

Family Reunification of Third-Country Nationals in Finland

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Family reunification in Finland

- The Finnish Aliens Act (301/2004) regulates residence permits issued on the basis of family ties
 - referred to commonly as family reunification
 - includes family formation
- Finnish legislation complies with international human rights treaties, relevant EU legislation and case law
 - The European Convention on Human Rights (Article 8)
 - Family Reunification Directive
 - Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR)
- Residence permits on the basis of family ties may be issued to family members of Finnish citizens and third-country nationals
 - Family members of EU citizens are issued with a residence card

Family reunification of third-country nationals

- Family reunification of third-country nationals
 - family members of beneficiaries of international protection
 - family members of other foreign nationals (who have a residence permit on the basis of employment or studying, for instance)
- Eligible family members
 - spouse
 - registered partner
 - cohabiting partner
 - guardian of a child under 18 years of age
 - child (under 18 years of age)
 - also foster children under certain conditions
- Other relatives granted residence permit under certain conditions
 - only relatives of beneficiaries of international protection
 - full dependence / resuming close family life

Application for family reunification

- An application for a residence permit on the basis of family ties can only be filed by the applicant him-/herself
 - the applicant must file the application abroad at a Finnish embassy
 - Online application possible since November 2016. The applicant must visit a Finnish diplomatic mission to verify his or her identity within three months of application
 - the applicant must have legal residence in the country where the application is made (national, residence permit, visa/visa-free or refugee/asylum seeker)
 - generally, the applicant must have a valid travel document
 - fingerprints and passport photo for biometric residence permit
 - the sponsor living in Finland may not file the application on behalf of the applicant

Requirements for family reunification

- In general, sponsors must be able to provide for their family members, i.e. have sufficient income
 - family members of persons with refugee status are exempted, if they apply within three months of the date on which the sponsor received confirmation of refugee status and the family was formed before the sponsor arrived in Finland or was selected to Finland as a quota refugee
 - exemptions can also be made for exceptionally weighty reasons or if the best interests of the child requires it
 - The income required depends on the number of applicants/children. The approximate amounts are determined by the Finnish Immigration Service and the Ministry of Social Affairs and Health
- Finland does not require that the sponsor have suitable accommodation, healthcare insurance etc

Examination of the application

- Documentation of family relationship
 - marriage certificate, child's birth certificate etc
 - certificates issued by foreign authorities are usually required to be legalised and translated into Finnish, Swedish or English.
- In addition/in the absence of documentation
 - written statement of family ties
 - Interviews of the sponsor and applicants
 - DNA-analysis
 - especially family members of beneficiaries of international protection
 - In the absence of reliable documentation there is more need for interviews and DNA-tests, which are time-consuming processes both for Finnish missions abroad and the Finnish Immigration Service
 - For instance Somalia, Iraq, Afghanistan, Syria. Increasing number of unreliable documents, more DNA-tests

Decisions on family reunification

- Application may be refused if
 - applicant does not have secure means of support
 - lack of necessary documents and clarifications required
 - applicant does not have a valid travel document
 - exceptions can be made if the applicant is from a country where a travel document that would be approved in Finland cannot be obtained
 - sponsor and applicant(s) are unable to establish their family ties either through documentation or interview/DNA
 - applicant is considered a danger to public order, security or health
 - there is reason to suspect that the applicant intends to evade the provisions on entry into the country (e.g. marriages of convenience)

Best interest of the child

- According to the Aliens Act, in all decisions, attention shall be paid to the best interest of the child
 - taking into account the circumstances related to the child's development and health and the child's opinion
 - a child who is at least twelve years old shall be heard unless such a hearing is manifestly unnecessary
 - also younger child are interviewed
 - matters concerning minors are processed with urgency
- Finnish Immigration Service has published guidelines on the processing and decision-making in a case involving a child
 - also guidelines and training on interviewing children
 - separate interview forms for children
 - regarding a minor sponsor, a statement is requested from the representative of the minor and in some cases, from the municipal social welfare authority

Changes for beneficiaries of international protection

- In May 2016, residence permit applications by family members of beneficiaries of international protection became subject to a charge
- In July 2016, the requirement for secure means of support was extended: previously all beneficiaries of international protection were exempted from the requirement for secure means of support if the family was formed before the sponsor arrived in Finland
 - only family members of refugees exempted under certain conditions
 - sponsors with subsidiary protection are always required to have secure means of support
 - The legislative amendment sought to ensure that the Finnish practices are aligned with those of other EU/ Nordic countries
 - The aim was also to encourage sponsors to find employment and integrate

Beneficiaries of international protection

- Number of applications by family members of beneficiaries of international protection (including subsidiary protection) is increasing
 - 2015: 770 (family members of other third-country nationals: 5673)
 - 2016: 1675 (family members of other third-country nationals: 5804)
 - Estimate for 2017: 3500 applications
- Income requirement vs respect for private and family life
 - Article 8 of the ECHR taken into account in all decisions
 - Article 8 "does not impose a general obligation for states to adhere to the immigrant's choice of country of residence nor an obligation to accept family reunification in its territory"
 - Exceptions to the income requirement can be made for exceptionally weighty reasons/best interest of the child
 - No estimation yet how many negative decisions will be made due to insufficient income

Thank you!

More information at: www.emn.fi

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