

## 4 Finland

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### 4.1 Introduction

In January 2003, the city of Turku, honoured, as the first city in Finland, the new Finnish nationals by inviting them to a nationality party (Anon 2005). This celebration can be seen as an effort to strengthen the feeling of kinship for the new Finnish nationals, and the intention was to make a tradition out of this celebration. This comes as a timely encouragement for all those immigrants wishing to become naturalised in Finland at a time when Finland is introducing somewhat stricter requirements for the acquisition of Finnish nationality.

Finland adopted a new Nationality Act in 2003. The main principles embedded in the Act are the acceptance of multiple nationality, prevention of statelessness and gender equality. The provisions for naturalisation have become more detailed and new modes of acquisition for certain groups of persons have been introduced.

Finnish nationality law has traditionally been based on the principle of *ius sanguinis* while *ius soli* has had a limited application in Finnish legislation. Children acquire Finnish nationality at birth as a consequence of their parents' Finnish nationality. Men and women are placed in an almost equal position, as a child will acquire Finnish nationality both from a Finnish mother and a Finnish father. Acquisition at birth of a parent's nationality is automatic in all cases except when the child is born abroad, out of wedlock, by a Finnish father and a foreign mother. An occasion of *ius sanguinis* after birth is at hand when a child is born out of wedlock by a Finnish father and a foreign mother and the parents later get married; then the child will automatically acquire Finnish nationality through the parents' marriage.

*Ius soli* practices for certain children born in Finland have evolved as the Finnish nationality legislation has developed and the prevention of statelessness has become an important consideration within nationality law. Foundlings and other children whose nationality is unknown or who cannot acquire their parents' nationality acquire Finnish nationality automatically at birth.

Finland has traditionally held a critical position as regards multiple nationality, but as the international trend lately has been moving to-

wards a more positive attitude to the acceptance of multiple nationality, Finland has consequently revised its position on the matter. On 1 June 2003, when the new Nationality Act came into force, toleration of multiple nationality was introduced as a major principle. A Finnish national acquiring a second nationality no longer automatically loses his or her Finnish nationality. Nor is it a requirement for a foreign national who acquires Finnish nationality to renounce his or her former nationality. Before this change came about the principal rule was that anyone acquiring a second nationality automatically lost his or her Finnish nationality, and a condition for acquisition of Finnish nationality was that any other nationality was renounced.

Gender equality has gradually been introduced into Finnish nationality law. Since 1968, a foreign woman will no longer automatically acquire her Finnish husband's nationality upon marriage. As of today women and men have an almost equal position in nationality matters, as explained above.

Discretionary naturalisation, i.e., acquisition by application, is the main mode of acquisition of Finnish nationality for persons who have not acquired Finnish nationality as a consequence of the *ius sanguinis* or *ius soli* principles. The barrier for acquiring Finnish nationality by discretionary naturalisation cannot be considered as exceptionally high, even though the normal residence requirement in the new Act was raised from five to six years of continuous residence in Finland. In contrast to the old Nationality Act, the requirement for a guaranteed livelihood was abolished in the new Act and language proficiency has been specifically included.

A number of exceptions apply with regard to the conditions for discretionary naturalisation, in particular as far as the required period of residence in Finland is concerned. Groups to whom exceptions apply are refugees, stateless persons, spouses, former Finnish nationals, Nordic nationals, co-applicants and children of Finnish nationals.

Finnish nationality can also be acquired by declaration. This possibility applies to certain groups of persons under specific conditions, e.g., former Finnish nationals, Nordic nationals and young persons who have lived in Finland for a long time.

Finnish nationality may be lost for a limited number of reasons, but it is noteworthy that Finnish nationality may never be lost if such loss would lead to statelessness. False or misleading information given in order to acquire Finnish nationality may lead to the loss of Finnish nationality for a main applicant as well as for a co-applicant child. Furthermore, a person may lose his or her Finnish nationality if it is granted on the basis of the father's nationality and paternity is later annulled. A person will also automatically lose his or her Finnish nationality upon turning 22 years of age, if he or she has insufficient connec-

tion to Finland. Finally, a child who has acquired Finnish nationality as a foundling or as a person with an unclear nationality automatically loses his or her Finnish nationality if his or her foreign nationality is established before he or she turns five years of age.

The rules on acquisition and loss of nationality that apply to nationals living in Finland also apply to expatriates, if not stated otherwise in the law. Loss of Finnish nationality at the age of 22 due to insufficient connection to Finland is of relevance to expatriates' descendants. Children born out of wedlock by a Finnish father and a foreign mother are treated differently depending on whether they are born in Finland or abroad (see above). Furthermore, spouses of expatriates do not benefit from the favourable naturalisation rules for spouses of Finnish nationals as a consequence of the requirement of at least the last two years of habitual residence in Finland.

Nordic cooperation in the field of nationality legislation can be traced back to the late nineteenth century. The object of the cooperation was to harmonise the legislation and later on in the process also to place all nationals from the Nordic countries on an as equal a footing as possible (Ersbøll 2003). The abolishment of the passport requirement for Nordic nationals travelling within the Nordic countries and the exemption from the requirement of residence, study and work permits for Nordic nationals working, studying or taking up residence in another Nordic country are examples of what the cooperation has accomplished.

The Nordic countries have agreed on reciprocal rules on facilitated acquisition and reacquisition of nationality. The Nordic Agreement of 1950 contained rules on, e.g., reacquisition of nationality by declaration when taking up residence again in the former state of nationality. Finland acceded to the Nordic Agreement in 1969, after an introduction of the declaration procedure in the Finnish Nationality Act of 1968 had made the accession possible.<sup>1</sup>

The Nordic countries have tried to achieve uniformity with regard to nationality rules since the cooperation started. However lately, there has been a change in this approach, and the Nordic countries seem now to be going different ways. Finland and Iceland have followed Sweden as to full acceptance of multiple nationality, while Denmark and Norway have stuck to the traditional principle of avoiding this status.

The Nordic Agreement was amended in 1977, 1998 and 2002. The last amendment was made after requests from states not in favour of accepting multiple nationality. The amendment introduces the possibility for member states to make the loss of former nationalities a condition for acquisition of their nationality.

The Province of Åland is a region of specific interest with regard to nationality matters in Finland. This province consists of a group of about 6,500 islands, located in the Baltic Sea, between Finland and Sweden. The province was subject to a territorial conflict between Sweden and Finland after Finland's independence from Russia in 1917. Both countries wished to have Åland as part of their territory. This resulted in, among other things, a regional nationality for the Ålanders called 'right of domicile'. Besides being Finnish nationals the majority of the inhabitants of the Åland Islands also possess this right of domicile. There are strict rules regulating who is in possession of this right and who may acquire it.

## 4.2 Historical development

### 4.2.1 *Nationality in Finland before independence*

Finland was part of the Swedish Kingdom between the fourteenth century and 1809. Persons residing in Finland at that time were consequently subjects of the Swedish King. Persons residing within the Swedish territory enjoyed the civil rights regulated in the Swedish National Law Code of 1734. Moving abroad led to the loss of these rights. Women and minor children derived their rights from their husband/father (Rosas & Suksi 1996: 268).

At that time, only people born in Sweden or Finland could be appointed to certain governmental offices. The Swedish monarch could, however, appoint foreigners to such offices on grounds of special achievements for the state. This can be regarded as a first kind of naturalisation arrangement (Rosas & Suksi 1996: 269).

As a result of the war between Sweden and Russia in 1808-1809, Sweden was forced to relinquish Finland to Russia. From 1809 to 1917, Finland was an autonomous Grand Duchy within the Russian Empire. The Russian tsar assumed the position of Grand Duke of Finland, but the law applicable within the Grand Duchy was still the old Swedish law, most notably the 1772 Constitution and the 1789 Act of Union and Security.

It was clear from the beginning of the Grand Duchy period that Finns had a special position compared to other subjects of the Russian Empire. The use of the Russian, Swedish and Finnish languages, as well as decrees and acts applicable in Finland imply that being a Finnish subject was something else than being merely a Russian subject (Jussila 1978: 7). Finns were in a sense both Russian and Finnish subjects, while other subjects of the Russian governorate were merely considered subjects of the Russian Empire, and they did not enjoy civil rights in Finland. If they wished to enjoy such rights in Finland they

had to become naturalised Finnish citizens. Finns, on the other hand, were not regarded as foreigners in the rest of the Russian Empire where they enjoyed all the same privileges as any other Russian subject (Screen 1978: 21). Foreigners who moved to Finland and became subjects under the Russian Empire were at the same time guaranteed civil rights in Finland, while foreigners moving to the territory of the Russian governorate did not automatically benefit from civil rights in the Grand Duchy of Finland (Jussila 1978: 9).

At the end of the nineteenth century, Russian law did not recognise nationality as a legal concept. The legislation did not talk about nationals; it only mentioned subjects of the Russian Empire (Jussila 1978: 5). However, nationality was not an unknown concept for the Russians. This is evident from the expression used by the Grand Duke already in 1809: he referred to nationals of Finland by using the French expression '*citoyens de la Finlande*' when granting the regulations for the Finnish Governmental Council. Furthermore, Finnish nationality and naturalisation possibilities were mentioned in a number of regulations thereafter (Rosas & Suksi 1996: 270).

In 1858, a Decree was promulgated in Finland and Russia simultaneously regarding the registration in Finland of Russian subjects and foreigners residing in Russia.<sup>2</sup> The Decree introduced a kind of naturalisation possibility by codifying customary procedures for the application for civil rights in Finland. First, an individual application had to be made to the governor. The governor gave his opinion on the application and sent it to the Department of Economy at the Senate. After the Department had delivered its opinion, the application was decided upon by the Grand Duke. If the application was accepted, the applicant was registered in the parish where he wished to reside, and he then enjoyed most of the same rights as a Finnish subject born in Finland. The Russian nobility did, however, not enjoy the same rights as the Finnish nobility; instead they maintained their nobility rights in Russia (Jussila 1978: 14f). The main rule was that if an applicant had had his permanent residence in Finland for the last three years, had a good reputation, and was able to support himself he could be naturalised in Finland. Naturalisation was extended to his wife and minor children. *Ius sanguinis* was the principle followed for persons born in Finland, but Finnish nationality was only derived from a Finnish father, not from a Finnish mother. A Finnish national who took up residence abroad lost his Finnish nationality (Rosas & Suksi 1996: 270f).

#### 4.2.2 *The first Finnish constitution and the first nationality laws of the Republic of Finland*

In 1917, Finland declared itself an independent state. The Constitution of 1919 (*Regeringsformen 1919*) was its first constitution as independent Finland. According to sect. 4, a child born by Finnish parents acquired Finnish nationality at birth. In addition, this section provided for legislation on naturalisation of foreigners. Spousal transfer of nationality was explicitly mentioned, i.e. Finnish nationality was automatically transferred from a Finnish man to his foreign wife upon marriage. Transfer of nationality was not possible the other way round, meaning that a Finnish woman could not pass her nationality to a foreign husband. The President of the Republic was given the authority to grant and to release a person from Finnish nationality (sect. 31).

The first Nationality Act<sup>3</sup> was adopted in 1920 and regulated naturalisation of foreign nationals. A person who had lived for the last five years in Finland, had a good reputation and was able to support himself and his family could upon application acquire Finnish nationality, provided that he lost or was freed from his former nationality (sect. 1). A wife and minor children would automatically acquire Finnish nationality together with the husband/father (sect. 2). A person who acquired Finnish nationality would only be regarded as a Finnish national after he or she had taken an oath of allegiance before the county governor (sect. 6).

The 1920 Nationality Act did not contain any provisions on loss of nationality. Emigrated Finnish nationals consequently often ended up with dual nationality or were not able to acquire the nationality of their new country if the new country did not accept dual nationality. Therefore in 1927, this Act was complemented with an Act on the Loss of Finnish Nationality.<sup>4</sup> Acquisition of a foreign nationality when taking up residence abroad thereafter resulted in the loss of the Finnish nationality (sect. 1). A person without any close connections to Finland also lost his or her Finnish nationality at the age of 22 (sect. 2). The Act furthermore opened up the possibility for Finnish nationals to apply to the President for release from their Finnish nationality (sect. 4).

#### 4.2.3 *Nationality legislation in one single Act*

In 1941, provisions on acquisition and loss of nationality were included in one Act, the 1941 Act on Acquisition and Loss of Finnish Nationality.<sup>5</sup> This Act was more detailed than its predecessors and was influenced by the nationality laws of the Nordic neighbours, as well as the 1930 Hague Congress on the Codification of International Law. Prevention of multiple nationality and statelessness were the principal aims

of the Act, and the first small step towards gender equality was made: children born out of wedlock and children born to stateless fathers acquired Finnish nationality from their mother (sect. 1), and facilitated naturalisation of foreign men marrying Finnish women was introduced (sect. 4 (2)). Foundlings were, for the first time, mentioned in the Act (sect. 2), and the oath of allegiance was finally abolished.

#### 4.2.4 *Consequences of the First and Second World Wars on nationality*

The territorial adjustments made with regard to the Finnish-Russian/Soviet border after the First World War as well as after the Winter War 1939-1940 and the Continuation War 1941-1944 had consequences for those living in the affected area. The Peace Treaty of Tartu in 1920 had resulted in the Petschenga area becoming part of the Finnish territory. As a consequence, a number of Russians became residents of Finland. The Peace Treaty of Tartu contained a provision regulating the status of these persons, automatically making them Finnish nationals. Those who had reached eighteen years of age could opt for keeping their Russian nationality and freely move to Russian territory. Persons who made use of this option were not deprived of their property rights in Petschenga (Rosas & Suksi 1996: 274).

After Finland had lost the Winter War against Russia, persons resident in the territories that in accordance with the Peace Treaty of Moscow were ceded to the Soviet Union were regarded as having lost their Finnish nationality. During the Continuation War, Finland temporarily reacquired areas that had been occupied by the Soviet Union during the Winter War. An Act was consequently adopted in order to make it possible for people who had remained in the occupied areas to regain their lost Finnish nationality by declaration.<sup>6</sup> Those who had in the meantime been moved to the territory by the Soviet Union were treated as foreigners and did not benefit from the right to facilitated acquisition of Finnish nationality by declaration.

During the Second World War when Finland fought the Winter War and the Continuation War against Russia, the Russians captured part of the Finnish territory in the East of the country. As a consequence of the Winter War a number of refugees from two areas that were captured, Ingria and East Karelia, found their way back to Finnish territory. A peculiarity within the 1941 Nationality Act were the special regulations that applied to children of refugees of Finnish descent from Ingria and East Karelia who acquired Finnish nationality by declaration (sect. 13). For them the requirement of being able to support themselves and their families did not apply. This is the only time that ethnicity has been of significance within Finnish nationality law.

#### 4.2.5 *Gender equality and Nordic influences*

In 1967, the constitutional provision in sect. 4 on acquisition of Finnish nationality was amended and another step towards gender equality in nationality law was made when equality between spouses regarding the acquisition of Finnish nationality was introduced in the Act amending sect. 4 clause 1 of the Constitution.<sup>7</sup> The rule on automatic acquisition of Finnish nationality by a foreign woman marrying a Finnish national was finally abolished. While Finland is seen as a pioneer of women's rights being the first European country to accept women's right to vote in 1906, it is remarkable that Finland was one of the last European countries to introduce gender equality in this regard.

The 1968 Nationality Act,<sup>8</sup> which replaced the previous Act on Acquisition and Loss of Finnish Nationality of 1941, also introduced the possibility of facilitated discretionary naturalisation for spouses of Finnish nationals, regardless of gender (sect. 4). The provision was very vague as to what was required from the spouse in order to qualify for facilitated discretionary naturalisation. It merely stated that naturalisation could be approved despite normal requirements not being fulfilled. In 1968, normal requirements included five years of habitual continuous residence in Finland, that the applicant was eighteen years of age or older, and that he or she was living a respectable life and had a secure income. The Act further promoted equality between men and women, as women would no longer lose their Finnish nationality when marrying a foreign man. The 1968 Act also facilitated acquisition of Finnish nationality for women who had lost their Finnish nationality due to marriage with a foreign man or because their spouses had acquired a foreign nationality (sect. 15). For these women a declaration within five years of the entry into force of the Act was sufficient in order to reacquire Finnish nationality. These amendments made the Finnish accession to the United Nations Convention on the Nationality of Married Women (1957) feasible. Finland acceded to the Convention on 15 May 1968.

The prevention of statelessness was also taken one step forward by the 1968 Nationality Act. Children born in Finland who would otherwise become stateless now automatically acquired Finnish nationality at birth (sect. 1 (1)(4)). Although Finland has not ratified the Convention on the Reduction of Statelessness (1961), the basis for this change is found in this Convention.

The legal effort to prevent statelessness provided for Finnish accession in October 1968 to the United Nations Convention relating to the Status of Stateless Persons (1954), which states in art. 32 that the 'Contracting States shall as far as possible facilitate the [...] naturalization of stateless persons'. Due to cooperation with the other Nordic countries

on nationality matters, Finland made a general reservation to this Convention still allowing nationals of the Nordic countries to receive special rights and privileges.

Prior to the enactment of the 1968 Nationality Act a renunciation of Finnish nationality was conditioned on the person in question moving abroad. In the new Act this condition was abolished. Furthermore, the right to facilitated acquisition of Finnish nationality for descendents of refugees from Ingria and East Karelia was abolished.

Following a recommendation of the Nordic Council (no. 1-1964), facilitated acquisition of Finnish nationality for Nordic nationals was introduced in the 1968 Nationality Act. The purpose was to provide for Finnish accession to the Nordic Agreement in 1969. As a consequence of this change, the normal requirement of five years of habitual residence was not applicable to nationals of the other Nordic countries who wished to be naturalised in Finland (sect. 4 (2)). No specific time of habitual residence was mentioned in the law for Nordic nationals, but in practice two years was sufficient. Furthermore, the declaration procedure was made applicable to nationals of the other Nordic countries who for the past seven years had had their habitual residence in Finland (sect. 10 (4)). Acquisition of nationality by declaration for former Finnish nationals who in the meantime had been nationals of another Nordic country was also facilitated. These former nationals acquired Finnish nationality immediately when they resettled in Finland (sect. 10 (5)).

A new provision in the 1968 Act stipulated that former Finnish nationals who had been continuously resident in Finland until the age of eighteen could reacquire their Finnish nationality by declaration after two new years of residence in Finland (sect. 6). The Nordic Agreement was also of significance with regard to this provision, as it stated that habitual residence in one of the other contracting states before the age of twelve should count as residence in Finland (sect. 10 (3)).

The rules on acquisition of Finnish nationality by declaration for second-generation immigrants can also be traced back to the Nordic cooperation in 1968-1969; for this group of immigrants habitual residence in another Nordic country is regarded as equal to residence in Finland provided that such residence took place before the age of sixteen and more than five years before the declaration is made (sect. 5 (1) and 10 (2)).

A major change that the 1968 Nationality Decree<sup>9</sup> brought about at this point in time was that the Ministry of the Interior became the main authority involved in decisions on acquisition and loss of Finnish nationality. Nevertheless, the President of the Republic remained the formal decision-making authority.

#### 4.2.6 *Major amendments to Finnish nationality legislation in 1984*

The 1968 Nationality Act became the subject of major amendments in 1984.<sup>10</sup> Again, gender equality was taken one step further as parents were put on a more equal footing than before. Previously, the main principle was that children born in wedlock derived their nationality from their father. From this point on however, a Finnish mother would always pass her Finnish nationality to her children (sect. 1). Gender equality was consequently a reality for children born in wedlock. This amendment made possible the Finnish ratification of the International Convention on the Elimination of all Forms of Discrimination against Women on 4 September 1986.

Adopted children were mentioned for the first time in Finnish nationality legislation in 1984. The amended Act introduced the possibility for adopted children to acquire Finnish nationality by declaration (sect. 3b). Such a declaration could be made immediately after a child had been adopted, provided that the adoption was valid in Finland and that at least one of the adoptive parents was a Finnish national. Furthermore, the Act elaborated on the prevention of statelessness by making it a condition for being released from Finnish nationality that said person would not become stateless (sect. 9). Finally, the amendments introduced a new practice with regard to children of fifteen years or older, as these could no longer acquire or be released from their Finnish nationality against their will (sect. 12a).

In 1985, a new Nationality Decree<sup>11</sup> was consequently promulgated following the amendments of the 1968 Nationality Act. This Decree included mainly procedural provisions and did not introduce any new features. However, the provisions were slightly more detailed than in the previous Nationality Decree of 1968 and the language was modernised.

### 4.3 **Recent developments and current institutional arrangements**

#### 4.3.1 *Political analysis*

In 2003, a new Nationality Act was adopted in Finland, repealing the old Nationality Act of 1968 with amendments. A new Nationality Decree complementing the new Act was approved in 2004. The new Act and the new Decree spell out the modalities with regard to acquisition and loss of Finnish nationality and they regulate the mandate and duties of the responsible authorities. They give an in depth meaning to the main principles mentioned in the constitutional provision on acquisition of Finnish nationality, and they make up the core of Finnish nationality legislation.

The political intentions behind the new Nationality Act of 2003 have been manifold. Acceptance of multiple nationality, prevention of statelessness, and gender equality are among the principal considerations behind the Act. The need for a more detailed law reducing the different possible interpretations of the old Act was also a factor of significance in the work towards a new Nationality Act. Another intention behind the new Act was that Finland should be able to ratify the European Convention on Nationality without making any reservations.

As the new Nationality Act has only been in force since 1 June 2003 it is difficult to provide a thorough analysis of the impacts of the Act at this time. Nor is it feasible this early to conclude whether the Act has achieved its intended effects. The statistics for 2003 does, however, indicate that the Act at least partly has had the expected impact of increasing the number of declarations handed in to the Finnish Directorate of Immigration following the acceptance of multiple nationality (see sect. 4.3.2).

A principal consideration behind the reform was that the old Nationality Act was deficient and partly outdated. There were major inadequacies with regard to the legal safeguards and definitions of the requirements for naturalisation as the provisions of the old Act had a rather general character. The requirements for acquiring Finnish nationality were not clear enough for an applicant to know beforehand whether he or she would be granted Finnish nationality upon application. The shortcomings of the Act were largely compensated by the 1985 Nationality Decree and various ministerial briefs. The Finnish Constitution does however state in its art. 5 that the rules for acquisition and loss of Finnish nationality shall be stipulated in a Parliamentary Act, making the above mentioned practice with decrees and ministerial briefs not legally satisfactory. Furthermore, the legal safety of an individual applicant was not satisfactorily guaranteed, as the mandates and duties of the authorities involved in the procedure were not clearly stipulated. This indeed had a negative impact on the efficiency and expediency of the procedure.<sup>12</sup>

When the previous Nationality Act was passed in 1968, the immigrant population was small, and it was mostly foreign spouses of Finnish nationals who were naturalised. In the 1990s, the picture had changed and more often foreign families took up residence in Finland and wished to be naturalised. The number of foreigners residing in Finland had increased a remarkable 56 per cent between 1995 and 2003. In 1995, there were 68,600 foreign nationals residing in Finland as opposed to 107,100 in 2003 (Statistics Finland 2005). The increase in the number of applications for naturalisation and resulting acquisitions of Finnish nationality has directly reflected this increase. Between 1991 and 1995, on average only 854 foreigners were granted

Finnish nationality each year, whereas in the year 2000 alone 2,977 foreign nationals were naturalised in Finland (Directorate of Immigration 2005). It was evident that the rules on acquisition and loss of Finnish nationality had to be adapted in order to reflect this change in the immigration pattern.

Discussions on a new Nationality Act started already at the beginning of the 1990s. They evolved largely around the issue of multiple nationality. A reform of the old Nationality Act was however not initiated until 1997 under a coalition government led by the Social Democratic Party. The Ministry of the Interior in charge of nationality matters was at that time headed by Jan-Erik Enestam, a minister from the Swedish People's Party, a party mainly representing the Swedish-speaking population of Finland. He expressed resistance to accepting multiple nationality and referred to the ongoing debate in the other Nordic countries on the issue. Work on the reform was consequently temporarily interrupted that year in order to follow the developments in the other Nordic countries that had likewise started revising their nationality legislation (Peltoniemi 2003).

The Finland Society<sup>13</sup> and the Finnish Expatriate Parliament<sup>14</sup> were among the driving forces initiating and supporting legislation that would accept multiple nationality. The Finnish Expatriate Parliament has ever since it was established in 1997 had the acceptance of multiple nationality as a central goal (Peltoniemi 2003). In December 1999, the Social Democrat Riitta Prusti presented an initiative according to which multiple nationality would be accepted.<sup>15</sup> It was signed by 103 of the 200 Members of Parliament from the whole spectrum of parties represented in Parliament. This initiative was later included in the proposition for a new Nationality Act. As a result of the intense lobbying work of the Finnish expatriates the political parties were to a large extent in agreement on accepting multiple nationality. The political debate on the issue was therefore rather tame.<sup>16</sup>

There seems to have been a general acceptance between the political parties with regard to all issues regulated in the new Nationality Act. As mentioned above, only the introduction of multiple nationality caused some political debate. The intense lobbying work by the Finnish expatriates for acceptance of multiple nationality contributed to a great extent to the broad political support for the matter. All other matters, for example the introduction of a language requirement in the Act and the strengthened residence requirement (from five to six years) were not debated at all, but tacitly accepted.<sup>17</sup> In contrast to for instance the recent comprehensive Dutch debates on nationality matters, the Finnish political debate has been almost non-existent. This can be explained by the fact that these two countries have very different migration patterns. Out of a Dutch population of roughly 16 million people,

3 million are first- or second-generation immigrants (Council of Europe 2003). In Finland with a total population of 5.2 million, less than 110,000 have a foreign nationality.<sup>18</sup> Consequently, a new Nationality Act in Finland with the introduction of somewhat stricter requirements for acquisition of Finnish nationality will not give rise to a political debate of the same intensity as in a country like the Netherlands where similar changes will have consequences for a much larger group of persons.

In April 2000, the work on the reform of the nationality legislation was resumed at the Ministry of the Interior, now headed by a minister from the National Coalition Party, but still under a coalition government headed by the Social Democratic Party.<sup>19</sup> The Act was drafted in cooperation with the Directorate of Immigration. The Bill for the new Nationality Act was introduced in Parliament in 2002. The sole entity with critical remarks about the Bill was the Ministry of Defence that drew attention to the risk to national security that multiple nationality might cause, e.g., by making espionage easier. On 24 January 2003, still under the same government as in April 2000 when work on the Act was resumed, the Finnish Parliament passed the new Nationality Act. The Act was backed by all the major political parties.

The main novelty in the Nationality Act of 2003 is the acceptance of multiple nationality. As mentioned in the introduction, loss of Finnish nationality is no longer a consequence of the acquisition of a foreign nationality. Nor does the new Act include a requirement of renunciation of former nationalities when acquiring Finnish nationality. The new Act furthermore facilitates the reacquisition of Finnish nationality by persons who have lost their Finnish nationality due to the earlier prohibition of multiple nationality.

In Finland, multiple nationality has been considered problematic with regards to voting rights, military service, consular assistance and the security of the republic. A main argument against multiple nationality was that it was not considered expedient that a person who took up residence abroad would retain his or her Finnish nationality when acquiring a foreign nationality. Nor was it considered expedient that Finnish nationality would be passed on from one generation to another for those with little or no connection to Finland. Security reasons also spoke in favour of non-acceptance of multiple nationality. Due to the risk of loyalty conflicts, it was not considered recommendable that minorities with multiple nationalities should evolve.<sup>20</sup>

The growing tendency internationally and the increasing willingness nationally to accept multiple nationality brought with it that also Finland started to reconsider its views on the matter in the 1990s. The Swedish law reforms in this regard, as well as the Norwegian considerations, have been important for Finland's acceptance of multiple na-

tionality. Sweden, as the country with the greatest number of Finnish expatriates, accepted multiple nationality in 2001, when the new Swedish Nationality Act went into force. When the Finnish Nationality Act of 2003 was adopted, the impression was that Norway which was also working on a new Nationality Act was going to accept multiple nationality as well.<sup>21</sup>

A major argument for accepting multiple nationality were the positive implications for the individual. Another argument was that acceptance of multiple nationality would contribute to preserving contact with emigrant and Diaspora populations abroad. Furthermore, it was now considered to be in the interest of the Finnish Republic that immigrants who had taken up permanent residence in Finland should acquire Finnish nationality. It was considered important that after the integration phase the foreign population would acquire full rights and obligations in order to participate in Finnish society.<sup>22</sup> Despite the arguments against multiple nationality, the overall picture was still that multiple nationality would better serve the interests of Finland.

Prior to the law reform, nationals of certain states had difficulty in acquiring Finnish nationality because the legislation of their state of nationality made renunciation of their nationality impossible. These included nationals of Iran, the former Yugoslavia, and Algeria.<sup>23</sup> In practice, however, such nationals were exempted from the requirement to renounce their former nationality.<sup>24</sup> Even though it was already possible for this group to acquire Finnish nationality prior to the reform, the reform made the exemption procedure superfluous and acquisition of Finnish nationality easier. Other groups benefiting from the acceptance of multiple nationality are former Finnish nationals, descendants of Finnish nationals and descendants of former Finnish nationals who lost their Finnish nationality or were not granted Finnish nationality due to the previous prohibition of multiple nationality. These groups may acquire Finnish nationality by facilitated acquisition (declaration), and it is worth noting that habitual residence in Finland is not a requirement for such former Finns and Finnish descendants in order to (re)acquire Finnish nationality.

Apart from multiple nationality, the new Finnish Nationality Act promotes gender equality as both parents are put in a more equal position in cases where a child's nationality is determined by *ius sanguinis* (sect. 9). A child will always acquire Finnish nationality from the mother, no matter whether the child is under her custody or not (sect. 9 (1)). The novelty of the new Act is that a child can now always acquire Finnish nationality from a Finnish father provided that paternity has been established. A child born abroad of a foreign mother and a Finnish father can acquire Finnish nationality by declaration (sect. 26). In all other cases where paternity has been established, a child will ac-

quire Finnish nationality automatically at birth from the father (sect. 9 (2)).

By making the acquisition of Finnish nationality possible in cases where either of the parents is a Finnish national, the conditions of art. 6 (1) of the European Convention on Nationality, signed by Finland in 1997 but not yet acceded to, was met. A proposition is underway for the purpose of acceding to the Nationality Convention. The proposition will be discussed in the Parliament at the earliest during the autumn session 2005 (Ministry of the Interior 2005a).

The new Finnish Constitution of 1999 in sect. 5 includes a provision hindering loss or renunciation of Finnish nationality if that leads to statelessness. Consequently, the new Nationality Act has as a major aim the prevention of statelessness. The Act adopts the principle laid down in the new constitution by introducing a provision stipulating that a person cannot lose or renounce Finnish nationality if that would lead to statelessness (sect. 4). Another new provision preventing statelessness is sect. 9, which states that children of refugees or parents granted a residence permit on the grounds of a need for protection will acquire Finnish nationality at birth if they are born in Finland and do not acquire the nationality of their parents. A third provision, sect. 12, stipulates that children are considered Finnish nationals as long as the nationality of their parents are unknown. According to the same section, foundlings who are found on Finnish territory are also considered to be Finnish nationals as long as they have not been established as nationals of a foreign state. The new Nationality Act introduces provisions stating that if such children are found to be nationals of another state they will retain Finnish nationality only after they reach the age of five years (sect. 12).

A further aim of the revision of the Nationality Act was to adapt the legislation with regard to the prevention of statelessness in order for it to exactly correspond to the UN Convention on the Reduction of Statelessness. The intention behind this was to make the accession by Finland to the convention feasible.

While a Finnish national no longer automatically loses his or her Finnish nationality when acquiring another nationality, the new Nationality Act introduces some other new modes for the loss of Finnish nationality.

One provision stipulates that a person who has been granted Finnish nationality upon application or declaration may lose his or her Finnish nationality if he or she has provided false or misleading information to the authorities and the conduct exhibited was decisive to the acquisition (sect. 33 (1)). A child of a person who loses Finnish nationality because of fraud may also lose his or her Finnish nationality transferred or extended by that parent, unless the other parent is a Finnish na-

tional (sect. 33 (2)). Finnish nationality will not be lost as a consequence of false or misleading information if more than five years have passed since the nationality was acquired (sect. 33 (4)).

Furthermore, a person may lose his or her Finnish nationality according to sect. 32 if nationality was granted on the basis of the father's nationality and paternity was later annulled. As mentioned above, a foundling or a person with unclear nationality who has acquired Finnish nationality at birth will lose Finnish nationality if he or she is established as a foreign national; but since an age limit has been included in the law, Finnish nationality is retained if the foreign nationality is established only after he or she reaches the age of five.

A Finnish national may be released from Finnish nationality upon application, if he or she is a foreign national or is about to acquire the nationality of another state (sect. 35). A new condition mentioned in the Act is that release is not possible if the applicant is domiciled in Finland and the reason for applying for release is to avoid military service or other citizen's obligations. As already mentioned, loss of Finnish nationality is never possible if it leads to statelessness. However, if acquisition of a foreign nationality is conditioned upon the loss of a previous nationality, a person may be released from his or her Finnish nationality even if that means that he or she will be stateless for a short period of time (sect. 35 (2)).

The new Nationality Act also changed the requirements for discretionary naturalisation. By tradition, Finland is not a country of immigration. A rather limited number of foreigners have settled in Finland, and a comparatively small number of them have been naturalised. As a consequence, there has not been a need to discuss whether to reduce the overall numbers of naturalisations by introducing stricter conditions for immigrants to qualify for Finnish nationality, and the threshold for acquiring Finnish nationality by discretionary naturalisation has therefore been relatively low. However, during the last fourteen years, the number of immigrants has quadrupled, as has the number of applications for naturalisation, and with the adoption of the new Nationality Act in 2003, a change towards slightly more restrictive conditions for naturalisation, including stricter residence and language requirements, could therefore be observed.

The idea behind the required period of residence and the language requirement is that immigrants wishing to be naturalised must be able to take care of themselves in Finnish society and shall accept the legal principles that are considered important in Finland. The number of years of habitual residence required for naturalisation was increased in the new Act from five to six years (sect. 13 (1)(2a)). In the preparatory work comparisons were made of other states' requirements. A six-year period was chosen as a middle course, being neither among the long-

est nor among the shortest periods of residence required for naturalisation. At the same time an alternative residency requirement was introduced, stipulating that residence in Finland for eight years after the age of fifteen, with the last two years uninterrupted equally qualifies for naturalisation (sect. 13 (1)(2b)).

Other conditions for discretionary naturalisation are that the applicant is eighteen years of age or older (unless married before that) (sect. 13 (1)(1)), and he or she may not have any punishable acts on record, nor any restraining order issued against him or her (integrity requirement) (sect. 13 (1)(3)). Furthermore, he or she must not materially fail to provide maintenance or meet pecuniary obligations under public law (sect. 13 (1)(4)). In addition the applicant must provide a reliable account of his or her livelihood (sect. 13 (1)(5)) and have satisfactory oral and written skills in Finnish or Swedish (sect. 13 (1)(6)).

The integrity requirement is applied rather strictly and includes a wide range of acts. The most common type of punishable acts that lead to a failure to meet the integrity requirement are acts such as speeding and other minor traffic offences. Also in cases where a court has abstained from punishing an accused in spite of he or she having been found guilty, the integrity requirement has been applied in a subsequent nationality case. The administrative practice of the Directorate of Immigration does not demonstrate any relevant differences between different nationalities in terms of satisfying the integrity requirement.<sup>25</sup>

With regard to the requirement that an applicant for Finnish nationality must provide a reliable account of his or her livelihood, it is worth noting that the administrative practice of the Directorate of Immigration has shown that failure to meet this requirement has not been considered a legal obstacle for naturalisation. Failure to meet the required length of residence in Finland has, on the other hand, been applied strictly. The duration of the procedure for naturalisation applications has, however, resulted in this requirement very seldom being an obstacle to naturalisation. It is assumed that the number of applicants failing to fulfil this requirement will increase, as the procedure speeds up.<sup>26</sup>

A number of exceptions apply to the requirements for discretionary naturalisation. Some of the exceptions are new and some have been revised in the new Nationality Act. An exception introduced in the new Act concerns refugees and persons who have achieved residence permits on grounds of the need for protection (sect. 20). For such persons the period of required habitual residence in Finland is shorter, either the last four years of uninterrupted residence in Finland, or a total of six years of residence in Finland since the age of fifteen, with the last two years uninterrupted. Another exception applies to former Finnish

nationals and nationals of the other Nordic countries who may be granted Finnish nationality if they have had their habitual residence in Finland for the last two years continuously (sect. 21). For a co-applicant child of fifteen years of age or older, the residence requirement is lowered to the last four years of habitual residence in Finland without interruption or a total of six years since the age of seven, with the last two years uninterrupted (sect. 23 (2)). A co-applicant child under the age of fifteen may be granted Finnish nationality immediately when taking up residence in Finland, notwithstanding the normal requirements for residence and language (sect. 23 (1)). Furthermore, a new provision has been included in the Act stating that a person who acted as a Finnish national in good faith and was presumed to be a Finnish national for at least ten years may acquire Finnish nationality by discretionary naturalisation notwithstanding the normal requirements on residence and language skills (sect. 18 (1)(2c)). The same applies to persons with close connections to Finland or if other strong reasons are present (sect. 18).

Facilitated acquisition is still possible for a foreign spouse of a Finnish national. One requirement under sect. 22 of the new Nationality Act is that the foreign spouse has lived in Finland for the last four years uninterrupted, or for six years since the age of fifteen, with the last two years uninterrupted. In addition, the spouses shall have lived together for the last three years.

The residence requirement is closely connected to the language requirement. It is presumed that the longer the period of residence in Finland is, the better the language skills will be. The preparatory work for the new Act underlines the importance of satisfactory knowledge of the Finnish or Swedish language for successful integration. Sufficient knowledge in one of these languages was considered important by the government in order to be able to act as a Finnish national within Finnish society.<sup>27</sup> Consequently, a requirement of satisfactory oral and written skills in Finnish or Swedish, or similar skills in Finnish sign language was also introduced in the new Nationality Act (sect. 13 (1) (6)).

The 1968 Nationality Act had no rules on required language skills, but the 1985 Nationality Decree included a general requirement of sufficient knowledge of Finnish or Swedish. There were, however, no clear rules on how to prove the language proficiency, and no coherent administrative practice on the type of certificates or tests accepted as sufficient proof of the required language skills.<sup>28</sup>

The major difference compared to the old Act is that the language requirement is now mentioned explicitly and that the new Nationality Decree of 2004<sup>29</sup> exhaustively outlines ways of documenting such knowledge of the language skills (sect. 7). While the old Decree re-

quired some kind of documentation of Finnish or Swedish language skills, it did not regulate the type of documentation and the quality of skills required. A language certificate from a teacher was in practice considered as sufficient in order to prove skills in Finnish or Swedish, and civil servants at the Directorate of Immigration experienced that many immigrants who applied for and acquired Finnish nationality had a very poor knowledge of the Finnish and Swedish languages.<sup>30</sup>

The new Nationality Act and Decree lay down detailed rules, by referring to art. 15-17 in the Governmental Decree on the examination of proficiency in Finnish and Swedish within the state administration,<sup>31</sup> on the level of language knowledge required and the documentation accepted as proof of the language skills. An applicant able to provide documentation showing that he or she has passed a general or a national language examination at level three (out of six levels, where six is excellent and three is satisfactory), or that he or she has completed basic education in Finnish or Swedish, will meet the language requirement.

It can generally be assumed that it has become more difficult to fulfil the language requirement. Members of Parliament have criticised the new requirement as detrimental especially to the possibility for elderly immigrants to acquire Finnish nationality. The Act does, however, allow for exceptions from the language requirement for immigrants with long lawful residence in Finland who have reached the age of 65 years (sect. 18 (1)(2b)). Younger persons may also be exempted if there are special and weighty reasons in favour of such an exemption (sect. 18 (2)). It is too early to tell whether the language requirement will generally function as a barrier discouraging acquisition of Finnish nationality, but it is not unlikely that strict application thereof will have that effect.

It may be assumed that the group particularly susceptible to the language requirement are refugee women, whose participation in social life and Finnish society is not encouraged by their ethnic groups, and who either cannot or will not participate in language courses. In fact, the language proficiency requirement has already proved to be an obstacle for Kurds from Iran and Iraq.<sup>32</sup> Furthermore, unemployment among the refugee and immigrant population is high, consequently limiting full participation in Finnish society and therefore limiting opportunities to learn the language in every day social intercourse.

It is noteworthy that a practice has developed favouring Norwegian and Danish nationals as regards the language requirement. According to administrative practice Danish and Norwegian nationals do not have to prove their knowledge of the Swedish or Finnish language (Rosas & Suksi 1996: 289). As both the Danish and Norwegian languages are closely related to the Swedish language this cannot be considered as

unreasonable; apart from which, it cannot be expected that a national from one of these countries will be able to speak Swedish within the short period of time required before he or she can be naturalised.

The required period of residence and the strict language requirement makes the acquisition of Finnish nationality a reward for successful integration rather than a means to promote a better integration. The lawmaker has expressly stated in the preparatory works of the new Nationality Act that the intention is that one must be able to function independently in the Finnish society in order to qualify for Finnish nationality.<sup>33</sup>

Apart from naturalisation, Finnish law provides for acquisition of nationality by declaration. This possibility to acquire Finnish nationality was written down in the new constitution (sect. 5 (1)) in 1999, although the declaration procedure was already introduced in the Nationality Act of 1968.

A new category of persons who can acquire Finnish nationality by declaration after the entry into force of the new Nationality Act are persons born in Finland to foreign mothers and Finnish fathers, whose paternity was established after they turned eighteen or after they got married (sect. 26 (1)).

Another group that may acquire Finnish nationality by declaration are former Finnish nationals (sect. 29). If Finnish nationality was lost due to the earlier prohibition of multiple nationality, Finnish nationality may be reacquired by declaration, provided that the declaration is made within five years from the entry into force of the new Nationality Act, i.e., before 1 June 2008 (sect. 60). A person who has lost Finnish nationality due to insufficient connection with Finland and who never received information on the procedure for retaining nationality, and, as mentioned above, a person who after losing Finnish nationality has continuously been a national of another Nordic country will also be able to reacquire Finnish nationality by declaration when taking up residence in Finland (sect. 29 (2) and 30).

Other former Finnish nationals can reacquire their Finnish nationality by declaration by meeting a residency requirement of ten years of habitual residence in Finland with the last two years uninterrupted if they are eighteen years of age and did not lose their Finnish nationality due to fraud (sect. 29 (1)). Nordic nationals can also acquire Finnish nationality upon declaration if they are eighteen years of age, have not acquired their other Nordic nationality through naturalisation, and have lived the last six years in Finland (sect. 30).

There is a possibility for children born abroad and out of wedlock to a foreign mother and a Finnish father to acquire Finnish nationality by declaration (sect. 26). Furthermore, a young person between eighteen and 22 years of age who has had his or her habitual residence in Fin-

land for ten years with the last two years uninterrupted and who has not been sentenced to imprisonment can also acquire Finnish nationality by declaration (sect. 28 (1)). For second-generation immigrants the requirement that the person may have no sentence to imprisonment on his or her record if he or she wishes to acquire Finnish nationality by declaration (sect. 28 (2)) was introduced in the new Nationality Act. The reason for introducing this requirement was that it was considered more appropriate by the legislator that a person who has been sentenced to imprisonment is evaluated in the application procedure, where there is a possibility for the authorities to refuse the granting of Finnish nationality.

Another aim of the new Act was to approximate the rights of an adoptive child to that of a biological child. Adopted children under twelve years of age now automatically acquire Finnish nationality (sect. 10). Adopted children twelve years of age or older may acquire Finnish nationality by declaration (sect. 27). The declaration procedure for adopted children over twelve has little practical use, as it is rather uncommon to adopt older children from foreign countries.

Anyone wishing to acquire Finnish nationality must be able to meet the requirement of established identity in sect. 6. This is a new provision. If a person has been using an identity registered in the population information system for at least ten years, his or her identity is considered to be reliably established in accordance with sect. 6, regardless of whether he or she has used other identities before then.

#### 4.3.2 *Statistical developments*

The number of nationality matters handled by the Directorate of Immigration has increased rapidly since 1995. This is due in particular to the large immigration flows that reached Finland at the beginning of the 1990s. Immigration to Finland started to increase in 1989. At that time 18,000 foreigners were living in Finland. By 2003, the number had increased to 107,000. These immigrants began to meet the requirements for naturalisation in 1995 and after.

In 1998 and 1999, the number of persons naturalised in Finland rose dramatically from less than 1,000 a year to more than 4,000. This rise in the number of naturalised Finnish nationals reflects the rise in the number of asylum seekers that were granted asylum or other types of residence permits at the beginning of the 1990s. At that time the residence requirement for discretionary naturalisation was five years, and the processing time was around three years. The highest number of applications was made to the Finnish immigration authorities in 1997.

Table 4.1 shows that while there has been a moderate increase in the Finnish population since 1990, the foreign population has more than

**Table 4.1: Number of the total Finnish population, foreign population in Finland, number of favourable decisions on asylum and naturalisation applications in Finland from 1990-2004**

<i>Year</i>	<i>Total population</i>	<i>Foreign population</i>	<i>Favourable decisions on asylum applications</i>	<i>Naturalisation applications</i>	<i>Acquisition of Finnish nationality by naturalisation</i>
1990	4,998,000	26,300	157	602	899
1991	4,973,936	37,600	1719	744	1236
1992	5,054,982	46,300	576	614	876
1993	5,077,912	55,600	2082	753	839
1994	5,098,754	62,000	316	1340	651
1995	5,116,826	68,600	223	1686	668
1996	5,132,320	73,800	345	2431	981
1997	5,147,349	80,600	281	3353	1439
1998	5,159,646	85,100	379	2837	4017
1999	5,171,302	87,800	496	2239	4730
2000	5,181,115	91,100	467	2323	2977
2001	5,194,901	98,600	813	1933	2720
2002	5,206,295	103,700	591	2499	3049
2003	5,219,732	107,100	494	2630	4526
2004	5,236,118	108,346	800	2004	6880

Sources: Statistics Finland and the Directorate of Immigration

quadrupled in that same period, and so has the number of persons applying for Finnish nationality. Traditionally, Finland has been a country of emigration, not immigration,<sup>34</sup> which is indicated in the same table: foreigners with habitual residence in Finland represent only 2 per cent of the total population and the numbers of favourable decisions on asylum applications are remarkably low both in international terms and in comparison to the total number of persons applying for asylum in Finland.

The rather long processing period for nationality applications makes it difficult to draw any specific conclusion from the yearly naturalisation statistics. The processing time for nationality applications has for the last years been around three years. Nationality declarations have an average processing time that is much shorter. In 2003, the processing of a declaration lasted on average 75 days. A much more secure way to analyse the impact of legislative amendments in nationality law is therefore to look at the annual statistics on numbers of nationality applications submitted to the Finnish immigration authorities.

A factor that to a certain extent has influenced statistics on naturalisations is the change made in the new Nationality Act with regard to acquisition of Finnish nationality for adopted children. As already mentioned, adopted children under twelve years of age now automatically acquire Finnish nationality upon adoption. Children under twelve years of age are therefore no longer included in statistics on nationality de-

clarations. However, as they only account for around 300 adoptions yearly (310 under eighteen years of age in 2004), the change does not have a major impact on the general statistics on the acquisition of Finnish nationality.

Where do the people who acquire Finnish nationality come from? Table 4.2 shows that the majority of those naturalised in Finland are of European origin, and that former Russians make up more than half of them. More than a third of those naturalised in Finland in 2004 were in fact Russians, and these were to a great extent represented by Ingermanlanders.<sup>35</sup> This reflects an amendment made to the Alien's Act in 1993 facilitating the acquisition of residence permits for persons with a connection to Finland.<sup>36</sup>

Other groups with immigration and naturalisation patterns worthy of note are nationals from Somalia and Iraq. For Somalis there was a peak in 1999 when 1,208 persons were naturalised in Finland, while only one person of Somali origin was naturalised three years earlier. This reflects the deteriorating situation in Somalia after the civil war broke out in 1991 and the number of refugees who found their way to Finland during the first half of the 1990s as a result of this conflict. The number of Iraqis who apply for and acquire Finnish nationality has also seen a steady increase, however not yet as drastic as for Somalis. In 2004, 447 Iraqi nationals were naturalised in Finland. This is almost twice as many as in the previous year. Compared to before 1998 this number has increased remarkably, e.g., in 1997 only fifteen Iraqis were naturalised in Finland. The number of Iraqis naturalised in Fin-

**Table 4.2: Number of naturalisations in Finland between the years 1990 and 2004 by continent/country of former nationality**

	<i>Europe</i>	<i>Of these: Russia</i>	<i>Africa</i>	<i>Of these: Somalia</i>	<i>America</i>	<i>Asia</i>	<i>Of these: Iraq</i>	<i>Oceania</i>	<i>Stateless/ unknown</i>
<b>1990</b>	554	0	70	0	87	115	5	4	69
<b>1991</b>	736	0	101	0	102	201	4	10	86
<b>1992</b>	507	21	104	0	55	140	2	4	66
<b>1993</b>	450	87	67	0	44	214	11	1	63
<b>1994</b>	342	116	56	1	43	152	6	0	58
<b>1995</b>	335	94	81	1	28	144	4	2	78
<b>1996</b>	365	146	120	1	35	328	7	1	132
<b>1997</b>	509	210	180	10	52	489	15	2	207
<b>1998</b>	1254	666	788	476	77	1299	135	6	602
<b>1999</b>	1612	800	1365	1208	41	696	140	4	1012
<b>2000</b>	1387	666	522	346	81	800	185	1	186
<b>2001</b>	1194	533	406	222	90	829	224	1	200
<b>2002</b>	1419	418	419	204	96	889	217	1	225
<b>2003</b>	3037	1682	403	209	112	861	165	21	101
<b>2004</b>	4449	2313	426	165	242	1517	447	31	215

Source: Statistics Finland

land can be traced back to the unstable situation in Iraq under Saddam Hussein's regime.

Due to the previous non-acceptance of multiple nationality, many people lost their Finnish nationality when they acquired a foreign nationality. For the same reason many immigrants who met the requirements for naturalisation in Finland never applied for Finnish nationality. As the new law accepting multiple nationality entered into force, a remarkable increase in naturalisation applications and declarations was expected. As mentioned above, a former Finnish national has a right to re-acquire his or her Finnish nationality, according to sect. 60, if it was lost due to the previous non-acceptance of multiple nationality. According to this section declarations can be submitted within five years after the new Nationality Act entered into force. It was expected that 5000 declarations based on sect. 60 would be submitted to the Directorate of Immigration each year during this period. During the first year that the new Nationality Act was in force, i.e. from 1 June 2003 until 31 May 2004, the number of declarations made by former Finnish nationals and their descendants was 3011 (UVI 2004b). While the total number of declarations almost quadrupled in 2003 compared to the previous year (see Table 4.3), this number was still not as high as expected.<sup>37</sup> The reason why the number was almost 2000 lower than expected is most likely that the high declaration fee, 300 euros for adults in 2003, was considered by many to be out of proportion.

At the end of 2004, 4,568 former Finnish nationals and their offspring from 78 different states had made declarations in accordance with sect. 60 in order to acquire Finnish nationality. Most of these applications came from the United States, Sweden, Australia, Canada and Switzerland. Of these 4,568 declarations 3,983 had acquired Finnish nationality by the end of the year. 1,569 of these were former Finnish

**Table 4.3: Number of declarations for Finnish nationality made from 1995-2003**

<i>Year</i>	<i>Declarations for Finnish nationality</i>
1995	283
1996	317
1997	378
1998	429
1999	343
2000	436
2001	480
2002	539
2003	2053
2004	2515

Sources: Annual Reports of the Directorate of Immigration and the Bill for the new Nationality Act, HE 235/2002.

nationals and 921 were offspring of current or former Finnish nationals (UVI 2004a: 15).

#### 4.3.3 *The Province of Åland and 'the right of domicile'*

Under sect. 120 of the Finnish Constitution, the Province of Åland constitutes an autonomous part of Finland. The Autonomy Act for Åland<sup>38</sup> includes provisions on 'the right of domicile' in Åland, with amendments. The right of domicile can be described as a regional nationality, which is required in order to own or be in possession of real estate, vote in and stand for elections to the provincial parliament, and conduct a business within the province of Åland. The Provincial Government may grant exemptions from the requirement of right of domicile for persons wishing to acquire real estate or conduct a business in Åland. Acquisition of the right of domicile is regulated in the Autonomy Act adopted by the Finnish Government, while forfeiture of the right of domicile may be regulated in Acts adopted by the Provincial Government of Åland.

The right of domicile follows the principle of *ius sanguinis* and is acquired at birth if either of the parents is in possession of the right of domicile (Autonomy Act, sect. 6). Others can also acquire the right of domicile if certain requirements are met. According to sect. 7 of the Autonomy Act, a person wishing to acquire the right of domicile in Åland must be a Finnish national, have had his or her habitual residence in Åland for the last five years without interruption, and have adequate knowledge of the Swedish language.<sup>39</sup> A person who has lived outside Åland for more than five years loses the right of domicile.<sup>40</sup> Forfeiture of Finnish nationality also leads to the loss of the right of domicile in the Province of Åland (Autonomy Act, sect. 7).

#### 4.3.4 *Institutional arrangements*

##### 4.3.4.1 *The legislative process*

Enacting legislation is one of the main tasks of the Finnish Parliament. Both the Government and Members of Parliament can submit bills to the Parliament. The Government, through the Ministry of the Interior, plays a vital role in immigration matters in Finland. Revising nationality legislation is one of the Ministry's tasks. The new Nationality Act was consequently drafted by the Ministry of the Interior, with the assistance of the Directorate of Immigration.

The handling of a Governmental bill or a Member of Parliaments' initiative starts with a preliminary debate in plenary session. No decisions are made at this stage of the legislative procedure as the purpose of the debate is merely to provide a basis for the subsequent committee

work. The Members of Parliament are given an opportunity to present their views on the bill as a guide to the committee work. At the end of the debate Parliament decides which committee the further preparation of the bill shall be referred to.

During the committee's handling of the bill, which is the next stage in the legislative procedure, there may be hearings of experts, such as officials, representatives of government agencies, organisations and other interest groups who will present their views on the legislative proposal.

The bill is subject to a general debate within the committee where it will be analysed section by section. The committee will present a report with its views and recommendations as to what decision Parliament should take on the bill. The handling of a bill in a committee normally takes a month or two.

Fifty different agencies, organisations, and interest groups were asked to state their views on the Bill for the new Nationality Act. Among these were the Finnish Expatriate Parliament, the Finland Society, the Refugee Advice Centre, relevant ministries, and the administrative courts. A specific statement on multiple nationality and its impact on the various branches of the administration was asked for and given by seventeen different agencies, including the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Defence and the Ministry of Labour.

The Nationality Act of 2003 was handled in the Committee for Constitutional Law. This Committee handles all matters concerning constitutional law, but also other related matters such as nationality, language, political parties, and ministerial responsibilities.

Following the Committee's handling, the bill goes through two readings in plenary session of Parliament. In the first hearing the bill will be decided upon section by section. Voting will be conducted if necessary. At least two days have to pass before the second reading of the bill can take place. At the second reading, the bill can no longer be amended and will be either approved or rejected. If a bill is amended during the first hearing it must be referred to the Grand Committee for scrutiny before it can be voted on in the second hearing. Normally a bill is read within two to four months, however, major legislative projects may require considerably more time.

A simple majority of votes is required for approving or rejecting ordinary legislative acts. Amendments of constitutional provisions must first be approved by a simple majority of votes in the second parliamentary reading. The bill will thereafter be left in abeyance until a new Parliament has been elected. The new Parliament must approve the bill by a two-thirds majority in order for it to become law. If declared urgent by a five-sixths majority of the Parliament, amendments of consti-

tutional law may be approved by the same Parliament by a two-thirds majority.

A law approved by Parliament must be sent to the President of the Republic for ratification. If the President does not ratify a law within three months, the law will be returned to Parliament and handled again.<sup>41</sup> If after this handling Parliament approves the law without amendments, the law will enter into force without ratification by the President.

In Finland, legislative acts by Parliament are not subject to judicial review by a constitutional court. Nor does the Supreme Court have an explicit right to declare an act unconstitutional. Instead, the Committee for Constitutional Law has the authority to review the constitutionality of bills and recommend changes. Recommendations of the Committee are not judicially binding, but in practice they are unconditionally followed (Timonen 1993). Consequently, the Constitutional Law Committee may be regarded as fulfilling the tasks of a constitutional court.

#### 4.3.4.2 *The process of implementation*

The processing of nationality applications and declarations is carried out within the Directorate of Immigration. The Directorate took over the role of the Ministry of the Interior as the new immigration agency when it became operational on 1 March 1995.<sup>42</sup> The Directorate is an administrative agency that processes and decides on matters related to immigration, residence, refugee issues, and Finnish nationality. The Directorate is subordinate to the Ministry of the Interior.

Until 1998, the President was the authority who formally decided nationality matters. The President decided whether a person had a right to acquire Finnish nationality and whether he or she should lose his or her Finnish nationality. Through the amendments to the Nationality Act that were enacted on 15 August 1998 this authority was transferred from the President to the Directorate of Immigration.<sup>43</sup> A major consideration behind this amendment was the need to make the processing of nationality matters more effective.

An *application* for Finnish nationality can only be submitted in Finland and it shall be submitted in person to the district police where the applicant is residing. A nationality *declaration* must be submitted in person to the local police station where the person is residing or to a Finnish diplomatic mission, consulate, or honorary consulate if the person is residing abroad. A declaration can also be sent by post with the attachment of a receipt showing that the handling fee has been paid. The possibility of sending a declaration by post is primarily meant for persons having a long way to travel in order to reach a Finnish diplomatic mission or for persons in countries where Finland does not have such missions.

Applications and declarations shall be made on specific application forms. Such forms are available at the Directorate of Immigration, the District Police and at Finnish missions abroad, as well as on the website of the Directorate of Immigration. Documents shall be attached in accordance with the instructions on the specific form, typically proof of established paternity, copy of passport or identity card and birth certificate. Applicants from countries suffering or recovering from (civil) war often have difficulties providing documents regarding their identity. This concerns nationals from Somalia, Iraq, Afghanistan and Angola in particular. As already mentioned, the identity of a person who has used one and the same identity in the population information system for at least ten years is considered to be established in accordance with the Nationality Act.

There is a fee for both nationality applications and declarations that is regulated periodically by a decree issued by the Ministry of the Interior. There has been a steady increase of the fee due to inflation and the rise in general administrative costs. For all nationality applications, including applications for release from Finnish nationality, the current fee is 400 euros.<sup>44</sup> Dependant applicants, i.e., unmarried children under eighteen years of age, are included in the application of their parents and, thus, exempted from the fee. The fee for a nationality declaration is 300 euros.<sup>45</sup> The declaration fee is reduced for children and for persons who were sent as war children to another Nordic country during the Winter War in 1939-1940 and the Continuation War in 1941-1944. For these two groups the fee is only 100 euros. The declaration fee for persons who are 65 years of age or older is 250 euros. Application and declaration fees must be paid in order for the application or declaration to be processed by the Directorate of Immigration.

The high fee has proven to be a hurdle for some applicants who are dependent on social security benefits. The unemployment rate is significantly higher among refugees than among other immigrants. Among some nationalities, e.g., Somalis, Iranians and Iraqis, the rate is as high as 70 per cent. The monthly social subsistence without housing assistance for unemployed persons without previous work experience is approximately 350 euros per month. This covers only the most necessary monthly costs and saving money for the application fee poses a problem. The social authorities do not generally give additional subsistence to cover a nationality application fee. There is, however, a discrepancy between the practices of various municipalities, as some do pay the fee for their residents.<sup>46</sup>

The problem with the long processing time, as outlined below, has been an underlying reason for the increased fee for nationality applications and declarations. The intention was that the fee should cover the real costs for processing an application or a declaration. The fee has ap-

parently had an unintended effect, as the number of declarations made to the Directorate has been much lower than expected. Worries have consequently been expressed that the high fees constitute a barrier for many immigrants and former Finnish nationals wishing to (re)acquire Finnish nationality.<sup>47</sup> In particular, it has been viewed as unfair that persons who have lost Finnish nationality due to the previous non-acceptance of multiple nationality must now pay such a high fee in order to reacquire Finnish nationality. The Finnish authorities are concerned with the development and need to reconsider the fees and decide whether the reduction in the number of nationality declarations and applications is desirable, which is contra indicated by the moderate annual growth of the Finnish population.

The application or declaration will be processed by the nationality unit of the Directorate of Immigration. The period within which an application or declaration has to be processed has not been legally regulated, leaving it rather unclear for an applicant to know when to expect an answer. After rendering a decision the Directorate notifies the applicant in writing of the result of the application or declaration procedure.

The Directorate of Immigration, the Ministry for Foreign Affairs and Finnish diplomatic missions abroad provide information about the possibilities and procedures for acquisition and renunciation of Finnish nationality. All these authorities have been playing a role in distributing information about the new principle since the acceptance of multiple nationality was introduced in the Nationality Act of 2003. While the goal is to inform Finnish expatriates about the possibility of retaining or reclaiming Finnish nationality, the information about the new Act has not taken the form of a recruitment campaign.

It was recognised early on by the authorities that the procedures took too long and that there was a need to reorganise the Directorate of Immigration and make processing more effective. The number of nationality applications increased remarkably after 1995 as a result of an increasing number of immigrants finding their way to Finland. Due to lack of financial resources within the Directorate, the increase in the number of immigration and nationality cases were not matched by a corresponding increase in personnel. The result has been that processing times have become unacceptably long, at an average of three years for nationality applications. In 1997, the Directorate recruited extra personnel in order to manage the constantly increasing pile of applications. Immigration matters were, however, prioritised, leading to the reallocation of resources within the Directorate from nationality matters to immigration matters.<sup>48</sup>

The long processing times in nationality matters has been the subject of repeated criticism by the public, Members of Parliament and the Parliamentary Ombudsman. The Ombudsman has several times drawn

attention to the unreasonably long processing times for nationality applications, and considered this to be in breach of sect. 21 of the Constitution stipulating that cases be processed without unfounded delay. The Ombudsman has considered a processing time of three years to be far beyond acceptable.<sup>49</sup>

It was expected that the amendments in the Nationality Act in 1998<sup>50</sup> when the President of the Republic lost his authority to grant and reject Finnish nationality would lead to a reduction in processing time of 30 per cent. However, the caseload and redirection of capacity within the Directorate prevented this reduction from being realised.

A project was started at the beginning of this decade with an aim to render processing of nationality matters more effective and limit the delays. Processing of nationality cases according to the principle 'first in – first out' has as a result partly been abandoned, and new applications that are considered clearly founded have been processed immediately, at best within a few weeks. Old applications have been grouped in order to process similar cases simultaneously, consequently speeding up the processing time.<sup>51</sup>

Another project, launched in 2004, also aims to shorten processing time within the Directorate of Immigration. A goal of the project is to cut down the average processing time to one and a half years for nationality applications and two months for declarations. This goal has not yet been achieved, but a decrease in processing times could be observed at the end of 2004 as applications then had an average processing time of 2.4 years as opposed to 2.8 years in 2003, and declarations were processed in 2.4 months. Another aim of the project is to delineate factors preventing and delaying the processing of nationality matters and to amend the processing practices in order to overcome problems linked to such factors.<sup>52</sup> As of today, applications are processed immediately and a decision will be made within a few months provided that all necessary documentation is submitted together with the application.<sup>53</sup>

Decisions by the President were not subject to administrative appeal. A person whose application the President had rejected simply had to make a new application in order to get the decision reviewed. However, when the authority to take decisions on nationality declarations and applications was transferred to the Directorate of Immigration, a legal remedy of appeal was introduced.

According to sect. 41 of the Nationality Act, decisions made by the Directorate of Immigration can be appealed to a county administrative court, and decisions made by the county administrative courts can be further appealed to the Supreme Administrative Court (sect. 42). The need to ensure the uniformity of decisions brought about the introduction in 2003 of a possibility for the Directorate of Immigration to ap-

peal a decision that has been reversed or changed by a decision of the county administrative court (sect. 42).

As the new Act has only been in force since June 2003, the administrative and legal practices of the administrative courts and the Supreme Administrative Court have not yet developed.

#### 4.4 Conclusions

‘Swedes we are not, Russians we do not wish to be – Let us thus be Finns’<sup>54</sup>

Until recently, Finnish nationality law was influenced by Finland’s relation to its two large neighbouring countries, Russia and Sweden. The idea of Finland as a nation emerged in the nineteenth century during the Grand Duchy period under the Russian Empire, and a Finnish nationality was recognised around the middle of the same century.

*Ius sanguinis* was already the main principle followed in nationality matters during the Grand Duchy period. Habitual residence in Finland was crucial, and moving abroad would normally lead to loss of Finnish nationality. Despite multiple nationality not being accepted, Finnish subjects also had, as a consequence of Finland being part of the Russian Empire, a subject relationship to Russia. Russians, on the other hand, were not considered subjects of the Grand Duchy of Finland, but they could be naturalised in Finland following a period of residence there. For Finnish nationals, the Russian subjecthood was a kind of federal citizenship in the Russian Empire, while the Finnish subjecthood/nationality could be considered as a regional citizenship in the grand Duchy of Finland, relevant for all subjects of Finland.

Parallels may be drawn to the regime governing the Province of Åland today. The *right of domicile* in Åland is a kind of regional nationality with specific rights for those in possession of that right, i.e., mostly ethnic Ålanders. The earlier relationship between Finland and Russia resembles today’s relationship between Åland and Finland: Finnish nationals were Russian subjects, like persons with the *right of domicile* in Åland are Finnish nationals. Under the Russian Empire, Finnish subjects benefited from rights both in Finland and in Russia, but were freed from many of the obligations of other Russian subjects. Similarly, persons in possession of the *right of domicile* in Åland benefit from the rights of Finnish nationals, while they are freed from some of the duties. One example is that military service is not obligatory for Finnish nationals who at the same time have the *right of domicile* in Åland.<sup>55</sup>

Åland has always been inhabited by Swedish-speaking people with a culture similar to the Swedish culture. They have in fact always felt a closer affiliation to the Swedes than to the Finns. When the Swedish Kingdom was forced to relinquish Finland to Russia after the 1808-1809 war, Åland was 'part of the package'. As a consequence, Åland became part of the Grand Duchy of Finland. When Finland declared itself independent in 1917, Åland wished to be reunified with the Swedish Kingdom. A majority of the inhabitants of Åland signed a petition to that end, which was presented to the Swedish King and Government. Finland was not prepared to meet this demand. The nationality question of the Ålanders was referred to the newly formed League of Nations in 1921. The issue became one of the few success stories of the League, and the solution was three-fold, giving something to each of the three parties involved in the conflict: Finland was granted sovereignty over Åland, the inhabitants of Åland were guaranteed their Swedish culture, language, local customs and the system of self-government, and Sweden was assured that Åland would never become a military threat to Sweden as the Åland Islands would remain demilitarised and were in addition declared neutral.

Even though Finnish nationality was forced upon the Ålanders almost 90 years ago, still today, they do not perceive themselves as Finns. They speak about 'travelling to Finland' like they were going to another country, and most Ålanders know the city of Stockholm better than they know any Finnish city. The inhabitants of Åland have built up a strong ethnic culture and pride in their identity as Ålanders, and they prefer calling themselves Ålanders, rather than Swedes or Finns. So why not change Russians to Finns and Finns to Ålanders in the slogan at the beginning of this chapter, and it will describe the nationality dilemma of yet another group of persons. For the Ålanders the *right of domicile* has been an effective tool to safeguard their interests and to protect the specific characteristics of the province.

Another group of interest for Finnish nationality legislation are the expatriates. The expatriates have lately had a strong influence on the development of Finnish nationality law. Through the Finland Society and the Finnish Expatriate Parliament, they were the major forces behind the adoption of the principle of multiple nationality in the new Finnish Nationality Act of 2003.

Traditionally there has been a firm political consensus behind the negative position with regard to multiple nationality in Finnish nationality law. Despite this, the principle was adopted without any major political or public debate. Questions that were touched upon were, however, the effect that multiple nationality would have on national identity and loyalty. Furthermore, during the hearing of the new Nationality Act only the Ministry of Defence expressed some criticism, as it feared

that multiple nationality could pose a threat to national security, as e.g., espionage would become easier.<sup>56</sup>

Multiple nationality was in fact praised by all of the major political parties. The reason for the rather abrupt change of opinion on this matter and the relatively quiet debate beforehand can be based on a Finnish eagerness to follow international trends, which again can be based on a fear of being isolated as a consequence of the country's geographical position, on the outskirts of Europe. The Swedish acceptance of multiple nationality a few years earlier most likely also contributed to making the decision easier and kept the debate toned down. Considering that the Finnish acceptance of multiple nationality contributed to a Nordic discrepancy in nationality matters, where the aim ever since the end of the nineteenth century has been greater uniformity, it is remarkable that the discussion was not more intense and did not to a greater extent touch upon Nordic cooperation and its future.

#### Chronological table of major reforms in Finnish nationality law

Date	Document	Content of change
1967	518/1967 Act amending sect. 4 clause 1 of the Constitution (Laki hallitusmuodon 4 §:n 1 momentin muuttamisesta).	Gender equality: no longer automatic acquisition of Finnish nationality by foreign women marrying citizen men.
1968	401/1968 Nationality Act (Kansalaisuuslaki)	Gender equality and prevention of statelessness further promoted. Declaration procedure introduced. Facilitated acquisition introduced for former Finnish nationals and Nordic nationals.
1968	402/1968 Nationality Decree (Kansalaisuusasetus)	Ministry of the Interior becomes the main authority in nationality matters.
1984	584/1984 Act amending the Nationality Act (Laki kansalaisuuslain muuttamisesta)	Finnish nationality always acquired from the mother. Declaration procedure introduced for adopted children. Loss of Finnish nationality at the age of 22 if no close connection. Prevention of statelessness further promoted.
1985	699/1985 Nationality Decree (Kansalaisuusasetus)	Slightly more detailed provisions and modernised language.
1995	155/1995 Act amending the Nationality Act (Laki kansalaisuuslain muuttamisesta)	The Directorate of Immigration becomes the new immigration agency also handling nationality matters.
1995	223/1995 Decree amending the Nationality Decree 699/1985 (Asetus kansalaisuusasetuksen (699/85) muuttamisesta)	The Directorate of Immigration becomes the agency in charge of processing and deciding on nationality issues.
1996	1373/1996 Decree amending the Nationality Decree (Asetus kansalaisuusasetuksen muuttamisesta)	This decree includes only minor amendments to the decree of 1985: it regulates the tasks of the police in nationality matters and allows the

Date	Document	Content of change
		Directorate of Immigration to access information from the social welfare authorities.
1998	480/1998 Act repealing sect. 31 of the Finnish Constitution (Laki Suomen Hallitusmuodon 31 §:n kumoamisesta)	The President of Finland no longer decides on nationality matters. This authority now belongs to the Directorate of Immigration.
1998	481/1998 Act amending the Nationality Act (Laki kansalaisuuslain muuttamisesta)	The Directorate of Immigration takes over the tasks of the President of the Republic. Introduction of appeal to the County Administrative Court against decisions by the Directorate.
1998	482/1998 Decree amending the Nationality Decree (Asetus kansalaisuusasetuksen muuttamisesta)	The Directorate of Immigration takes over the tasks of the Ministry of the Interior and the President of the Republic.
1999	731/1999 Constitution of Finland (Suomen perustuslaki)	Prevention of statelessness: a condition that voluntary or involuntary loss of nationality shall not lead to statelessness.
2003	359/2003 Nationality Act (Kansalaisuuslaki)	Acceptance of multiple nationality. Further promotion of gender equality and prevention of statelessness. Inclusion of language requirement and abolishment of requirement of guaranteed livelihood. Approximation of an adopted child's rights to that of a biological child.
2004	799/2004 Nationality Decree (Valtioneuvoston asetus kansalaisuudesta)	Inclusion of clear rules on how to prove required language skills.

## Notes

- 1 Iceland acceded to the Nordic Agreement in 1998.
- 2 Förordning om Ryske undersåtares och i Ryssland vistande utlänningars inskrifning i Finland, entry into force 20 March 1858.
- 3 33/1920 Act on the Acceptance of Foreigners as Finnish Nationals, Lag om utlännings antagande till finsk medborgare.
- 4 18/1927 Lag om förlust av finskt medborgarskap, entry into force 1 January 1928. An additional reason for urging a legal possibility to renunciate one's Finnish nationality was the new practice in 1922 of the United States prescribing that a foreign woman would no longer automatically acquire the nationality of her American husband upon marriage. As a consequence, a Finnish woman marrying an American man became stateless. By making acquisition of another nationality a condition for losing Finnish nationality when taking up residence abroad, such a situation was avoided.
- 5 325/1941 Lag om förvärvande og förlust av finskt medborgarskap, entry into force 1 July 1941.

- 6 838/1941 Lag om medborgarskap för vissa invånare på det med riket återförenade området (Act on the Citizenship of Certain Inhabitants of Areas Returned to the Realm).
- 7 518/1967 Lag om ändring av 4 § 1 momentet regeringsformen, entry into force 1 July 1968.
- 8 401/1968 Medborgarskapslag, entry into force 1 July 1968.
- 9 402/1968 Medborgarskapsförordning, entry into force 1 July 1968  
 Decrees are legal acts issued on the basis of authority expressly given in the Constitution or in another act. Such decrees could relate to public administration, the implementation of laws, management of public assets, and the organisation of the Council of State and the ministries. After the entry into force of the new Constitution in 1999, the President of the Republic, the Government or a Ministry may issue decrees. Prior to this, the President issued all Nationality Decrees. The latest Nationality Decree was issued by Governmental Decree in 2004.
- 10 584/1984 Act amending the Nationality Act 401/1968, Lag om ändring av medborgarskapslagen 401/1968, entry into force 1 September 1984.
- 11 699/1985 Medborgarskopsförordning, entry into force 1 September 1985.
- 12 HE 235/2002 (HE: Hallituksen esitys: Government Bill), Hallituksen esitys Eduskunnalle kansalaisuuslaiksi, Government Bill to the Parliament proposing a new Nationality Act.
- 13 The Finland Society, founded in 1927, is an interest group providing expertise and service to Finnish expatriates, and Finns moving abroad. The Society furthermore conveys an up-to-date image of Finland to the outside world and raises awareness in Finland about Finnish expatriates.
- 14 The Finnish Expatriate Parliament, founded in 1997, is a cooperative forum and promoter of interests for all Finns living abroad. At the Parliament the Finnish expatriates living around the world come together and decide collectively on issues that are of importance for them.
- 15 LA 180/1999 (LA: Lakialoite: Parliamentary motion), Laki kansalaisuuslain muuttamisesta, Act amending the Nationality Act, Prusti, R / Social Democratic Party.
- 16 Information provided by researcher Jussi Ronkainen at the University of Joensuu in an e-mail of 7 June 2005.
- 17 Information provided by Tiina Suominen, nationality division director at the Directorate of Immigration, in a telephone conversation on 15 September 2005.
- 18 These numbers are not completely comparable, as the number of first- and second-generation immigrants will be a bit higher than the number of persons with a foreign nationality living in a country. There are no statistics available on the number of first and second generation immigrants in Finland. The author finds, however, that this comparison gives an indication of a great difference in the number of immigrants living in Finland and the Netherlands.
- 19 KK 335/2000 (KK: Kirjallinen kysymys: Written question by a Member of Parliament to the Government), Pohjoismaiden ulkopuolella asuville Suomessa syntyneille myönnettävä kaksoiskansalaisuus, Accepting double nationality for persons born in Finland and residing outside the Nordic countries, Vistbacka R. / True Finns Party.
- 20 HE 235/2002: 6; KK 335/2000.
- 21 The Norwegian Parliament adopted the new Norwegian Nationality Act on 8 June 2005. The Act does not accept multiple nationality. Even though the Norwegian Official Report on a new Nationality Act was in favour of multiple nationality, the Ministry of Local Government and Regional Development took a negative view with regard to it. See the proposition to the Odelsting: Ot.prp. nr. 41 (2004-2005) Om lov om norsk statsborgerskap.

- 22 HE 235/2002: 17.
- 23 Information provided by the Refugee Advice Centre, a Finnish non-governmental organisation.
- 24 HE 235/2002: 6.
- 25 Information provided by the Refugee Advice Centre.
- 26 Information provided by the Refugee Advice Centre.
- 27 HE 235/2002: 42.
- 28 Information provided by the Refugee Advice Centre.
- 29 799/2004 Statsrådets förordning om medborgarskap, enacted 1 September 2004.
- 30 Information provided by Tiina Suominen, nationality division director at the Directorate of Immigration, in a telephone conversation on 15 September 2005.
- 31 481/2003 Statsrådets förordning om bedömning av kunskaper i finska och svenska inom statsförvaltningen, entry into force 1 January 2004.
- 32 Information provided by the Refugee Advice Centre.
- 33 HE 235/2002: 12.
- 34 While Sweden, for example, accepted great numbers of labour immigrants after the Second World War, following its rapidly expanding industrial sector, Finland was struggling with its economy and many Finns emigrated to Sweden in order to be able to support their families.
- 35 Information provided by the Refugee Advice Centre.
- 36 639/1993 Act amending the Alien's Act, Lag om ändring av utlänningslagen, entry into force 15 July 1993: sect. 18.
- 37 The number of nationality applications was not affected in the same way, as the increase was only a moderate 5 per cent.
- 38 1144/1991 Självstyrelselag för Åland, entry into force 1 January 1993.
- 39 Swedish is the official language in the Province of Åland.
- 40 Provincial Act (1993:2) on the Right of Domicile in Åland, Landskapslag om åländsk hembygdsrätt, sect. 4.
- 41 This veto power of the President is today of minor significance as a tool to halt the legislative work of the Parliament. It is mainly used when there is a need to make technical corrections to a bill after it has been accepted by the Parliament (Timonen 1993).
- 42 Amendments were made to the 1968 Nationality Act in this regard (see 155/1995 Act amending the Nationality Act 401/1968, Lag om ändring av medborgarskapslagen, entry into force 1 March 1995). A Decree (223/1995 Decree amending the Nationality Decree 699/1985, Förordning om ändring av medborgarskapsförordningen (699/85), entry into force 1 March 1995) with amendments to the Nationality Decree of 1985 was enacted the same year. The amendments were needed as the Directorate of Immigration took over the role as the agency in charge of processing and deciding on nationality issues.
- 43 480/1998 Act repealing sect. 31 of the Finnish Constitution, Lag om upphävande av 31 § Regeringsformen för Finland, entry into force 15 August 1998; 481/1998 Act amending the Nationality Act 401/1968. Lag om ändring av medborgarskapslagen, entry into force 15 August 1998; and 482/1998 Decree amending the Nationality Decree 699/1985, Förordning om ändring av medborgarskapsförordningen, entry into force 15 August 1998, were amended accordingly.
- 44 All fees are from the end of 2004.
- 45 The only changes for 2005 were that the declaration fee was reduced to 240 euros and this reduced fee also applies to those 65 years of age or older.
- 46 Information provided by the Refugee Advice Centre.
- 47 AM 89/2003 (AM: Åtgärdsmotion: Parliamentary motion), Avgifterna för beviljande av medborgarskap, Fees for granting citizenship, Baudet E. / Swedish People's Party.

- 48 KK 1265/2001, Ulkomaalaisviraston hakemusten käsittelyajat, Processing time for applications within the Directorate of Immigration, Kanerva E. / Social Democratic Party.
- 49 See in particular the decision of the Ombudsmann on processing times within the Directorate of Immigration for asylum and nationality applications, 16 December 2003, 362/2/03 Ratkaisija: Apulaisoikeusasiamies Ilkka Rautio, Esittelijä: Oikeusasiamiehensihteeri Jari Pirjola, Päätös ulkomaalaisviraston turvapaikka- ja kansalaisuushakemusten käsittelyajoista.
- 50 Government Bill revoking sect. 31 in the Finnish Constitution and amending the Nationality Act, HE 49/1998, Hallituksen esitys laeiksi Suomen Hallitusmuodon 31 §:n kumoamisesta ja kansalaisuuslain muuttamisesta.
- 51 KK 1265/2001, Ulkomaalaisviraston hakemusten käsittelyajat, Processing time for applications handed in to the Directorate of Immigration, Kanerva E. / Suomen Sosialidemokraattinen Puolue.
- 52 KK 258/2004, Kansalaisuushakemusten käsittelyajat, Processing time for nationality applications, Holmlund A. / Centre Party; Ministry of the Interior 2005b.
- 53 KK 58/2005, Kansalaisuushakemusten käsittely, Processing of nationality applications, Essayah S. / Christian Democrats.
- 54 'Svenskar är vi icke, ryssar vilja vi icke vara – Låt oss alltså vara finnar' (Author's translation to English). This slogan could be heard in Finland during the nineteenth century (Elmgren 2002: chapter 3.3).
- 55 This is a consequence of the demilitarisation of the Åland Islands, originating in the Peace Treaty of Paris in 1856 after the Crimean War.
- 56 Information provided by Jussi Ronkainen, University of Joensuu.

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