

Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of Economic Affairs and Employment, Finland

Act on the Conditions of Entry and Residence of Third-Country Nationals on the Basis of Research, Studies, Training and Voluntary Service

(719/2018; amendments up to 277/2022 included)

By decision of Parliament, the following is enacted:

Section 1 (277/2022)

Objectives of the Act

This Act implements Directive (EU) 2016/801 of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing, hereinafter the *Researchers and Students Directive*. In addition, this Act lays down provisions on the right of a third-country national who does not fall under the scope of the Directive or who cannot be issued with a residence permit laid down in the Directive to receive a national residence permit.

Section 2 (277/2022)

Scope of application

This Act applies to third-country nationals who apply to be admitted or who have been admitted to the territory of a Member State (*Member State*) of the European Union (*Union*) on the basis of the Researchers and Students Directive or national regulation.

This Act does not apply to third-country nationals:

- 1) who are family members of citizens of a Member State who have exercised their right to free movement within the Union;
- 2) who enjoy long-term resident status in a Member State in accordance with Council Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents;

- 3) who enjoy, together with their family members, and irrespective of their nationality, rights of free movement equivalent to those of citizens of the Union under agreements either between the Union and its Member States and third countries or between the Union and third countries;
- 4) who come to a Member State as trainee employees in the context of an intra-corporate transfer under Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer; or
- 5) who are admitted as highly qualified workers in accordance with Council Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.

Sections 6 and 7 of this Act do not apply to third-country nationals:

- 1) who seek international protection or who are beneficiaries of international protection in accordance with Directive 2011/95/EU of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, or who are beneficiaries of temporary protection in accordance with Council Directive 2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof in a Member State; or
- 2) whose expulsion has been suspended for reasons of fact or of law.

Section 3

Relationship with the Aliens Act

The provisions of the Aliens Act (301/2004) apply to entry, exit, residence and employment of third-country nationals referred to in this Act, unless otherwise provided in this Act.

Section 4

Definitions

For the purposes of this Act:

- 1) *third-country national* means a citizen of a country other than a Member State of the European Union or Iceland, Liechtenstein, Norway or Switzerland;
- 2) *researcher referred to in the Researchers and Students Directive* means a third-country national referred to in Article 3(2) of the Researchers and Students Directive who holds a doctoral degree or an appropriate higher education qualification which gives that third-country national access to doctoral programmes, and who is selected by a research organisation and admitted to the territory of a Member State for carrying out a research activity for which such qualification is normally required; (277/2022)
- 2 a) *national researcher* means a third-country national who is not a researcher referred to in paragraph 2 but who is coming to Finland to carry out scientific research; (277/2022)
- 3) *student* means a third-country national who has been accepted by a higher education institution and is admitted to the territory of a Member State to pursue as a main activity a full-time course of study leading to a higher education qualification, and a third-country national who has been accepted by another education establishment than a higher education institution and is admitted to a course of study that leads to a vocational or other qualification, which may cover a preparatory course prior to such education or compulsory training;
- 4) *trainee employee* means a third-country national who is admitted to Finland for traineeship in an employment relationship for the purpose of gaining knowledge, practice and experience in a professional environment; (277/2022)
- 4 a) *trainee* means a third-country national who is admitted to Finland for a training programme, where the training does not take place in an employment relationship, for the purpose of gaining knowledge, practice and experience in a professional environment; (277/2022)
- 5) *volunteer* means a third-country national who is admitted to participate in Finland in voluntary service in the framework of Union voluntary service schemes or to participate in other voluntary service that is based on an agreement between Finland and another state or on an exchange scheme of civil society organisations and that does not take place in an employment relationship; (277/2022)
- 6) *higher education institution* means a university referred to in the Universities Act (558/2009), the National Defence University referred to in the National Defence University Act (1121/2008), a university of applied sciences referred to in the Universities of Applied Sciences Act (932/2014), the Police University College referred to in the Police University College Act

(1164/2013) and Åland University of Applied Sciences referred to in the Act of Åland on Åland University of Applied Sciences (Åland Statute Series 2002:81); (277/2022)

- 6 a) *education establishment* means an education establishment located in Finland that has the right to arrange education leading to a qualification or other education pursuant to the Act on General Upper Secondary Education (714/2018) or the Act on Vocational Education and Training (531/2017); (277/2022)
- 7) *host entity* means a research organisation, a higher education institution, an education establishment, an organisation responsible for a voluntary service scheme or an entity hosting trainees to which the third-country national is assigned and which is located in Finland, irrespective of its legal form;
- 8) *first Member State* means the Member State which first issues a third-country national an authorisation;
- 9) *second Member State* means any Member State of the European Union other than the first Member State;
- 10) *Union or multilateral programmes that comprise mobility measures* means programmes funded by the Union or by its Member States promoting mobility of third-country nationals in the Union or in the Member States participating in the respective programmes;
- 11) *authorisation* means a residence permit issued using the format laid down in Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals entitling its holder to stay legally on the territory of a Member State;
- 12) *family member* means a family member referred to in section 37 of the Aliens Act. (277/2022)

Section 5

Agreement concluded with a research organisation

A research organisation wishing to host a researcher for the purpose of research shall conclude an agreement with the researcher. The research organisation may conclude the agreement if it has accepted the research project after examination of its purpose and estimated duration and the availability of the necessary resources for it to be carried out as well as the third-country national's qualifications as a researcher.

The agreement shall contain the following information:

- 1) the title or purpose of the research activity or the research area;
- 2) an undertaking by the researcher to complete the research activity and an undertaking by the research organisation to host the researcher for this purpose;
- 3) the start and end date or the estimated duration of the research activity;
- 4) the legal relationship between the research organisation and the researcher;
- 5) in case of an employment relationship, the working conditions, which are in accordance with the provisions in force and with the applicable collective agreement;
- 6) information on the intended mobility in one or several second Member States if the mobility is known at the time of application for a residence permit in Finland.

The agreement lapses if the researcher is not admitted to the country or when the legal relationship between the research organisation and the researcher is terminated. The research organisation shall without delay inform the Finnish Immigration Service of this and of any other occurrence likely to prevent the implementation of the agreement.

Section 6

Issue of residence permits referred to in the Researchers and Students Directive to researchers (277/2022)

A researcher's residence permit referred to in the Researchers and Students Directive is issued to a researcher referred to in the Researchers and Students Directive for the purpose of scientific research. The researcher shall conclude an agreement referred to in section 5 with the research organisation. (277/2022)

A condition for the issue of the residence permit is that the researcher has sufficient financial resources as laid down in section 39 of the Aliens Act or, in case of an employment relationship, sufficient income from gainful employment.

The residence permit is issued as a continuous permit for two years or, if the agreement is valid for less than two years, for a period not exceeding the period of validity of the agreement. An extended residence permit is issued for a maximum of four years.

Section 6a (277/2022)

Issue of national residence permits to researchers

A national researcher is issued with a residence permit as a national researcher for the purpose of scientific research. The researcher shall conclude an agreement with the research organisation. Section 5, excluding its subsection 2, paragraph 6, applies to the agreement.

A condition for the issue of the residence permit is that the third-country national has sufficient financial resources as laid down in section 39 of the Aliens Act or, in case of an employment relationship, sufficient income from gainful employment.

The residence permit is issued as a continuous permit for a maximum of two years if the agreement is valid for a minimum of two years and in other cases as a temporary permit for the duration of the period of validity of the agreement. An extended residence permit is issued as a continuous permit for a maximum of four years if the previous residence permit under this section was issued as a continuous permit and in other cases as a temporary permit for the duration of the period of validity of the agreement. A third-country national who has been issued with a temporary residence permit under this section is issued with a continuous residence permit after two years of continuous residence in the country if the circumstances on the basis of which the fixed-term residence permit was issued still remain in effect.

Section 7 (277/2022)

Issue of residence permits under the Researchers and Students Directive for the purpose of studies

A third-country national other than one referred to in section 2, subsection 3 is issued with a residence permit for the purpose of studies if he or she has been accepted as a student in education leading to a university of applied sciences degree or to a bachelor's or master's degree in a higher education institution in Finland and has paid the fees charged by the higher education institution.

The residence permit is issued as a continuous permit for the duration of the studies. An extended residence permit is issued for the duration of the remaining right to study.

A condition for the issue of the residence permit is that the student submits a statement on sufficient financial resources for the first year. If the residence permit is requested for a period shorter than a year, the student shall submit a statement on sufficient financial resources for the entire duration of the residence permit. A further condition for the issue of the residence permit is that the third-country national has an insurance policy covering medical expenses. If the estimated duration of studies is a minimum of two years, it is sufficient that the insurance policy covers pharmaceutical expenses.

The third-country national shall have sufficient financial resources as laid down in section 39 of the Aliens Act for the entire duration of the residence permit.

Section 7a (277/2022)

Issue of national residence permits for the purpose of studies

A third-country national referred to in section 2, subsection 3 above is issued with a national residence permit for the purpose of studies if he or she has been accepted as a student in education leading to a university of applied sciences degree or a bachelor's or master's degree in a higher education institution in Finland and has paid the fees charged by the higher education institution.

A third-country national is issued with a national residence permit for the purpose of studies if he or she has been accepted as a student in Finland:

- 1) in an education establishment other than a higher education institution if the studies lead to a vocational or other qualification; or
- 2) in a higher education institution or other education establishment for studies also other than those leading to a degree or qualification if there are reasonable grounds for issuing the residence permit.

The residence permit is issued for the duration of the studies as a continuous permit for studies referred to in subsection 1 and as a temporary permit for other studies. An extended residence permit is issued for the duration of the remaining studies. An extended residence permit is issued as a continuous permit if the previous residence permit was issued as a continuous permit and in other cases as a temporary permit.

Subsections 3 and 4 of section 7 apply to the issue of the residence permit.

Section 8

Issue of residence permits for the purpose of traineeship in an employment relationship

A third-country national is issued with a residence permit for the purpose of traineeship in an employment relationship if:

- 1) at the time of application for the residence permit a maximum of two years have elapsed from obtaining the higher education degree or the third-country national pursues a course of study that leads to a higher education degree;
- 2) the traineeship in an employment relationship is included in an agreement between states or in an exchange scheme of civil society organisations; or
- 3) the third-country national is between the age of 18 and 30 and participates in the traineeship in an employment relationship while studying the Finnish or Swedish language in a foreign higher education institution or when the field of the traineeship in an employment relationship corresponds to the studies or degree or qualification of the third-country national.

A condition for the issue of the residence permit is that the trainee employee has sufficient financial resources in the form of income from gainful employment.

In addition, a condition for the issue of the residence permit is that the host entity substantiates that the traineeship does not replace a job. The third-country national shall present the training agreement concluded with the host entity, the terms of which are in compliance with the provisions in force and with the applicable collective agreement and which contains the following information:

- 1) a description of the training programme, including educational objective or learning components;
- 2) the duration of the traineeship;
- 3) the placement and supervision conditions of the traineeship;
- 4) the traineeship hours;
- 5) the legal relationship between the trainee employee and the host entity.

The residence permit is issued as a temporary permit for a maximum of 18 months. (277/2022)

Section 8a (277/2022)

Issue of residence permits for the purpose of training

A third-country national is issued with a residence permit for the purpose of training if he or she has been admitted to a training programme based on a Union programme, an agreement between states or an exchange scheme of civil society organisations or a programme organised by a body

governed by public law. The training shall have an educational or learning objective that supports the third-country national's competence development.

The third-country national shall present the training agreement concluded with the host entity containing the following information:

- 1) a description of the training programme, including educational objective or learning components;
- 2) the duration of the traineeship;
- 3) the placement and supervision conditions of the traineeship;
- 4) the traineeship hours;
- 5) the grant and other benefits provided for the traineeship.

A condition for the issue of the residence permit is that the third-country national has sufficient financial resources as laid down in section 39 of the Aliens Act, with, however, the primary source of financial resources being income referred to in subsection 2, paragraph 5.

The residence permit is issued as a temporary permit for a maximum of 18 months.

Section 9 (277/2022)

Issue of residence permits for the purpose of voluntary service

A third-country national is issued with a residence permit for the purpose of voluntary service in Union voluntary service schemes if he or she has concluded an agreement with the host entity that contains the following information:

- 1) a description of the voluntary service scheme;
- 2) the duration of the voluntary service;
- 3) the placement and supervision conditions of the voluntary service;
- 4) the volunteering hours;
- 5) the resources available to cover the third-country national's subsistence and accommodation costs, and the minimum sum of money as pocket money throughout the stay;

6) where applicable, the training the third-country national will receive to help perform the voluntary service.

A third-country national is issued with a residence permit for the purpose of other voluntary service if the voluntary service is based on an agreement between Finland and another state or on an exchange scheme of civil society organisations and the information referred to in subsection 1, paragraphs 1–6 is provided on the voluntary service.

A condition for the issue of the residence permit is that the volunteer has sufficient financial resources as laid down in section 39 of the Aliens Act.

The residence permit is issued as a temporary permit for a maximum of one year.

Section 9a (277/2022)

Issue of residence permits under working holiday agreements

A third-country national whose state of nationality and the State of Finland have concluded a working holiday agreement is issued with a residence permit if he or she fulfils the conditions laid down in the agreement.

A condition for the issue of the residence permit is that the third-country national has sufficient financial resources as laid down in section 39 of the Aliens Act.

The residence permit is issued as a temporary permit for a period not exceeding the period laid down in the working holiday agreement.

Section 10 (277/2022)

Issue of residence permits for the purpose of job-searching and entrepreneurship

A third-country national who has been issued with a residence permit under section 6, 7 or 7a is, after the completion of the research, degree or qualification, issued with a residence permit for the purpose of job-searching or entrepreneurship. A third-country national who has been issued with a residence permit under section 6a is, after the completion of a degree or qualification, issued with a residence permit for the purpose of job-searching or entrepreneurship. The residence permit shall be applied for within five years from the date of expiry of the residence permit issued under section 6, 6a, 7 or 7a.

A condition for the issue of the residence permit is that the person referred to in subsection 1 has sufficient financial resources as laid down in section 39 of the Aliens Act.

The residence permit is issued as a temporary permit for a maximum of two years. The residence permit is, however, issued as a continuous permit if the previous residence permit had been continuous. If the first residence permit issued on these grounds is issued for less than two years, the extended residence permit may be applied for on the same grounds for a maximum of twice within three years from the issue of the first permit issued on these grounds. An extended residence permit is not, however, issued for a period shorter than six months. If a third-country national obtains a new degree or qualification or completes a new research project, his or her right to a residence permit applied for under this section ends on the grounds of the previous degree or qualification or research.

If the evidence of having obtained a higher education diploma, certificate or other evidence of formal qualifications or the confirmation by the research organisation of the completion of the research activity is not available before the expiry of the residence permit issued under section 6, 6a, 7 or 7a and all other conditions for the issue of a residence permit are fulfilled, the third-country national may stay in the country for a reasonable time in order to submit such a document or confirmation.

Section 11

Grounds for rejection of applications

An application for a residence permit referred to in this Act shall be rejected if:

- 1) the conditions laid down in section 6, 6a, 7, 7a, 8, 8a, 9, 9a or 10 are not met; (277/2022)
- 2) the documents presented have been fraudulently acquired, or falsified, or tampered with; or
- 3) the third-country national is considered to pose a threat to public policy, public security or public health.

An application may be rejected if:

- 1) the host entity has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions;
- 2) the conditions provided for in law, collective agreements or practices are not met by the host entity;

- 3) the host entity has been sanctioned for undeclared work or illegal employment;
- 4) the host entity was established or operates for the main purpose of facilitating the entry of researchers, students, trainee employees or volunteers;
- 5) the host entity's business is being or has been wound up or no economic activity is taking place;
or
- 6) it can be established that the third-country national would reside for purposes other than those for which he or she applies to be admitted.

An application for a residence permit referred to in section 10 above may be rejected if:

- 1) the conditions laid down in the said section are not met;
- 2) the third-country national no longer meets the conditions for entry and stay; or
- 3) subsection 1, paragraph 2 or 3 applies.

In situations referred to in subsections 2 and 3 above, the specific circumstances of the case as a whole and the principle of proportionality shall be taken account of and respected.

Section 12

Withdrawal or non-renewal of residence permits

A residence permit issued on grounds laid down in section 6, 6a, 7, 7a, 8, 8a, 9, 9a or 10 above shall be withdrawn or refused to be renewed if: (277/2022)

- 1) the third-country national no longer meets the conditions laid down in the said sections;
(277/2022)
- 2) a residence permit or document presented has been fraudulently acquired, or falsified, or tampered with; or
- 3) the third-country national resides in the country for a purpose other than that for which he or she was issued a residence permit.

A residence permit may be withdrawn or refused to be renewed if:

- 1) the host entity has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions;
- 2) the conditions provided for in law, collective agreements or practices are not met by the host entity;
- 3) the host entity has been sanctioned for undeclared work or illegal employment;
- 4) the host entity was established or operates for the main purpose of facilitating the entry of researchers, students, trainee employees or volunteers;
- 5) the host entity's business is being or has been wound up or no economic activity is taking place;
- 6) a student does not respect the time limits imposed on access to economic activities, does not make sufficient progress in the relevant studies, does not have sufficient financial resources or does not have a valid insurance policy; or (277/2022)
- 7) the third-country national is considered to pose a threat to public policy, public security or public health.

If a student's residence permit could be withdrawn or not renewed under subsection 2, paragraph 1 or paragraphs 3–5, he or she may continue studies in accordance with his or her valid residence permit in a different education establishment or submit a new application to be hosted by a different education establishment for an equivalent course of study in order to enable the completion of the studies.

In cases referred to in subsections 2 and 3 above, the specific circumstances of the case as a whole and the principle of proportionality shall be taken account of and respected.

The Finnish Immigration Service shall without delay inform the Member State to which the third-country national has moved under the Researchers and Students Directive of the withdrawal of a residence permit it has issued.

Section 13

References entered on residence permit cards

The reference "researcher", "student", "trainee" or "volunteer" is entered on the residence permit card according to the grounds on the basis of which the residence permit is issued.

If a researcher or student is issued with a residence permit on the grounds that he or she is coming to a Member State in the framework of a Union or multilateral programme that comprises mobility measures, or an agreement between two or more recognised higher education institutions, the residence permit card shall make a reference to that specific programme or agreement.

The reference "researcher-mobility" is entered on the residence permit card if the researcher has stated in his or her application that he or she intends to carry out part of his or her research in one or several second Member States for more than 180 days per Member State. (277/2022)

Section 14 (277/2022)

Right to work and right to carry on a trade

A third-country national who has been issued with a residence permit:

- 1) under section 6, 6a or 10 has an unrestricted right to work;
- 2) under section 8 has the right to work in accordance with the grounds for the permit;
- 3) under section 7 or 7a has the right to work if:
 - a) the work is traineeship in an employment relationship included in a degree or qualification or work as gainful employment towards a final project, thesis or dissertation included in the studies; or
 - b) the amount of work levels off during the calendar year to an average of 30 hours per week.

The right to work of a third-country national issued with a residence permit on grounds laid down in section 9a above is, however, determined on the basis of the specific working holiday agreement between states.

Provisions on the right of third-country nationals to carry on a trade are laid down in the Act on the Right to Carry on a Trade (122/1919). With regard to the Åland Islands, provisions on the right to carry on a trade are laid down in the Act of Åland on the Right to Carry on a Trade (Åland Statute Series 1996:47).

Section 15 (277/2022)

Right to start work and duration of the right to work

The right to work begins when the residence permit containing the right is issued and ends when the residence permit expires. The right under a new residence permit begins when the permit is issued.

If a third-country national's right to work is based on a residence permit specified in this Act and the application for an extended residence permit on the same or other grounds has been submitted during the validity of the previous residence permit, the right to work continues in accordance with the previous residence permit until a residence permit is issued, or a negative decision becomes final, following the new application. If the residence permit was issued under section 8 or 9a and the extended residence permit is applied for on some other grounds, the right to work in accordance with the previous residence permit ends, however, when the residence permit expires.

Notwithstanding the provisions of subsection 2, a third-country national who has obtained a degree or qualification, and whose application for an extended residence permit on the grounds of employment, job-searching or entrepreneurship has been submitted during the validity of a residence permit issued under section 7 or 7a, has an unrestricted right to work following the submission of his or her application for an extended residence permit. If the decision is negative, the unrestricted right to work continues until the negative decision becomes final.

If the right to work is based on a residence permit and the person is to be deported, the right to work ends when the deportation decision is enforceable.

Section 16 (277/2022)

Family members' right of residence and right to work

A family member of a third-country national issued with a residence permit under this Act is issued with a temporary or continuous residence permit on the basis of family ties under this Act. With regard to the duration of the residence permit, subsections 1 and 2 of section 53 of the Aliens Act apply to a first residence permit and subsections 1–3 of section 55 of the Aliens Act apply to an extended residence permit.

A family member of a person issued with a residence permit on the grounds laid down in section 9a above is issued with a residence permit on the basis of family ties if so agreed in the working holiday agreement.

The family member shall have sufficient financial resources in accordance with section 39 of the Aliens Act.

The family member has an unrestricted right to work.

Section 17

Mobility of researchers

A researcher who has received a researcher's residence permit in the first Member State has the right to stay and work in Finland for a maximum of two years in order to carry out part of his or her research in any research organisation, subject to the conditions for mobility laid down below.

Section 18 (277/2022)

Mobility and right to work of researchers' family members

A family member of a researcher who holds a valid residence permit issued by the first Member State has the right to enter and stay in Finland in order to accompany the researcher, subject to the conditions for mobility laid down below.

The family member of a researcher has an unrestricted right to work under the residence permit issued by the first Member State. However, the right to work ends if the Finnish Immigration Service objects to the family member's mobility as laid down in section 22.

Section 19

Mobility of students

A student who holds a valid authorisation issued by the first Member State and who is covered by a Union or multilateral programme that comprises mobility measures, or by an agreement between two or more higher education institutions, has the right to enter and stay in order to carry out part of his or her studies in a higher education institution in Finland for a period of up to 360 days. The student has a right to work as laid down in section 14.

A student who does not fulfil the conditions for mobility laid down in subsection 1 shall apply for a residence permit referred to in section 7 or 7a for studies in order for him or her to carry out part of his or her studies in Finland. (277/2022)

Section 20

Obligation to notify of mobility to Finland

A researcher shall notify the Finnish Immigration Service and the competent authority of the first Member State of his or her intention to carry out part of his or her research in Finland and a

student shall notify his or her intention to carry out part of his or her studies in Finland. A researcher shall also notify of the mobility of his or her family member.

The notification shall take place:

- 1) at the time of the application for a residence permit before the entry of the researcher or student in the first Member State, where the mobility to Finland is already envisaged; or
- 2) if the researcher or student has been admitted by the first Member State, as soon as the intended mobility to Finland is known.

The host entity, researcher and student shall notify the Finnish Immigration Service of any modification which affects the conditions for mobility.

Section 21

Contents of notifications

As regards a researcher, the notification referred to in section 20 shall include the following information and documents:

- 1) a copy of a valid travel document and an authorisation issued by the first Member State that is valid throughout the duration of the mobility; (277/2022)
- 2) the agreement concluded with the research organisation located in Finland;
- 3) the planned duration and dates of the mobility if not specified in the agreement or any other document;
- 4) evidence that during the stay the researcher will have sufficient resources to cover his or her subsistence without having recourse to Finland's social assistance system, as well as the return travel costs to the first Member State if the researcher does not fulfil the conditions for mobility;
- 5) evidence that the mobility notification fee has been paid.

As regards a family member moving with a researcher, the notification shall include the information or documents specified in subsection 1, paragraphs 3–5 as well as evidence that the family member has resided as a member of the family of the researcher in the first Member State and that the family member has an insurance policy covering medical expenses.

As regards a student, the notification shall include the information or documents specified in subsection 1, paragraphs 3–5 as well as evidence that the student:

- 1) carries out part of the studies in Finland in the framework of a Union or multilateral programme that comprises mobility measures or of an agreement between two or more higher education institutions;
- 2) has been accepted by a higher education institution in Finland;
- 3) has paid the fees charged by the higher education institution;
- 4) has an insurance policy covering medical expenses.

Section 22

Objections to mobility

The Finnish Immigration Service may object to the mobility of a researcher or a student to Finland within 30 days from having received the complete notification if:

- 1) the information specified in section 21, subsection 1 or 3 was not included in the notification;
- 2) the documents presented have been fraudulently acquired, or falsified, or tampered with;
- 3) one of the grounds laid down in section 11, subsection 2 applies; or
- 4) the maximum duration of stay laid down in section 17 or 19 has been reached.

The Finnish Immigration Service may within the period laid down in subsection 1 object to the mobility of a family member of a researcher if:

- 1) the conditions laid down in section 21, subsection 2 are not complied with;
- 2) the maximum duration of the researcher's stay laid down in section 17 has been reached; or
- 3) the documents presented have been fraudulently acquired, or falsified, or tampered with.

The Finnish Immigration Service shall object to the mobility if the third-country national is considered to pose a threat to public policy, public security or public health.

If the Finnish Immigration Service does not object to the mobility, it issues the third-country national with a certificate of the right of the third-country national to reside in Finland.

Section 23

Notifications of objections to mobility

The Finnish Immigration Service shall notify the competent authorities of the first Member State and the notifier without delay of it objecting to the mobility of the researcher, his or her family member or the student concerned to Finland.

Section 24

Effects of objections to mobility

If the Finnish Immigration Service objects to mobility in accordance with section 22 and the mobility has not yet taken place, the researcher is not allowed to carry out part of his or her research in Finland, the student is not allowed to carry out part of his or her studies in Finland and the family member is not allowed to enter Finland. If the mobility has already taken place, the researcher and his or her family member as well as the student shall immediately cease all activities in Finland and leave the country.

Section 25

Entry after notifications of mobility

If the notification of mobility has been provided in accordance with the provisions of section 20, subsection 2, paragraph 1 and the Finnish Immigration Service has not notified to the first Member State that it objects to the mobility in accordance with the provisions of section 22, the third-country national who has been issued with an authorisation for a researcher or an authorisation for a family member of a researcher or an authorisation for a student in the first Member State may enter Finland at any moment within the period of validity of the authorisation.

If the notification of mobility has been provided in accordance with the provisions of section 20, subsection 2, paragraph 2, the third-country national who has been issued with an authorisation for a researcher or an authorisation for a family member of a researcher in the first Member State may enter Finland immediately or at any moment after that within the period of validity of the authorisation. If the Finnish Immigration Service has not notified to the first Member State that it objects to the mobility of a student in accordance with section 22, the third-country national who has been issued with an authorisation for a student in the first Member State may enter Finland at any moment within the period of validity of the authorisation.

Section 26

Re-entry to Finland after mobility

If a researcher, his or her family member or a student has moved to a second Member State of the European Union but no longer meets the conditions for mobility in the Member State or the residence permit issued by Finland is no longer valid or has been withdrawn during the mobility, the third-country national has the right upon request by the second Member State to re-enter Finland without formalities and without delay on the basis of a document referred to in the Researchers and Students Directive issued by a Finnish authority.

Section 27

Competent authority

The Finnish Immigration Service receives residence permit applications and makes decisions on rejecting them as well as on the issue, withdrawal and non-renewal of residence permits. The Finnish Immigration Service also receives notifications of mobility and may object to mobility to Finland.

Section 28

Decisions on applications

A decision on a residence permit application shall be notified to the applicant as soon as possible but no later than 90 days from the date on which the applicant submitted the complete application.

If the information or documents supplied in the residence permit application is incomplete, the Finnish Immigration Service shall notify the applicant within a reasonable period of the additional information that is required and set a reasonable deadline for providing it. The period referred to in subsection 1 above is suspended until the additional information required has been received. If additional information or documents have not been provided within the deadline, the application may be rejected.

A residence permit application of a family member of a researcher shall be processed at the same time as the researcher's application if the applications are submitted at the same time.

Section 29

Payment of fees charged for the processing of applications and notifications

The commencement of the processing of a residence permit application or a notification of mobility submitted under this Act is, after its filing, subject to the payment of the fee charged for processing.

Evidence of the payment of the processing fee shall be attached to the application or notification.

The residence permit application lapses and the mobility from the first Member State to Finland is objected to if the fee is not paid within a reasonable time.

Section 29a

Section 29a was temporarily in force under Act 211/2020 from 9 April 2020 to 31 October 2020.

Section 30

Contact point

The Finnish Immigration Service acts as the contact point, referred to in Article 37 of the Researchers and Students Directive, which cooperates with the contact points of other Member States and is responsible for receiving and transmitting the information on mobility on which provisions are laid down in this Act.

Section 31 (277/2022)

Requests for review

Section 192 of the Aliens Act on competent administrative courts; section 196, subsection 4 of the Act on granting leave to appeal to the Supreme Court; section 197, subsections 1 and 3 of the Act on delivering an appeal document; and section 199 of the Act on deciding on petitions against enforcement apply to requests for review. In all other respects, the provisions of the Administrative Judicial Procedure Act (808/2019) apply to requests for review made to administrative courts.

Section 32

Entry into force

This Act enters into force on 1 September 2018.

Section 10 of the Act applies also to third-country nationals who have been issued a residence permit referred to in the Aliens Act for the purpose of studies or research before the entry into force of this Act.

If the residence permit application of a student is pending at the time of the entry into force of this Act, the provisions of the Aliens Act in force at the time of the entry into force of this Act apply, however.