the former Act or the provisions of section 13(1)(3)-(5) and section 19 of this Act apply to a citizenship application pending at the entry into force of this Act depending on which provisions give a more favourable result to the applicant.

With regard to the account of skills in the Finnish or Swedish language, sections 1(2) and 5(2) of the Nationality Decree (699/1985) apply to a citizenship

application and an application for the retention of citizenship pending at the entry into force of this Act.

Section 55

Naturalisation decision with a condition

Section 11(1) of the former Act may be applied to a decision given under section 4(3) of the former Act within a period of time laid down in the decision.

At the written request of an applicant mentioned in a decision under subsection 1, the Directorate of Immigration may decide to repeal the condition if the request was made within the period of time laid down in the decision. If the condition also applies to a co-applicant, repealing the condition for his or her part also requires, besides the applicant's written request, the consent of the co-applicant's parents or guardians and of a co-applicant who has reached the age of 12 years. In addition, when making a decision on the matter the provisions of this Act on interviewing a child and a parent or guardian will be observed where appropriate. If the co-applicant has reached the age of 18 years or married after the decision was given, he or she shall request the condition to be repealed with regard to him or her.

An alien will become a Finnish citizen under subsection 1 on the date when the Directorate of Immigration, by its decision, states that the condition is met. If the Directorate of Immigration decides under subsection 2 that the condition be repealed by decision, Finnish citizenship is deemed to be acquired on the date the decision on repealing the condition was made.

Section 56

Applying the provisions on losing citizenship contained in the citizenship legislation which was in force earlier

The provisions on losing citizenship contained in the Finnish legislation which was in force earlier must not be applied if, as a consequence of the application of these provisions, a person were to become stateless.

Section 57

Retaining citizenship under the former Act

Section 34 of this Act shall not apply to a person who reaches the age of 22 years after the entry into force of the Act and who has been found to retain Finnish citizenship under section 8 b(1) or 8 b(3). In addition, section 34 of this Act shall not apply to a person who reaches the age of 22 years after the entry into force of the Act, if a decision was given on his or her application referred to in section 8 b(2) of the former Act to the effect that he or she retains citizenship.

Section 58

Declaration on the basis of father's Finnish citizenship

An alien born out of wedlock before the entry into force of this Act will acquire Finnish citizenship by declaration if the father was a Finnish citizen at the child's birth and paternity has been established. A declaration may also be made if the father was dead at the time of the child's birth, but was a Finnish citizen at the time of his death and paternity has been established. A declaration shall be made within five years of the entry into force of this Act.

Section 59

Declaration for the acquisition of citizenship made by an adopted child under 12 years of age

An adopted child who is under 12 years of age will acquire Finnish citizenship by declaration if the decision on adoption was made before the entry into force of this Act. It is also required that at least one of the adoptive parents is a Finnish citizen and that the adoption is valid in Finland. A declaration shall be made within five years of the entry into force of this Act.

Section 60

Declaration for the acquisition of citizenship to be made within a fixed period of time

A former Finnish citizen will acquire Finnish citizenship by declaration if he or she has lost Finnish citizenship before the entry into force of this Act under:

- 1) section 1(1) of the Act on the Loss of Finnish Citizenship (181/1927);
- 2) section 10 of the Act on the Acquiring and Loss of Finnish Citizenship (325/1941);
- 3) section 8 of the Nationality Act (401/1968); or
- 4) section 8 of the Act on Amending the Nationality Act (584/1984).

An alien who has reached the age of 18 years will acquire Finnish citizenship by declaration if:

- 1) his or her parent has acquired Finnish citizenship through a procedure other than naturalisation; and
- 2) his or her parent was a Finnish citizen at the entry into force of this Act or if his or her parent has died before the entry into force of this Act, but was a Finnish citizen at his or her death; or

3) his or her parent would be entitled to acquire Finnish citizenship under subsection 1 or if the requirements under subsection 1 for regaining Finnish citizenship were to be met with regard to the deceased parent.

A person referred to in subsection 2 will not, however, acquire Finnish citizenship if he or she is a former Finnish citizen who has been released from Finnish citizenship on an application made by him or her.

The declaration referred to in subsections 1 and 2 above shall be made within five years of the entry into force of this Act.

Section 61

Commencement of the declaration process

In addition to the provisions of section 44, a declaration made under sections 58-60 may also be submitted to the relevant Finnish diplomatic mission, consulate or honorary consulate.

A declaration may also be sent to a diplomatic mission by post. In that case, it is a requirement for the commencement of the declaration process that the precessing fee referred to in section 44(3) has been paid. The diplomatic mission shall check the applicant's identity on the basis of the declaration sent to it by post, and if necessary by obtaining further information. If the identity cannot be checked in any other way, the relevant Finnish diplomatic mission or the consulate headed by a career consul may set out as a condition for a continued declaration process that the applicant comes to the diplomatic mission in person. With regard to declarations sent to it, a honorary consulate shall, if necessary, request some other mission to make such a decision.

Section 62

Retaining citizenship at the age of 22

When Finnish citizenship is granted under sections 58 and 60, the applicant is deemed to have a sufficient connection with Finland under section 34(2) on the basis of the declaration for the acquisition of citizenship if the applicant has reached the age of 18 but not 22 years, when the decision is made.