



Admitting third-country nationals for business purposes

Common Template of EMN Focussed Study 2014

Final version: 15th July 2014

Subject: Final Common Template for the EMN Focussed Study 2014 on "*Admitting third-country nationals for business purposes*"

1 STUDY AIMS AND RATIONALE

In post-crisis recovery, properly managed admission of third-country nationals bringing positive impacts on business, investments and service providers can be crucial to boost economic growth. The aim of this EMN Focussed Study is to provide an analysis and further understanding of the conditions in place in EU Member States that regulate the admission for business purposes from third-countries to the EU.¹ Specifically it will address three broad areas: a) the admission of non-EU investors who are not yet present/resident in any Member State b) the admission of non-EU business owners who are not yet present/resident in any Member State and c) the admission of other third-country nationals who travel to the EU for business reasons ("other business persons"). While the first two categories tackle only third-country nationals admitted for long stay, the last one includes also those travelling under Schengen short-stay rules.²

National rules and policies that regulate admission for business purposes on long-stay visa, unlike Schengen rules, are not harmonised. The Study will therefore compare and contrast the ways, and extent to which, Member States' existing legal and policy measures are used to facilitate and attract the entry of third-country nationals for business purposes whilst safeguarding against misuse. The Study will build on information already collected during the course of developing other related (published) EMN Studies and through the EMN Ad-Hoc Query tool. It also draws from other relevant literature published by third parties.

Admitting third-country nationals for business purposes

Facilitating the arrival of third-country nationals for business purposes into the EU has been emphasised in several EU documents. The Stockholm Programme invited EU Member States to make access for business people to the Union's territory more effective and efficient. The European Council of 26 & 27 June 2014 concluded that, to remain an attractive destination for talents and skills, Europe must develop strategies to maximise the opportunities of legal migration through coherent and efficient rules, and informed by a dialogue with the business community and social

¹ Norway has opted out of this Study.

² Six pre-defined categories of "natural persons" providing services, as contained in the EU's schedule of specific commitments of the General Agreement on Trade in Services (GATS) and the EU free-trade agreements, will structure our analysis: Business visitors for establishment purposes (BVEP), Intra-corporate transferees (ICT), Graduate trainees (GT), Business sellers (BS), Contractual services suppliers (CSS) and Independent professionals (IP). The only piece of forthcoming EU legislation, which will apply to one of the categories of persons covered by the EU's international trade commitments, is the Directive on conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer.

partners. Entrepreneurship 2020 Action Plan highlights the key contribution that third-country national investors and business owners can make to sustainable growth and employment, and invites Member States to remove legal obstacles to the establishment of businesses by legal migrants. Business people want movement in and out of, as well as within, the EU to be as fast and uncomplicated as possible. An OECD study³ shows that despite existing policy measures, inflow of foreign business owners via these immigration schemes is rather low as wide variations exist in the Member States practices for admission into their territory.

Many Member States⁴ may have designed and implemented specific programmes for non-EU investors and/or business owners willing to come to the EU to create/participate in business and contribute to economic growth and job creation, by providing incentives and easing restrictions. "Packages" for these categories often include: fast-tracking of visa processes, long-term residence permits, visa free travel across the Schengen area, limited/short fixed-term stays, the possibility to be accompanied by family members and, to a limited extent, to obtain the Member State's citizenship. Little information is available about the number of national visas or residence permits specifically issued to third-country nationals who are beneficiaries of such programmes, and to date, a systematic review and evaluation of all Member States' programmes and their impact has not yet been carried out. Identification and analysis of lessons learnt in the different Member States could provide examples on how to develop smart immigration systems for these categories of immigrants. While Member States strive to make immigration schemes "business friendly" in order to facilitate access, at the same time they must also build in measures to prevent abuse and detect fictitious/bogus or other illegal/criminal activities. It must also be noted that in a few cases pre-entry requirements or quota limits are set on a yearly basis.

Increasing internationalisation of business, combined with changing patterns (the increasing need for mobility and casualisation of service) requires that Member States' admission systems are responsive to the realities and needs of the business sector. International businesses require third-country nationals, who are providing a service, to have access to the territory and to come and go with ease. Immigration authorities must maintain controls while minimising the negative impact on business and, by extension, on the Member State economy. Trade Agreements provide a useful way of defining a target group of interest to this study. The temporary movement of natural persons (TMNP) is one of the four modes of international service supply, under the General Agreement on Trade in Services (GATS). Otherwise known as "Mode 4", TMNP covers the temporary movement of natural persons for the purpose of supplying a service.⁵ Importantly it does not, therefore, concern persons seeking access to the employment market in the host country, nor does it affect measures regarding citizenship, residence or employment on a permanent basis. Six Mode 4 categories of 'natural persons' are explicitly identified; each is defined by a prescribed length of stay. Four of these categories include a longer-term perspective (admitted on long-stay visa), the first two of which are covered by the recently adopted Directive on Intra-Corporate Transferees⁶:

- ★ intra-corporate transferees (up to three years);
- ★ graduate trainees (up to one year);
- ★ contractual service providers (a cumulative period of not more than 6 months or, in the case of Luxembourg, 25 weeks in any twelve-month period or for the duration of the contract, whichever is shorter) and
- ★ independent professionals (as above, a cumulative period of not more than 6 months or, in the case of Luxembourg, 25 weeks in any twelve-month period or for the duration of the contract, whichever is shorter).

The remaining two categories or persons are eligible for short-term movements only (admitted on short-stay visa):

- ★ business visitors (up to 90 days in any twelve-month period); and
- ★ business sellers (up to 90 days in any twelve-month period).

3 OECD (2010), Open for Business: Immigrant entrepreneurship in OECD Countries

4 EMN Ad-Hoc Query 527 Wealthy immigrants / investors

5 is 'the supply of a service...by a service supplier of one Member, through the presence of natural persons of a Member in the territory of another Member'. WTO General Agreement on Trade in Services (GATS) 'Article 1.2(d).

6 Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer, OJ EU L 157, 27 May 2014.

There is a lack of specific legislation applicable to other business persons, both at EU and national level and there are wide variations in EU Member States' practices for admitting these categories of migrants into their territory. This study will use the six categorisations set out above and will investigate what provisions exist at Member State level relevant to these six types of business persons. To improve comparability, admission of other business persons for the purpose of this Study should be differentiated from labour immigration and should primarily focus on temporary movements of natural persons not requiring a work permit.

Specific Study Aims

Specifically this Study aims to:

- ★ Understand the definition used by Member States for immigrant investors and immigrant business owners and the national rules / restrictions on admission and stay (if relevant) that apply.
- ★ Identify and investigate the national rules / restrictions on admission and stay (if relevant) that apply to other business persons coming to the EU;
- ★ The Study will aim, to the extent possible, to investigate the experience of the above categories in Member State immigration systems (via consultation with the business community within Member States);
- ★ Compare and assess the different national policies in place for non-EU investors, business owners and other business persons at the various stages of migration (pre-entry, entry and stay), identifying the main actors involved, and exploring specific policy objectives to attract such third-country nationals;
- ★ Identify misuse / abuse of immigration channels for business purposes, specifically in relation to immigrant investors, immigrant business owners and other business persons, and identify the national measures in place to detect and prevent misuse / abuse;
- ★ Examine the challenges associated with the implementation of policies for immigrant investors, immigrant business owners and other business persons in Member States;
- ★ Examine the challenges associated with the immigration/mobility of third country national business persons in Member States (in consultation with the business community).
- ★ Identify and collect good practices and lessons learnt in devising secure, "business friendly" immigration systems for immigrant investors, immigrant business owners and other business persons.

2 SCOPE OF THE STUDY

The scope of the Study will include predominantly legal, business-related immigration. The study will take into account elements of mobility (short-stay under the Schengen rules) The study will address conditions for entry and stay of in particular immigrant investors and immigrant business owners and other business persons and will explore the national rules and restrictions in place to regulate their admission, as well as the effectiveness of legislation and policies to facilitate it, whilst preventing abuse. The study will also aim to identify and collect good practices in this regard. The Study will specifically consider:

- a) National legislation / policies in place to facilitate the admission of immigrant investors, business owners and other business persons to make admission "business friendly" in order to facilitate their access and at the same time devise admission schemes with smart built-in measures in order to prevent misuse / abuse of the systems;
- b) The conditions for admission of immigrant investors under so-called "investor programmes", the specific legal migration channels by which Member States grant access to third-country nationals for the purpose of business investments (enterprises) as well as the (temporary) admission of other business persons;
- c) Identify and collect examples of challenges and lessons learnt in relation to admission for business purposes.

3 EU LEGAL AND POLICY CONTEXT

Compared to other immigration channels, immigration rules for business purposes including investors, business owners and other business persons are only partly covered by EU legislation and Member States may apply different criteria for admission. A number of elements are however relevant:

★ **Visa Code⁷**

Regulation (EC) No 810/2009⁸ has streamlined rules and conditions for issuing visas for the purpose of short stays and airport transit and enhanced the harmonised application of these common rules. The proposals to amend this Regulation⁹ aim to seriously shorten and simplify the procedures for those wanting to come to the EU for short stays, bring cost savings and reduce bureaucracy, whilst maintaining the same level of security. Making the access to the Schengen area easier for legitimate travellers will facilitate visiting friends and relatives and doing business. It will boost economic activity and job creation in, for instance, the tourism sector as well as in related activities such as restaurant and transport industries.

★ **Intra Corporate Transfers Directive**

The directive, adopted on 15 May 2014,¹⁰ establishes a transparent and simplified procedure for the entry and residence of third-country nationals in the framework of an intra-corporate transfer, based on a common definition and harmonised criteria. This directive will make it easier and quicker for multinational companies to temporarily assign highly skilled employees (managers, specialists and trainees) to subsidiaries situated in the EU. It will introduce a special procedure for entry and residence and standards on the issue of residence permits for third-country nationals by Member States in the framework of an intra-corporate transfer (Article 79(2)(a) TFEU) and will also implement Article 79(2)(b) TFEU and define the rights of third-country nationals who are legally residing in a Member State under the terms of the proposal and also the conditions for residence in other Member States. Intra-corporate transferees admitted would be issued with a special residence permit by a competent authority designated by the Member States to receive the applications and issue the permits, entitling them to work as an inter-corporate transferee. No additional work permit may be required. 15,000 to 20,000 intra-corporate transferees are likely to be admitted annually in the framework of this directive. This will contribute to EU competitiveness and economic growth. The Directive entered into force on 28 May 2014 and Member States will transpose it into their legislation in the next 2.5 years (i.e. by 29 November 2014).

★ **EU free-trade agreements**

The current EU free-trade agreements stipulate the basis of investments, establishments and personnel, and there are innovations introduced in later agreements, such as articles 7.13, 7.18 and 7.19 of the EU Free Trade agreement with the Republic of Korea, which indicates the liberalised sectors for establishments and investors and key personnel, graduate trainees and business sellers. Annex 7 of the said free trade agreement lists the reservations by Member States on acquisition of real estate by third country nationals and limitations in establishing business. Reservations made by Member States on key personnel, graduate trainees and business service sellers include residency requirements, trade permits, nationality conditions and economic needs tests. In the proposed EU-Canada free trade agreement both Canada and the EU agreed to limit the scope of the term "investor" by excluding enterprises without substantial business activities in the alleged home state from the definition. This addresses also the issue of 'treaty shopping' and misuse by 'mailbox' investors, thus attempting to tackle abuse.

4 PRIMARY QUESTIONS TO BE ADDRESSED

The Study will focus on the following questions:

⁷ IE and UK are not bound by or subject to the Visa Code application.

⁸ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code)

⁹ Proposal for a Regulation of the European Parliament and of the Council on the Union Code on Visas (Visa Code) (recast)

¹⁰ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/142571.pdf

- ★ What is the institutional framework and what are the general grounds defined in national law for the admission of third-country national investors, business owners and other business persons?
- ★ Do Member States use specific procedures or specific tailored schemes to attract and facilitate the admission of these categories of third-country nationals (e.g. possibility of shortening or waiving visa requirements, e-visas, cutting red-tape for residence permits, improving and fine-tuning procedures based on experience etc.)?
- ★ What are the main restrictions/obstacles to the admission of these categories of migrants (e.g. access to visas, border controls, pre-entry requirements, documentary evidence requirements, fees, admission conditions, labour market tests, entry quotas, etc.)?
- ★ What is the extent of misuse / abuse of these migration channels? What are the mechanisms Member States envisaged to monitor and reduce the risk of misuse / abuse of these specific migration channels?
- ★ Is there evidence to suggest that admission requirements are 'business friendly'? How effective are programmes for immigrant investors and business owners in attracting investment and contribute to economic growth? What has worked best and why? What are the good practices and lessons learned?
- ★ What additional measures could be taken at national or EU level to improve information sharing and consultation among Member States in order to make these programmes more effective? What bilateral / other agreements facilitate such flows?
- ★ To what extent are the pre-defined six "Mode 4" categories applied across Member States?

5 RELEVANT SOURCES AND LITERATURE

EMN Ad-Hoc Queries

At least five relevant Ad-Hoc Queries have been launched in the period 2009-2014 on topic related to immigrant investors. The 2009 and 2011 EMN Ad-Hoc Queries on Issuance of Residence Permits in Case of Purchasing a Real Property in a Member State and on Limitations to acquiring real estate by third-country nationals¹¹, the 2012 Ad-Hoc Query on the duration of residence permits¹², the 2013 Ad-Hoc Query on Residence requirements for investors¹³ and the 2012¹⁴ and 2014¹⁵ EMN Ad-Hoc Queries on Wealthy immigrants / investors have tackled specific categories of third-country nationals admitted to the purpose of business or investment. The upcoming EMN Ad-Hoc Queries on Fees for issuance of residence permits to third country nationals¹⁶ and on Applicable Fees for Residence Permits¹⁷ will provide information applicable to certain categories of business people. Though EMN Ad-Hoc Queries show a significant rise in the number of Member States in facilitating the avenues of entry of investors, a systematic review of all Member States programmes and the evaluation of their impact have not been yet carried out. This Study will take stock of and develop on the information already provided by these two documents. Also, two additional Ad-Hoc Queries are relevant to the topic of immigrant business owners, namely those on Aliens carrying business¹⁸ and on Requirements for operating a business activity.¹⁹

Studies and reports

11 EMN (2009) No.154, Ad-Hoc Query on Issuance of Residence Permits in Case of Purchasing a Real Property in a Member State, requested by LV EMN NCP on 16 September 2009 and EMN (2011) No. 324, Ad-Hoc Query on limitations to acquiring real estate by third-country nationals, requested by EE EMN NCP on 26 May 2011.

12 EMN (2012) No.428, Ad-Hoc Query on the duration of residence permits, requested by EL EMN NCP on 5 October 2012

13 No. 464 Ad-hoc query on residence requirement for investors, requested by EE EMN NCP on 4 March 2013

14 EMN (2012) No.414, Ad-Hoc Query on Wealthy immigrants, requested by NL EMN NCP on 17 July 2012

15 EMN (2014) Ad-Hoc Query on Wealthy immigrants

16 EMN (2014) Ad-Hoc Query on Applicable Fees for Residence Permits, requested by LU EMN NCP and COM on 18 March 2014

17 EMN (2014) Ad-Hoc Query on Fees for Residence Permits, requested by NL EMN NCP on 20 March 2014

18 EMN (2009) Aliens carrying business, requested by CZ EMN NCP on 3 February 2009.

19 EMN (2014) Ad-Hoc Query on Requirements for operating a business activity, requested by ES EMN NCP on 7 May 2014

The 2012 EMN Study ***Visa policy as migration channel***²⁰ and the 2013 EMN Studies ***Attracting highly qualified and qualified third-country nationals to the EU***²¹ and ***Intra-EU Mobility of Third-Country Nationals***²² (in part) cover and/or address aspects relating to the present Study.

Information on Member States practices related to visa procedures and attracting schemes for third-country nationals travelling under uniform Schengen were covered by the 2013 DG Home Affairs Impact Assessment Study supporting the review of the Union's visa policy to facilitate legitimate travelling²³, by the 2013 DG Enterprise Study on the economic impact of short stay visa facilitation on the tourism industry²⁴ and on the overall economies of EU Member States being part of the Schengen Area. Both of these studies present a set of recommendations to the European Commission on how to facilitate the arrival of third country-nationals (regular travellers, businessmen or tourists) to the Schengen Area.

A number of European, international and national level studies have immigrant entrepreneurship and investments as their focus. The OECD Study "***Open for Business: Immigrant entrepreneurship in OECD Countries***"²⁵ shows the contribution of migrants to the economic growth of their host countries, bringing new skills and competencies with them and helping to reduce labour shortages. Immigrant entrepreneurship has gone beyond traditional ethnic businesses, into a wide range of sectors and innovative areas. Greater knowledge of immigrant entrepreneurship is essential if policy makers are to better support migrant enterprises and their role in economic growth and job creation. This analysis is confirmed by the findings of the 2011 OECD "***International Migration Outlook***".²⁶

Similar studies on the contribution of immigrant entrepreneurs to the US economy include "***America's New Immigrant entrepreneurs***" by the Kauffman Foundation and "***Immigrant entrepreneurs: creating jobs and strengthening the economy***" by the Immigration Policy Centre, both studies showing the potential for immigrant entrepreneurship in the EU.

At national level, a study on "***Immigrant entrepreneurship and New Urban Economic Opportunities***" of immigrant entrepreneurs in Dutch cities identifies critical success factors for entrepreneurs and shows how their business is critical for economic growth in urban contexts.

A recent study on "***The Contribution of New Immigrant entrepreneurs in the UK***", published in March 2014, shows how immigrant entrepreneurs profound effects on their communities, and create jobs for local workers and stimulate growth for the wider economy.

6 AVAILABLE STATISTICS

EU level

At EU level, there are no consolidated statistics on the numbers of immigrant investors and immigrant business owners. In a similar vein, there is no periodic data collection by Eurostat on other business persons (including Mode 4 categories).

National level

At national level, statistics on **immigrant business owners** are likely not readily available and probably not comparable given the different policies in place in the Member States. The number of permits granted to immigrant business owners might be obtained from immigration authorities.

Statistics on **immigrant investors** applying for residence in the Member States are likely to be available at least for those Member States that have specific schemes in places to attract investors. Available data on the number of

20 Available from the EMN [website](#)

21 Available from the EMN [website](#)

22 Available from the EMN [website](#)

23 ICF GHK for DG Home Affairs (2013).

24 Ramboll for DG Enterprise (2013). Available at:

http://ec.europa.eu/enterprise/sectors/tourism/files/visas_study_2013/final_report_visas_facilitation_en.pdf

25 OECD (2010), *Open for Business: Migrant Entrepreneurship in OECD Countries*

26 OECD (2011) *International Migration Outlook*

investors who applied and the number of permits granted to them and their family members should be available from immigration offices and other relevant authorities.

The extent to which data on **other business persons**, which includes (but is not limited to) the “Mode 4” categories, are available is not clear at this stage, though the Impact Assessment accompanying the ICT Directive Proposal already highlighted a lack of comparable statistics for the specific category of intra-corporate transferees. In order to understand the extent to which relevant statistics might be available, the EMN Statistics Working Group was kindly invited to provide some preliminary feedback on the inclusion of statistics in the Common Specifications and to trial the collection of statistics in their Member State.

7 DEFINITIONS

'Immigrant investor'

Third-country national meeting the criteria set by a Member State and admitted on a long-stay visa to a Member State for the purpose of making a (substantial) financial investment either in financial products or in a business but without involving in the day to day operations or in the management of business.

'Immigrant business owner'

Third-country national meeting the criteria set by a Member State and admitted on a long-stay visa to the Member State to i) set up a business and be involved in its management; ii) take over the running of a business or businesses and be involved in its management; iii) or for self-employment.

'Intra-corporate transfer'²⁷

Temporary secondment for occupational or training purposes of a third-country national who, at the time of application for an intra-corporate transferee permit, resides outside the territory of the Member States, from an undertaking established outside the territory of a Member State, and to which the third-country national is bound by a work contract prior to and during the transfer, to an entity belonging to the undertaking or to the same group of undertakings which is established in that Member State, and, where applicable, the mobility between host entities established in one or several second Member States;

'Intra-corporate transferee'²⁸

Any third-country national who resides outside the territory of the Member States at the time of application for an intra-corporate transferee permit and who is subject to an intra-corporate transfer;

'Long-stay' visa (or National D-Type visa)

'Long-stay visa' means the authorisation or decision of a Member State required for entry for an intended stay in that Member State of more than three months (Source: EMN Glossary V 2.0).

'Other business persons'

All categories included in (but not limited to) the “Temporary Movement of Natural Persons (or “Mode 4” categories) admitted to a Member State on a short-stay visa or a long-stay visa for the purpose of doing business which are nor immigrant investors nor immigrant business owners.

'Residence permit'

Any authorisation issued by the authorities of a Member State allowing a third-country national to stay legally in its territory, in accordance with the provisions of Article 1(2)(a) of Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (Source: EMN Glossary V 2.0).

²⁷ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/142571.pdf Article 3 b) of the Directive 2014/66/EU

²⁸ Article 3 c) of the Directive 2014/66/EU

'Short-stay' visa (or Schengen C-Type visa)

The authorisation or decision of a Member State required for entry for an intended stay in that State or in several Member States for a period whose total duration does not exceed 90 days in any 180-day period (Source: Visa Code as amended by Regulation (EU) No 610/2013).

'Temporary movement of natural persons' (or 'Mode 4' Categories)²⁹

'Mode 4' is one of the four ways through which services can be supplied internationally under the General Agreement on Trade in Services (GATS). It covers the supply of a service by a service supplier of one Member of the Agreement, through the presence of natural persons of a Member in the territory of another Member, and covers the temporary movement of natural persons for the purpose of supplying a service.

8 ADVISORY GROUP

For the purpose of providing support to EMN NCPs while undertaking this focussed study and for developing the Synthesis Report, an "Advisory Group" has been established. The members of the Advisory Group for this study, in addition to COM and EMN Service Provider (ICF International), are the CZ, IE, LT, LU, SE, UK EMN NCPs. EMN NCPs are thus invited to send any requests for clarification or further information on the study to the following "Advisory Group" members:

- ★ CZ EMN NCP: jan.rychlik@mvcz.cz
- ★ IE EMN NCP: EMN.Ireland@esri.ie; emma.quinn@esri.ie; egle.gusciute@esri.ie
- ★ LT EMN NCP: audra@iom.lt
- ★ LU EMN NCP: adolfo.sommarribas@uni.lu
- ★ SE EMN NCP: bernd.parusel@migrationsverket.se
- ★ UK EMN NCP: Carolyne.Tah@homeoffice.gsi.gov.uk
- ★ COM: magnus.OVILIUS@ec.europa.eu, jan.saver@ec.europa.eu, maria.zuber@ec.europa.eu
- ★ EMN Service Provider (ICF International): emn@ghkint.com

9 TIMETABLE

Date	Action
13 th December 2013	<u>Workshop</u> to discuss Concept Paper and agree next steps for Common Template (on occasion of 63 rd EMN NCP meeting)
December/January	Begin work on the Concept Paper
14 th February 2014	Advisory Group Meeting to discuss Concept Paper
17 th February - 7 th March 2014	Begin work on the Common Template
14 th March 2014	Circulation of <u>Version 1</u> of the Common Template to EMN NCPs to provide comments
9 th May 2014	Revision of Version 1 including EMN NCPs comments
14 th May 2014	Advisory Group Meeting in Vilnius
21 st May 2014	Circulation of <u>Version 2</u> including comments from participants in Vilnius
11 th June 2014	Circulation of <u>Version 3</u> including EMN NCPs comments
15 th July 2014	<u>Finalisation</u> of the Common Template and official <u>launch</u> of the study
1 st December 2014	<u>Completion</u> of the National Reports by EMN NCPs.
21 st December 2014	<u>First draft of the Synthesis Report</u> ³⁰
December 2014 – January 2015	<u>Finalisation</u> of the Synthesis Report and of National Contributions for publication.

²⁹ The complete list of categories, criteria for admission and length of stay of the pre-defined six "Mode 4" categories is provided in Annex 2

³⁰ Provided that a sufficient number of EMN NCPs submit their National Contribution in time for the Synthesis stage.

10 COMMON TEMPLATE FOR NATIONAL CONTRIBUTIONS

The template outlined below sets out the information that should be included in the National Contributions to this focussed study. It is important that the responses included are concise and meet the requirements of each question as fully and as accurately as possible. This will enable the Synthesis Report to be fully comparable. If you are unclear about how to approach a specific question, please contact (members of) the Advisory Group for clarification or further information. To facilitate the synthesis of the document so that it can be developed within the timeframe set out above, an indicative number of pages have been suggested to limit the length of the responses from Member States participating in the Study. For national contributions, the total number of pages should **not exceed 25 pages**, including the questions and excluding the statistical annex. The same page limit will apply to the Synthesis Report, in order to ensure that it remains concise and accessible for policymakers.

EMN FOCUSED STUDY 2014

Admitting third-country nationals for business purposes

Executive Summary (Synthesis Report)

Synthesis Report (up to three pages)

Executive Summary of Synthesis Report: this will form the basis of an EMN Inform, which will have EU and National policymakers as its main target audience.

Top-line "Factsheet" (National Contribution)

National contribution (one page only)

Overview of the National Contribution – introducing the study and drawing out key facts and figures from across all sections of the Focussed Study, with a particular emphasis on elements that will be of relevance to (national) policymakers.

The Finnish immigration system has a pragmatic approach regarding the admission of third country nationals for business purposes. There are two main channels for entry, either with a visa or with a residence permit. Neither channel is marketed actively, although there are substantial differences in the amount of persons admitted. In Finland the responsibility of entry with a visa is in the Ministry for Foreign Affairs. The Ministry of the Interior is responsible for entry with a residence permit.

Entry with a visa is by far the most popular way of coming to Finland for business purposes. Finland issues over 40 000 visas annually on the grounds of business. Finland only issues Schengen C-type visas, i.e. visas for short-term visits not exceeding 3 months at a time. The visa system is perceived as flexible and efficient.

Finnish legislation does not contain a definition or a category for immigrant investors, as defined in the specifications for this study.

In the residence permit system, entrepreneurs, business owners and self-employed persons are grouped either in the category of residence permit for a self-employed person or residence permit for an employed person. The differentiating factors amount to the type of company that dictates, what kind of residence permit the person needs. The residence permit system is perceived by stakeholders as rigid and complex; which probably explains why the number first residence permits issued for self-employed persons in particular is very low.

The categories of other business persons, as per the GATS Mode IV, are integrated in the Alien's Act, although they are not very well known as a means of entry. The Ministry for Foreign Affairs is the national responsible authority regarding EU trade policy and participate in the negotiations e.g. of the EU free trade agreements. Based on an initiative from the EU Commission, the Ministry for Foreign Affairs is planning to develop the information regarding entry to Finland on the basis of the other business persons-categories, especially relating to the EU free trade agreements.

Finland undertakes several activities aimed at promoting Finland as a destination for foreign investment, although these measures and activities do not mention the attraction and admission of persons on the basis of business purposes.

Section 1: National frameworks for admitting third-country nationals for business purposes

For the national policies, the questionnaire asks first for information about the national policies in relation to **immigrant investors** (Sections 1.1 – 1.2), then for **immigrant business owners** (1.3 - 1.4) and finally for **other business persons** (Sections 1.5 – 1.6)

Section 1.1: Immigrant investors: overview of national policies (Maximum 1 page)

*This section asks for information on the national institutional framework and the main policy objectives in relation to **immigrant investors** from third-countries. It will provide a mapping of the national stakeholders involved in the design and implementation of the policies to attract such investors, and the incentives that apply.*

EMN NCPs are asked to answer the following questions, at times guided by a non-exhaustive list of prompts.

Q1. How does the national legislation of your Member State define immigrant investors?

The concept of "immigrant investor" does not appear in the Finnish legislation.

Q2a. Does your Member State have a specific policy, programme or scheme for immigrant investors?

Yes / No There are no specific policies or programmes aimed at immigrant investors (persons). On the more general level the Team Finland and Invest in Finland activities aims at attracting investments to Finland.

Q2b. If yes, please provide more information about the specific policy, programme or scheme, including a) the name of the policy / programme / scheme: b) its main policy objectives (Neutral, pro-active); whether it targets c) specific investment types e.g. real estate, transfer of capital, national funds / bonds, business investments, endowment to public projects, mixed investments, joint ventures, etc. or d) economic sectors / geographical areas / strategic partners; and whether e) a quota / limitation system is in place to govern the number of entries or permits that can be issued to migrant investors?

a) Name of policy / programme and legal basis

Finland has no specific programmes targeted at the group referred to in this study; however, the promotion of investments in Finland is cited as one aspect of the operations of the Team Finland network. In its strategy for 2015, the Team Finland network highlights attracting investments as one area of development. The Invest in Finland service implements the above-mentioned strategy concretely and serves foreign companies and investors by, for instance, providing information about what Finland has to offer.

The Team Finland network promotes Finland and its interests abroad: Finland's external economic relations, the internationalisation of Finnish enterprises, investments in Finland and the country brand. The Team Finland operating model brings together key actors in these fields both at home and abroad. The actors are guided by shared goals annually approved by the Government. The aim of cooperation is to create a clear, flexible and customer-oriented operating model where projects falling under the scope of Team Finland activities are carried out in cooperation between state and private actors.

At the heart of the Team Finland network are three Ministries – the Ministry of Employment and the Economy, the Ministry for Foreign Affairs and the Ministry of Education and Culture – together with publicly funded bodies and Finnish offices abroad (including Finland's diplomatic missions, the offices of Finpro and Tekes, and national culture and science institutes), all operating under the ministries' guidance. Abroad, more than 70 teams represent the Team Finland network. Each local team gathers together the Finnish authorities, publicly funded organisations, and other central actors representing Finland in the particular region. The local teams of

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the Centres for Economic Development, Transport and the Environment, fifteen in all, make up an important part of the Team Finland network in Finland.

Invest in Finland is a service and expert organisation which attracts foreign companies to Finland. Operating under and funded by the Ministry of Employment and the Economy, this unit aims at strengthening centres of excellence, increasing employment and helping companies go international.

Invest in Finland provides information about Finland as a target for investments as well as develops and coordinates national efforts to attract foreign investments, networking with regional and international actors. In addition, Invest in Finland collects and maintains information about foreign-owned companies in Finland.

Invest in Finland is part of Finpro which is an expert organisation promoting international growth and the success of Finnish companies. Finpro's global network is an essential part of Invest in Finland's work abroad.

b) Main policy objectives

-

c) Type of investment (e.g. real estate, transfer of capital, national funds / bonds, business investments, endowment to public projects, mixed investments, joint ventures, etc.)

-

d) Priority national economic sectors / priority national geographical areas / countries of origin targeted / strategic partners required.

e) Quotas in place

No

Q3a. What is/are the main actor(s) and institution(s) involved in the development of policies to attract immigrant investors? If multiple authorities are involved, how are they coordinated? Is there an official mandate – e.g. an Action Plan – governing the involvement of these authorities?

The actors involved in this work are the Ministry of Employment and the Economy, the Ministry for Foreign Affairs and the Ministry of Education and Culture as well as publicly funded bodies and Finnish offices abroad (including Finland's diplomatic missions, the offices of Finpro and Tekes, and national culture and science institutes), all operating under the ministries' guidance. The annual goals are defined by the Government.

Q3b. Which actor / institution is responsible for the promotion of the policy with the target group?

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The Team Finland and Invest in Finland networks as well as Finpro.

Q4a. Does your Member State have specific measures in place to attract immigrant investors?

Yes/**No**

Q4b. If yes, Please complete the table below with regard to the (applicable) policy measures in place to attract immigrant investors in your Member State.

Measures	Brief description of the measure in the Member State
What do these specific measures entail? (active promotion / information dissemination / campaigns / events including in third countries, etc.)	Finland has no measures targeted at individual investors (persons). Team Finland and Invest in Finland focus at a more general level on attracting foreign investments in Finland. They promote Finland and opportunities offered by Finland.
Does a list of specific procedural facilitations for admission exist? If yes, please explain what they entail (reduced costs, shortened processing time, reduced documentary requirements, minimum residence period required (per year), possibility of renewal, etc.)	No
Are there specific tax incentives? (benefits, exemptions, etc.)	No
Does the possibility exist for immigrant investors to be accompanied by family members? Are family members allowed to access the labour market?	No
Are immigrant investors granted access to social benefits?	No
Are immigrant investors granted access to citizenship?	No
Other (please state)	No

Q5a Does your Member State have any bilateral or other agreements in place with Third Countries to attract immigrant investors?

No

Q5b. Does your Member State share information with other Member States? Does your Member State consult other Member States on the issuing of the documents listed in Q4.b to immigrant investors?

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No

Section 1.2: Immigrant investors national policies: pre-arrival stage (admission criteria) and stay (renewal) (Maximum 3 pages)

Section 1.2 aims at providing an overview of the admission criteria applied by Member States in order admit immigrant investors from third-countries to the national territory. The section also examines whether Member States require investors to submit an investment plan and the specific procedures in place with regard to this. Finally, this section touches upon also criteria linked to the renewal / withdrawal of their residence permit / long-stay visa.

EMN NCPs are asked to provide their answers to the questions below.

Q6a. Please indicate which of the list act as criteria to admit immigrant investors in your Member State in the table below. All listed requirements imply a Yes/No answer: in affirmative cases, EMN NCPs are asked to describe the criteria. If possible, EMN NCPs should also explain whether the same criteria apply to third-country nationals admitted to the national territory under a different immigration channel (family reunification, study, etc.) but willing to change their status into immigrant investors.

Admission criteria	Explanation	Do the same criteria apply to third-country nationals present in your Member State who have another status and are willing to change it into investor?
Minimum financial amount to invest (please indicate the financial amounts applied to each of the investment types identified above in Question 2b point c)	No, such category does not exist	-
Investment plan If Yes, please complete the table in Q6b	No	-
Expected Impact of proposed investment in the Member State (economy, public life etc.)	No	-
Minimum Education / Professional skills	No	-
Language knowledge (certification, pre-entry tests, mandatory courses, etc.)	No	-
Age requirement for applicants (minimum / maximum)	No	-

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Security / health / background checks in place (origin of investment, fraud checks, previous bogus activities, etc.)	No	-
Other (please state)	-	-

Q6b. In case an *investment plan* is required, EMN NCPs are asked to complete the table below. All listed requirements imply a Yes/No answer: in affirmative cases, EMN NCPs are asked to describe the requirements with additional information.

Investment plan requirements	Explanation
Information required on legal aspects of the investment.	No
Information required on the commercial and financial aspects (nature of the investment, origin of the capital to invest, target groups, preliminary contracts, performance indicators, etc.)	No
National institution responsible for the assessment/ approval	No
Duration of examination / due diligence phase	No
Documentation required (If a list exists, please report it here)	No
Review period	No
Other	-

Q7. If the criteria for admission are satisfied what *initial document* is issued? Please provide any detail on:

- type of document issued (e.g. short-stay visa, authorisation to stay, long-stay visa, residence permit, etc.)
- its duration
- whether it is longer than the usual duration which applies to other categories of third-country nationals
- whether its validity differs (and how) from its renewal.

-

Q8. Where and by which institution / organisation (internal or abroad) are the documents issued? (e.g. diplomatic mission in the third country; other responsible representative; intermediary agency, etc.)

-

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Q9. EMN NCPs are asked to provide information on the criteria to be met in case of extension of the document issued for the stay of immigrant investors. Please provide details of the type of document issued and its duration.

Renewal criteria	Explanation
What are the requirements related to the purpose of stay (investment) that need to be met in order to prolong/extend the initial authorisation of stay/ long-stay visa/residence permit?	No

Section 1.3: Immigrant business owners: overview of national policies (Maximum 1 page)

This section asks for information on the national institutional framework and the main policy objectives in relation to **immigrant business owners** from third-countries. It will provide a mapping of the national stakeholders involved in the design and implementation of the policies to attract business owners, and the incentives that apply.

EMN NCPs are asked to answer the following questions, at times guided by a non-exhaustive list of prompts.

Q9. How does the national legislation of your Member State define immigrant business owners?

In the Section 3, Subsection 1(9) of the Finnish Aliens Act, a self-employed person is defined to mean a person who pursues a trade or profession in his or her own name (person pursuing a trade) or is comparable to such a person on the basis of his or her corporate responsibility. Of self-employed persons, persons pursuing a trade need a residence permit for an employed person in order to work in other tasks than those mentioned in Section 77, Subsection 1 or 6 or in Section 79, Subsection 1 or 3 of the Aliens Act (Aliens Act, Section 78, Subsection 3(1)).

According to the definition, a person who is employed by a limited company in which he/she is an owner is not a self-employed person even when he/she owns the entire share capital. The premise is that the liability of a limited company's shareholder for the company is limited to the amount of the capital investment he/she has made in the company.

According to a government proposal, a limited partner working in a limited partnership is not considered a self-employed person either because his/her liability in the partnership is limited to the amount of the contribution to the partnership capital.

In order to work in a company in which he/she is an owner, a shareholder in a limited company and a limited partner in a limited partnership are under the obligation to apply for a residence permit for an employed person or another residence permit for gainful employment unless they have a residence permit issued on other grounds than gainful employment and they have the right to work under this residence permit (Aliens Act, Section 78, Subsection 3).

Q10a. Does your Member State have a specific policy, programme or scheme for immigrant business owners?

Yes / **No**

Q10b. If yes, please provide more information about the specific policy, programme or scheme, including a) the name of the policy / programme / scheme: b) its main policy objectives (Neutral, pro-active); whether it targets c) specific type of businesses and / or d) economic sectors / geographical areas / strategic partners; and whether d) a

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quota / limitation system is in place to govern the number of entries or permits that can be issued to immigrant business owners?

a) Name of policy / programme

-

b) Main policy objectives

-

c) Type of business (e.g. any specific sector, knowledge-based sector, start-up / spin-off, etc.)

-

d) Priority national economic sectors / priority national geographical areas / countries of origin targeted / strategic partners required.

-

e) Quotas in place

-

Q11a. What is/are the main actor(s) and institution(s) involved in the development of policies to attract immigrant business owners? If multiple authorities are involved, how are they coordinated? Is there an official mandate – e.g. an Action Plan – governing the involvement of these authorities?

The Ministry of Employment and the Economy is the responsible party with regard to employment and self-employment in Finland. The Ministry of the Interior is responsible for the development of the residence permit system and aliens legislation.

The Future of Migration 2020 Strategy, approved in June 2013, states that immigrant entrepreneurship must be supported actively. There are two related measures recorded in the Strategy's action plan, with the Ministry of Employment and the Economy indicated as the party responsible for them:

- encouraging immigrants to engage in entrepreneurship and direct them towards regional business services that possess special expertise

- investigating the development needs of the service system related to the promotion of immigrant entrepreneurship

These measures are mainly targeted at immigrants already residing in the country, so it is not a question of actually attracting immigrant entrepreneurs.

11b. Which actor / institution is responsible for the promotion of the policy with the target group?

The Ministry of Employment and the Economy and authorities operating under it, the Centres for Economic Development, Transport and the Environment and the Finnish Patent and Registration Office (PRH).

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Q12a. Does your Member State have specific measures to attract immigrant business owners?

Yes/**No**

Q12b. If yes, Please complete the table below with regard to the policy measures in place to attract immigrant business owners in your Member State.

Measures	Brief description of the measure in the Member State
What do these specific measures entail? (active promotion / information dissemination / campaigns / events including in third countries, etc.)	-
Does a list of specific procedural facilitations for admission exist? If yes, please explain what they entail (reduced costs, shortened processing time, reduced documentary requirements, minimum residence period required (per year), possibility of renewal, etc.)	-
Do specific support measures exist? (financial / logistic, business support to applicants to establish a business plan, recognition of qualification etc.)	-
Are there specific tax incentives? (benefits, exemptions, etc.)	-
Are immigrant business owners granted access to social benefits?	-
Are immigrant business owners granted access to citizenship?	-
Does the possibility exist for immigrant business owners to be accompanied by family members? Are family members allowed to access the labour market?	-
Other (please state)	-

Q13a Does your Member State have any bilateral or other agreements in place with Third Countries to attract immigrant business owners?

No

Q13b. Does your Member State share information and coordinate its policies with other Member States? Does your Member State consult other Member States on the issuing of the documents listed in Q15 to immigrant business owners?

No

Section 1.4: Immigrant business owners national policies: pre-arrival stage (admission criteria) and stay (renewal) (Maximum 3 pages)

Section 1.4 aims at providing an overview of the admission criteria applied by Member States in order admit immigrant business owners from third-countries to the national territory. The section also examines whether Member States require business owners to submit a business plan and the specific procedures in place with regard to this. Finally, this section touches upon also criteria linked to the renewal / withdrawal of their residence permit / long-stay visa.

EMN NCPs are asked to provide their answers to the questions below.

Q14a. Please indicate the criteria to admit immigrant business owners in your Member State in the table below. All listed requirements imply a Yes/No answer: in affirmative cases, EMN NCPs are asked to describe the criteria. If possible, EMN NCPs should also explain whether the same criteria apply to third-country nationals admitted to the national territory under a different immigration channel (family reunification, study, etc.) but willing to change their status into immigrant investors. If possible, EMN NCPs should also explain whether the same criteria apply to third-country nationals admitted to the national territory under a different immigration channel (family reunification, study, etc.) but willing to change their status into immigrant investors.

Admission criteria	Explanation	Do the same criteria apply to third-country nationals present in your Member State who have another status and are willing to change it into business owners?
Evidence of entrepreneurial skills (experience in running businesses, turnover of activities in the country of origin, etc.)	Yes, evidence of professional skills is required, see Q14b, Documentation required.	Yes, evidence of professional skills is required, see Q14b, Documentation required.
Minimum level of educational achievement / professional skills (please specify)	Yes, evidence of professional skills is required, see Q14b, Documentation required.	Yes, evidence of professional skills is required, see Q14b, Documentation required.
Evidence of capital (minimum sum required)	No sum has been determined, but the requirement for means of support is a prerequisite for getting a residence permit. Issuing residence permits for self-employed persons is based on consideration to ensure that the intended business operations meet the requirements for profitable business. The Centres for Economic Development, Transport and the Environment assess the profitability of business operations in their preliminary decision (Aliens Act, Section 76). Section 76 of the Aliens Act (amended with Act 1218/2013) separately regulates	Yes

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	<p>the means of support of self-employed persons.</p> <p>Pursuant to it, when issuing a residence permit for a self-employed person, it must be ensured that the intended business operations meet the requirements for profitable business and that the alien's means of support are secured by gainful employment, pursuit of a trade or in some other way for the duration of the residence permit. According to the government proposal (139/2013 vp.), a typical characteristic of starting self-employment is that the business is not necessarily profitable immediately. Consequently, it is reasonable to apply the requirement for means of support more flexibly if the person in question can prove he/she has other acceptable income or assets.</p> <p>The same requirement for means of support was included in Section 72, Subsection 4 of the Aliens Act before the amendments that entered into force on 1 January 2014. According to the related government proposal 28/2003, a self-employed person must receive regular income in the form of business profit, salary, personal withdrawals or sales profit that exceeds the lower limit for granting basic social assistance during the validity of his or her residence permit. The profitability requirement is also significant when trying to prevent the use of a residence permit for a self-employed person in evading the provisions related to the residence permit for an employed person.</p> <p>The evidence of means of support required for the application for the residence permit for a self-employed person are listed in the residence permit application form (the form OLE_EHA). In its preliminary decision, the Centre for Economic Development, Transport and the Environment determines whether the means of support and profitability requirements set in Section 76 for granting a residence permit for a self-employed person are met. At the same</p>	
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	time, the Centre for Economic Development, Transport and the Environment determines whether self-employment is temporary or continuous.	
Contribution to the economy / employment of the Member State (<i>national interest, "jobs - created", contribution to specific sector, innovativeness of activity, introduction of new technologies, etc.</i>)	No	No
Business plan <i>If a business plan is required, please complete the table in Q14b</i>	Yes, see Q14b	Yes
Language knowledge (<i>certification, pre-entry tests, mandatory courses, etc.</i>)	This is not recorded in the requirements, but in practice, some language knowledge is required, so it is assessed as part of general consideration.	This is not recorded in the requirements, but in practice, some language knowledge is required, so it is assessed as part of general consideration.
Age requirement for applicants (<i>minimum / maximum</i>)	This is not recorded in the requirements, but in practice, the applicant's age is assessed as part of the general consideration.	This is not recorded in the requirements, but in practice, the applicant's age is assessed as part of the general consideration.
Insurance requirement (<i>personal and/or for the investment</i>)	Yes, an entrepreneur/business owner needs a personal insurance according to the law on pension for entrepreneurs (YEL).	Yes, an entrepreneur/business owner needs a personal insurance according to the law on pension for entrepreneurs (YEL).
Security / background checks in place (<i>fraud checks, tax avoidance, previous bogus activities, money origin / money laundering, etc.</i>)	No security checks are conducted in relation to business operations, but the general requirements related to granting a residence permit must be met. Pursuant to Section 36, Subsection 1 (358/2007) of the Aliens Act, a residence permit may be refused if the alien is considered a danger to public order, security or health or to Finland's international relations. Endangering public health does not, however, prevent the issuing of an extended permit, if the requirements for issuing a permit are otherwise met. Endangering international relations does not, however, prevent the issuing of a residence permit on the basis of	Yes

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	<p>family ties or issuing a residence permit to an alien who has been issued with a long-term resident's EC residence permit by a Member State of the European Union. Pursuant to Section 36, Subsection 2 of the Aliens Act, a residence permit may be refused if there are reasonable grounds to suspect that the alien intends to evade the provisions on entry into or residence in the country.</p> <p>It is possible that a person may try to use a residence permit for a self-employed person for evading the requirements related to a residence permit for an employed person, for instance. The factors taken into account in the assessment may include the original purpose of entry and stay indicated by the applicant, the previous history of the company to be acquired or leased as well as the applicant's application history in Finland (residence permit, visa) and potentially in another EU Member State/Schengen State. When assessing the purpose of entry and stay, it may be taken into account whether the applicant actually obtains his/her means of support from self-employment.</p>	
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Q14b. In case a business plan is required, EMN NCPs are asked to complete the table below. All listed requirements imply a Yes/No answer: in affirmative cases, EMN NCPs are asked to describe the requirements with additional information:

Business plan	Explanation
National institution responsible for the approval / Self-assessment	<p>The process of granting a residence permit for a self-employed person consists of two phases. The Finnish Immigration Service makes its decision on the basis of the preliminary decision by the Centre for Economic Development, Transport and the Environment. The Centre for Economic Development, Transport and the Environment conducts an assessment of the business operations.</p> <p>The residence permit process for an employed person also consists of two phases and, in the case of the target group of this study, an assessment of the limited company business operations is conducted by an Employment and Economic Development Office which then makes a preliminary decision, on the basis of which the Finnish Immigration Service makes the final decision in the matter.</p>

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Information required on legal aspects of the business (form of the business, principal activity, subsidiary of existing activity)	See Documentation required below.
Information required on the commercial and financial aspects (type of business / services, origin of the capital to invest, target groups, preliminary contracts, nature of the investment, performance indicators, feasibility analysis, etc.)	See Documentation required below.
Duration of examination of the business plan	
Documentation required (please provide a list of the documents required)	<ul style="list-style-type: none"> • Detailed description of the business idea • If business operations have not yet been conducted: a profitability calculation (an estimate of the company's income and expenses for the next two years) and copies of agreements signed with customers and partners if such agreements have been signed; or • if business operations have already been conducted: the latest financial statement information if business operations have been conducted for so long that the company already has financial statement information, and the latest accounting run • The Trade Register extract or an account of why the company has not been registered in the Trade Register • Evidence of premises (a rental agreement or a similar document) • Evidence of assets and other income • Evidence of professional skills • Evidence of the number of personnel
Review period	
Other	As a rule, before the permit is granted, the self-employed person must register his/her business in the Trade Register of the Finnish Patent and Registration Office or provide an account of why the registration has not yet been done. See Documentation required above. If none of the responsible persons of the company are domiciled in the EU/EEA, a permission to register the business must be applied for from the Finnish Patent and Registration Office.

Q15. If the criteria for admission are satisfied what initial document is issued? Please provide any detail on:

- type of document issued (e.g. short-stay visa, authorisation to stay, long-stay visa, residence permit, etc.),
- its duration
- whether it is longer than the usual duration which applies to other categories of third-country nationals
- whether its validity differs (and how) from its renewal.

The applicant is issued with a residence permit. First fixed-term residence permits are issued for one year, however for no longer than the validity period for the travel document, unless requested for a shorter period (Aliens Act, Section 53, Subsection 1).

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A residence permit may be issued for a period longer or shorter than one year if self-employment is temporary and is completed within a set period (cf. an assignment, Aliens Act, Section 53, Subsection 3). However, the duration of the first fixed-term residence permit must not exceed two years. First residence permit is issued so that it starts from the date of the decision.

Q16. Where and by which institution / organisation (internal or abroad) are the documents issued? (e.g. diplomatic mission in the third country; other responsible representative; intermediary agency, etc.)

The residence permit is applied for at the Finnish mission in the country of origin (or nearest FI mission). You can submit an electronic application, although it is required within a month of submitting the application to present oneself at the mission and give proof of the identity and original copies of required documents. The application is processed by the Finnish Immigration Service, and if the decision is positive, the documents will be issued by the mission in question.

Q17. EMN NCPs are asked to complete the information requested in the table below in relation to registration of businesses by immigrant business owners in your Member State:

Registration of businesses by immigrant business owners in your Member State	Explanation
National institution responsible for the registration of the business in the Member State	The Finnish Patent and Registration Office (PRH) is the responsible party when a company is registered in the Finnish Trade Register.
Type of business (main business, subsidiary or branch. Please explain whether it is a transparent or non-transparent entity for tax reasons, i.e. determining if the business owners registers himself/herself as an individual or as a legal entity).	The start-up notification must include the type of business. In order to be registered in the Trade Register the business/company must have a responsible person/statutory body or a representative with a domicile, either in the EU/EEA or in Finland.
Place of registration of business (in the Member State or in the country of origin / a third country. Is it mandatory for a third country national to be present in a country when registering a business or can this be done outside (using an agent / third party)?	The person who is making the start-up notification of a business to the Finnish Trade Register, does not have to be present in Finland, when the notification is made. The process for signing the notification to the Trade register is stipulated in the Business information Act Section 14§. The notification has to be signed by the responsible person or someone who has been given an authorization to do so.
Main requirements for registration of business (capital, employees. Please state whether the requirements is different from that applied to EU nationals)	In order to be able to register a company in the Trade Register, a permission is in some situations required for persons domiciled outside the EU/EEA, if they are to function as responsible persons in a company. According to the Commercial Activity Act Section 6 § paragraph 3, in some cases a representative domiciled in Finland is required. The representative has the right to receive judicial services of process or notifications on behalf of the business owner/entrepreneur. If the company has a representative domiciled in the EU/EEA, that fulfils certain criteria, a separate representative is not required. If a person without a Finnish personal identity number is notified to the Trade

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	Register, the notification must be accompanied by a clarification, that proves the actual existence of the person is question.
Does your Member State impose restrictions to admit immigrant business owners based on the type of business, the specific sector or their country of origin?	Yes, the Act on the Monitoring of Foreign Corporate Acquisitions (172/2012) is in force in Finland. The Ministry of Employment and the Economy is the authority responsible for handling official matters that concern the monitoring and confirmation of corporate acquisitions. A positive attitude to foreign ownership lies behind the Act on the Monitoring of Foreign Corporate Acquisitions in Finland. However, the act allows Finnish public authorities to exercise control over the ownership of companies considered essential in terms of national emergency supply and national security. If necessary, foreign ownership in such companies may also be restricted.
Other (Health, etc.)	-

Q18. EMN NCPs are asked to provide information on the criteria to be met in case of extension of the document issued for the stay of immigrant business owners. Please provide details of the type of document issued and its duration.

Renewal criteria	Explanation
What are the requirements related to the purpose of stay (business) that need to be met in order to prolong/extend the initial authorisation of stay/ long-stay visa/residence permit?	<p>Pursuant to Section 84 (1218/2013), Subsection 3 of the Aliens Act, the District Police issue the residence permit for a self-employed person if the alien filing the application has a valid residence permit and the provisions in Section 36 of the Aliens Act do not provide otherwise. (Cf. also Section 68 (358/2007), Subsection 1(2) of the Aliens Act, according to which a new fixed-term residence permit is issued by the District Police of the alien's place of residence.)</p> <p>Consequently, the decision on the application for a residence permit extension is made by the police, except where the District Police have referred the matter to the Finnish Immigration Service to decide on, or where the Finnish Immigration Service has taken up a matter falling under the jurisdiction of the District Police under Section 210 (886/2011) of the Aliens Act.</p> <p>Pursuant to Section 54, Subsection 1 of the Aliens Act, a new fixed-term residence permit is issued if the requirements under which the alien was issued his or her previous fixed-term residence permit are still met.</p> <p>The residence permit extension must be applied for in Finland (Aliens Act, Section 60, Subsection 2). The application for a residence permit extension is filed with the District Police in Finland. It cannot be filed with a Finnish diplomatic mission.</p> <p>An application for a residence permit extension filed with a Finnish diplomatic mission is always processed as a new application for a first residence permit and the related decision is made by the Finnish Immigration Service. The processing fee for a first residence permit is charged for the application and, as a rule, the validity of the residence permit issued (if any) starts on the date of the decision.</p> <p>When it comes to an application for extending a residence permit for a self-employed person that is filed late in Finland, the decision is made by the Finnish Immigration Service (cf. Aliens Act, Section 84, Subsection 2). If a</p>

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	<p>positive decision is made with regard to such application for a residence permit extension, the established practice is that the new permit is usually issued so that it is valid as of the date of the decision.</p> <p>When the police make the decision on an application for a residence permit extension, they send a preliminary decision request to a regional Centre for Economic Development, Transport and the Environment which conducts an assessment of the profitability of business operations, the fulfilment of the requirements related to the applicant's means of support and whether self-employment is temporary or continuous. The regional Centre for Economic Development, Transport and the Environment delivers the preliminary decision request and the assessment with its appendices to the Centre for Economic Development, Transport and the Environment for Uusimaa which records the preliminary decision and register entries in the Register of Aliens. The Centre for Economic Development, Transport and the Environment for Uusimaa delivers the preliminary decision to the police. The duration of the validity of the residence permit extension granted is not affected by how long the applicant's travel document is valid, provided that it is valid at the time the permit is granted.</p> <p>When it comes to the residence permit extension, the Aliens Act does not contain a provision similar to that in Section 53, Subsection 1 (<i>Validity of first fixed-term residence permits</i>) that would require the travel document to be valid for the entire duration of the validity of the permit granted.</p> <p>When considering whether to grant a residence permit extension, it must be ensured that it is still a question of a residence permit for a self-employed person (the applicant is still a self-employed person and his/her principal purpose of stay is to continue self-employment in Finland). For instance, when the form of business changes to a limited company and the principal purpose of stay changes to gainful employment while employed by another person, the person must apply for a residence permit for an employed person or a residence permit for other gainful employment instead of a residence permit for a self-employed person, unless this pertains to the fields mentioned in Section 79 (1218/2013, Right to work without a residence permit).</p>
<p>Is there a requirement that a business is active during the extension of permits?</p> <p>If so, what indicators are used to assess this? (Volumes of turnover, amount of paid taxes, staff employed, compliance of immigrant investors and their investment, etc.)</p> <p>Who assesses this information?</p>	<p>It is required that the person still obtains his/her means of support from self-employment.</p> <p>In the permit extension phase, too, a Centre for Economic Development, Transport and the Environment assesses the profitability of operations on the basis of evidence provided.</p>
<p>Are there time-related requirements during which a business needs to have been started up, taxes paid and staff employed in order to get the validity of the document extended?</p>	<p>There are no separately specified requirements. A Centre for Economic Development, Transport and the Environment conducts a comprehensive assessment of business operations and their profitability.</p>

Section A1.5: Other business persons: overview of national policies (Maximum 1 page)

This section examines the conditions for the admission of **other third-country nationals who travel to the EU for business reasons** ("other business persons"). These categories include (but are not limited to) the temporary admission of third-country nationals under international trade agreements (i.e. the pre-defined six "Mode 4" categories tackled by the EU free-trade agreements listed in Annex 2). Other business persons may be admitted either on a short-stay visa or long-stay visa. EMN NCPs are asked to indicate if and how these categories are defined by the national legislation of their Member State. They are required to indicate whether they are targeted by specific policies (programmes, schemes), whether they are admitted and registered as such in their administrative practices and/or separately from those entering via different migration channels.

EMN NCPs are also requested to provide information on current admission criteria, including the length of their stay, any other specific eligibility condition and collect available data.

Q19. How are the following categories (listed in Annex 2) defined under the national legislation of your Member State?

Categories of other business persons	Definitions
<i>Business visitors for establishment purposes (BVEP)</i>	Short-term entry/visit by Schengen C-visa (grounds business) Grounds for a residence permit in Section 77 (Residence permits for employed persons with regard to specific professional fields), Subsection 7 of the Aliens Act: do market research, prepare for a company's establishment in Finland, negotiate and acquire customer orders or supervise the fulfilment of orders or have other similar duties if his/her employer or contractor has no office in Finland
Intra-corporate transferees (ICT) ³¹	Short-term entry/visit by Schengen C-visa (grounds business) Grounds for a residence permit in Section 77 (Residence permits for employed persons with regard to specific professional fields), Subsections 11 and 12 of the Aliens Act: 11) for employment or traineeship that is part of an intergovernmental agreement or an exchange programme organized by non-governmental organizations if such employment or traineeship lasts for a maximum of 18 months or, for an alien holding a university degree, is an intra-company transfer for a maximum of a year; or
<i>Business sellers (BS)</i>	-
<i>Independent professionals (IP)</i>	Short-term entry/visit by Schengen C-visa (grounds business) Persons pursuing a trade, grounds for a residence permit in the Aliens Act, a residence permit for a self-employed person
<i>Contractual services suppliers (CSS)</i>	Short-term entry/visit by Schengen C-visa (grounds business)

³¹ For intra-corporate transferees, please indicate where the scope of current legislation and the definition used therein differ from Directive 2014/66/EU on intra-corporate transferees.

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	<p>Grounds for a residence permit in Section 79 (Employment without residence permits for employed persons) of the Aliens Act:</p> <p>An employee of a company operating in another Member State of the European Union or the European Economic Area comes to perform temporary contracting or subcontracting under the freedom to provide services.</p>
<i>Graduate trainees (GT)</i>	<p>Short-term entry/visit by Schengen C-visa (grounds business)</p> <p>Grounds for a residence permit in Section 77 (Residence permits for employed persons with regard to specific professional fields) , Subsections 11 and 12 of the Aliens Act:</p> <p>11) for employment or traineeship that is part of an intergovernmental agreement or an exchange programme organized by non-governmental organizations if such employment or traineeship lasts for a maximum of 18 months or, for an alien holding a university degree, is an intra-company transfer for a maximum of a year; or</p> <p>12) for traineeship carried out by an 18–30-year-old alien who studies Finnish or Swedish at a foreign university, or if the field of the traineeship corresponds to his or her studies or qualification and lasts for a maximum of 18 months</p>
<i>Other (please describe)</i>	

Q20. Does your Member State have a specific policy (programme, scheme) for other business persons as defined by the study template? EMN NCPs are asked to complete only the sections that are relevant to their national context.

Categories of other business persons	Is there a specific policy, for this categories of other business persons? Is it based on tailored multilateral/bilateral trade agreements with third countries?	Name of policy / programme	What are its main policy objectives (include info on priority national economic sectors / geographical areas / countries of origin if relevant)	Are there any quotas in place?
<i>Business visitors for establishment purposes (BVEP)</i>	<p>There are no specific policies for other business persons.</p> <p>Finland participates as a member of the EU in the common union trade policy and sets its own national priorities in the free trade agreement negotiations regarding the different categories of persons. *</p> <p>* Relates to all categories of other business persons.</p>	-	<p>Finland has so called offensive interests regarding the admission of experts in the following professional fields (the interests vary according to the country): maintenance, repair and installation services; engineering services; consultancy services, IT-services (e.g. cloud services and information security), urban planning, telecommunications services, research and development services, technical testing and analysis as well as environmental services.</p>	No
<i>Intra-corporate</i>	*			No

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<i>transferees (ICT)</i>				
<i>Business sellers (BS)</i>	*			No
<i>Independent professionals (IP)</i>	*			No
<i>Contractual services suppliers (CSS)</i>	*			No
<i>Graduate trainees (GT)</i>	*			No
<i>Other (please describe)</i>	*			No

Q21. Considering the specific policy (programme, scheme) in the previous question, what are the actor(s) and institution(s) involved in the development and implementation of policies on other business persons? If multiple authorities are involved, how are they coordinated? Is there an official mandate – e.g. an Action Plan - governing the involvement of these authorities? Which actor / institution is responsible for the promotion of such policy abroad?

Categories of other business persons	Actors/institutions involved in the development of these policies	Actors/institutions involved in the implementation of these policies	If multiple authorities are involved, how do they coordinate?	Is there an official mandate governing their roles?	Actors/institutions responsible for the promotion of such policy abroad
<i>Business visitors for establishment purposes (BVEP)</i>	On the national level the negotiations on the EU free-trade agreements are coordinated by the Ministry for Foreign Affairs with participation from the implementing actors.* * Relates to all categories of other business persons.	Ministry of the Interior, Ministry for the Employment and the Economy, Ministry of Social Affairs and Health	The Ministry for Foreign Affairs coordinates the negotiations on the national level through meetings and consultations by e-mail.	In the Finnish Government, issues relating to trade policy (section 2 of European Union affairs) are the responsibility of the Ministry for Foreign Affairs.	The Finnish missions, the Team Finland and Invest in Finland networks and Finpro, who are involved in promoting trade and commerce.

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<i>Intra-corporate transferees (ICT)</i>	*				
<i>Business sellers (BS)</i>	*				
<i>Independent professionals (IP)</i>	*				
<i>Contractual services suppliers (CSS)</i>	*				
<i>Graduate trainees (GT)</i>	*				
<i>Other (please describe)</i>	*				

Section 1.6: Other business persons national policies: pre-arrival stage (admission criteria) and stay (renewal) (Maximum 3 pages)

Section 1.6 aims at providing an overview of the admission criteria applied by Member States in order admit subcategories within other business persons from third-countries to the national territory.

Q22. What are the criteria for the admission of other business persons to your Member State? Please answer by completing the table below entering in the last column also useful information on any pre-entry assessment which may be required (labour market test, proof of minimum period of employment, evidence of commitment to return after the temporary stay, minimum education / professional skills, language knowledge, qualifications/certifications, entry quotas, age requirement, insurance requirement, etc.).

Categories of other business persons	Are these categories admitted/endorsed in your systems (under a different name)? (Yes/No)	If yes, under which name are they registered in your systems?	What is the maximum duration of their stay?	What kind of document is issued when admitting other business person?	Is there a (exhaustive) <u>list</u> of admission criteria? If yes, please indicate the criteria.
<i>Business visitors for establishment purposes (BVEP)</i>	Please see Q19.	Visa (grounds: business) or residence permits for employed persons with regard to specific professional fields	With a Schengen C-visa 3 months at a time. A residence permit is generally granted for one	Visa (visa-free regime) or residence permit	

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			year (first permit)		
<i>Intra-corporate transferees (ICT)</i>	Please see Q19.	Visa (grounds: business) or residence permits for employed persons with regard to specific professional fields	With a Schengen C-visa 3 months at a time. With a residence permit for a maximum of 18 months.	Visa (visa-free regime) or residence permit	
<i>Business sellers (BS)</i>	-	-	-	-	-
<i>Independent professionals (IP)</i>	Please see Q19.	Visa (grounds: business) or a residence permit for a self-employed person	With a Schengen C-visa 3 months at a time. A residence permit is generally granted for one year (first permit)	Visa (visa-free regime) or residence permit	
<i>Contractual services suppliers (CSS)</i>	Please see Q19.	Visa (grounds: business) or employment without residence permits for employed persons	With a Schengen C-visa 3 months at a time. Regarding residence without a residence permit, the Aliens's Act contains the mention that the employment is	Visa or visa-free regime	

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			temporary by nature		
<i>Graduate trainees (GT)</i>	Please see Q19.	Visa (grounds: business) or residence permits for employed persons with regard to specific professional fields	With a Schengen C-visa 3 months at a time. With a residence permit for a maximum of 18 months.	Visa (visa-free regime) or residence permit	
<i>Other (please describe)</i>				-	

Q23. EMN NCPs are asked to provide information on the criteria to be met in case of extension of the document issued for the stay of other business persons. Please provide details of the type of document issued and its duration.

Categories of other business persons	What are the requirements related to the purpose of stay (business) that need to be met in order to prolong/extend the initial documents issued?
<i>Business visitors for establishment purposes (BVEP)</i>	The person can apply for an extension to the residence permit for employed persons with regard to specific professional fields, if the grounds for residence have remained the same.
<i>Intra-corporate transferees (ICT)</i>	The maximum stay is for 18 months. The residence permit can be extended, but another type of residence permit (employed person, specialist) is then applied for.
<i>Business sellers (BS)</i>	-
<i>Independent professionals (IP)</i>	The person can apply for an extension to the residence permit for a self-employed person, if the grounds for residence have remained the same.
<i>Contractual services suppliers (CSS)</i>	The maximum stay is for 3 months at a time (visa regulations).
<i>Graduate trainees (GT)</i>	The maximum stay is for 18 months. The residence permit can be extended, but another type of residence permit (employed person, specialist) is then applied for.
<i>Other (please describe)</i>	-

Section 2: Measures to prevent misuse / abuse of immigration channels for business purposes

This section aims to provide an overview of the measures carried out by Member States for monitoring, detecting and preventing misuse of the migration channels in place for **immigrant investors, immigrant business owners and other business persons** and to explore and map the specific mechanisms in place. EMN NCPs are asked to describe the procedures involved and to provide information on the challenges associated to the detecting, monitoring and preventing misuses, and to distinguish where relevant between the different categories (if the mechanisms are different). This Sections aim to identify also the criteria for withdrawing

Q24. Please provide the following information with respect to the prevention and detection of misuse abuse of immigration channels for immigrant investors, business owners and other business persons at admission stage and during stay. EMN NCPs are first asked to provide the definitions of misuse and abuse according to their national legislation and identify differences where possible.

Issue	Immigrant investors	Business owners	Other business persons
<p>Does your national legislation provide for a definition of misuse and and/or abuse?</p> <p>If yes, do they differ? Please describe</p> <p>If no, how are they defined in practice?</p>	-	<p>Section 36 of the Alien's Act states that a residence permit may be refused if there are reasonable grounds to suspect that the alien intends to evade the provisions on entry into or residence in the country.</p> <p>Section 185 defines a violation of the Alien's Act as follows</p> <p>An alien who</p> <p>1) deliberately resides in the country without the required travel document, visa or residence permit, or through negligence fails to comply with the obligation to register his or her residence or apply for a residence card</p>	<p>The same provisions apply to other business persons as to business owners.</p>

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		<p>or permanent residence card;</p> <p>2) deliberately, without right to gainful employment is gainfully employed or pursues a trade;</p> <p>3) deliberately fails to comply with the obligation to report under section 118, another obligation under section 119, or a request under section 130 to appear before the authorities to submit information on his or her residence; or</p> <p>4) deliberately enters the country despite a prohibition of entry on grounds of public order, security or health</p> <p>shall be sentenced to a fine for a violation of the Aliens Act. (323/2009)</p>	
<p><i>What are the specific measures in place in the Member States to monitor, detect and prevent misuse/abuse at <u>admission stage</u>? (in addition to the criteria to be satisfied as reported under Sections 1.2)</i></p>	-	<p>At the admission stage, there are no other specific measures to monitor, detect and prevent misuse and abuse. When issuing a visa or a residence permit, there is an examination which aims to check if the person fulfils the general criteria. The partial decision when issuing a residence permit for self-employment or a residence permit for an employed</p>	-

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		<p>person also includes a holistic deliberation that in itself acts as a monitoring mechanism.</p> <p>Oral hearings at the Finnish mission are also used, although not in all cases. They help to evaluate the credibility of the planned business activities.</p>	
<p>What are the entities responsible for the monitoring of compliance of immigrant business owners and immigrant investors and what are their specific responsibilities? (Labour Inspectorate, Labour Exchange office, Tax authorities, Ministry of Interior, Migration services)</p> <p>Does a national referral mechanism (or its equivalent) exist? (Yes/No).</p> <p>If yes, how is information shared between stakeholders involved?</p> <p>Is there an obligation to inform about misuse/abuse identified by other institution (migration services, police, tax authority, etc.)</p>	-	<p>The Regional State Administrative Agency (AVI) is a regional expert authority with licensing and supervision duties in the field of business and industry, including the alcohol sector and competition and consumer protection issues. The Regional State Administrative Agency of Southern Finland is also responsible for the monitoring of the Act on Detecting and Preventing Money Laundering and Terrorist Financing (503/2008) in relation to certain business areas. The Centre has an obligation to report any suspicious activity to the National Bureau of Investigation.</p> <p>The tax authorities are responsible for monitoring all aspects relating to</p>	-

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		<p>the tax regulations and reporting obligations based on them that also concern companies and business owners.</p> <p>The police is authorized to check companies suspected of wrong doing, e.g. based on a tip.</p> <p>In general, there is no other obligation to inform, than the one mentioned regarding the act on money laundering. Within the scope of regular co-operation between authorities information is shared, which can result in action taken against companies or individuals suspected of wrong-doing.</p>	
What is the frequency of control?	-	The grounds for residence are reviewed when a continuation to the first residence permit is under deliberation, in general after 1 year (duration for first residence permit.)	-
<p>What are the main sectors where misuse/abuse occurs? (real estate, transfer of capital, national funds / bonds, business investments, etc.)</p> <p>Please list the top three</p>		Regarding companies established by immigrants or immigrant business owners, there is not sufficient evidence to be able	

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		to single out certain sectors.	
<i>If misuse/abuse is detected, what are the penalties imposed on the third-country national concerned</i> (<i>withdrawal of long-stay visa/residence permit, loss of any other related right/benefit, loss of the certificate of establishment, legal proceedings, fines, removal order, confiscation of activities/revenues, etc.</i>)		<p>A violation of the Alien's Act results in a fine.</p> <p>Section 58 of the Alien's Act contains provisions on the cancellation of a residence permit in case of having given false information.</p> <p>A fixed-term or permanent residence permit or a long-term resident's EC residence permit may be cancelled if false information on the alien's identity or other matters relevant to the decision was knowingly given when the permit was applied for, or if information that might have prevented the issue of the residence permit was concealed</p>	
<i>What other circumstances might result in the withdrawal / non-renewal of a long-stay visa / residence permit?</i>		<p>A fixed-term or permanent residence permit is cancelled if the alien has moved out of the country permanently or has continuously resided outside Finland for two years for permanent purposes.</p>	

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Q25a. Is there any evidence of the effectiveness of the measures used in your Member State to monitor, detect and prevent misuse / abuse and the problems/challenges faced (lack of instruments, lack of cross-analysis, access to data, etc.)?

Yes / **No**

Q25b. If yes, please indicate to which business persons the evidence refers to (investors, business owners, other business people) and please summarise the main findings here and include a reference to the source in an annex to your national report.

Section 3: Evaluation of policies to admit third-country nationals for business purposes, challenges and barriers

This section aims to explore the impact of policies to admit **immigrant investors** (Section 3.1), **business owners** (Section 3.2) and **other business people** (Section 3.3) on the economy / society of the Member States. In particular, the questions below aim to understand to what extent such policies (programmes or schemes) have been evaluated and what are the results achieved.

Section 3.1: Immigrant investors (Maximum 1.5 pages)

Q26a. Have any evaluations or studies in your Member State considered the effectiveness of national policies to attract immigrant investors?

Yes / no Foreign investments to Finland, and how to attract them has been studied, but not from an individuals perspective (e.g. the attraction of immigrant investors).

Q26b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report.

The Ministry for Employment and the Economy has published a report called "Investments to Finland" (Ministry for the Employment and the Economy, 2012). The report includes a proposal for a investment strategy and an action plan for how Finland can attract more foreign investment. The proposal and action plan does not mention anything on the admission of persons on the basis of making investments. It provides a more general policy overview with recommendations on what Finland should do to promote foreign investments in order to boost the economy and employment. The report (in Finnish) can be found at: http://www.tem.fi/files/32058/9_2012_netti.pdf

If no, please provide also any other evidence/indicator that may be available in your Member State in this regard (media reporting, media debates, assessment by experts etc.).

Q27a. Have any evaluations or studies in your Member State considered the effectiveness of the national policies to attract immigrant investors to the growth of the national economy and/or in competing with other larger economies, and have specific indicators been developed?

Yes / no

Q27b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report.

Please see Q26b. The report "Investments to Finland" examines the impact of foreign investments and the efficiency of Finnish policy to attract them. It also states that it is necessary for Finland to be more active in attracting

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investments in order to improve the competitiveness towards other countries. Finland also needs to become better at marketing the possibilities it can offer as a destination of investment.

If no, please provide also any other evidence/indicator that may be available in your Member State in this regard (media reporting, media debates, assessment by experts etc.).

Q28a. Have any evaluations or studies in your Member State considered the impact of the national policies to attract immigrant investors on other social issues (employment, access to housing, discrimination, etc.) and have specific indicators been developed?

Yes / **no**

Q28b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report.

If no, please provide also any other evidence/indicator that may be available in your Member State in this regard (media reporting, media debates, assessment by experts etc.).

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Q29. What evidence exists (policy documents, political discourses, media coverage, NGO campaigns, case law examples etc.) that immigrant investors are perceived as abusing national migration rules in your Member State?

-

Section 3.2: Business owners (Maximum 1.5 pages)

Q30a. Have any evaluations or studies in your Member State considered the effectiveness of national policies to attract immigrant business owners?

Yes / no

Q30b If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report.

A think tank, Magma, has commissioned and published a study on immigrant business owners/entrepreneurs called "Yrittäjänä Suomessa – Maahanmuuttajataustaisten yrittäjien kokemuksia (2014)". It gives the immigrant business owners a chance to tell about their own experiences regarding entrepreneurship in Finland. The report states that more than half of all immigrant business owners come from Sweden, Estonia and Russia and most often the business is small-scale and employs only a few persons. The report can be found (in Finnish) at:

The report does not analyse Finnish policies regarding attracting immigrant business owners, but gives a picture of the day-to-day experiences of immigrants with all aspects of running a business (e.g. on how to get information and dealing with the Finnish administration). For the most part, it deals with immigrant business owners, who have started a business after they have come to Finland. Please also see Section 3.4 Q38.

If no, please provide also any other evidence/indicator that may be available in your Member State and provide any examples of good practice in this regard.

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Q31a. Have any evaluations or studies in your Member State considered the effectiveness of the national policies to attract immigrant business owners to the growth of the national economy, and/or in competing with other larger economies, and have specific indicators been developed?

For this question please consider also the contribution of immigrant business owners who are already present on the territory of your Member State.

Yes / no

Q31b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report.

If no, please provide also any other evidence/indicator that may be available in your Member State and provide any examples of good practice in this regard.

Q32a. Have any evaluations or studies in your Member State considered the impact of the national policies to attract immigrant business owners on other social issues (employment social security, discrimination, etc.) and have specific indicators been developed?

Yes / no

Q32b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report.

If no, please provide also any other evidence/indicator that may be available in your Member State in this regard (media reporting, media debates, assessment by experts etc.).

Q33. What evidence exists (policy documents, political discourses, media coverage, NGO campaigns, case law examples etc.) that immigrant business owners are perceived as abusing national migration rules in your Member State?

Section 3.3: Other business persons (Maximum 1.5 pages)

Q34a. Have any evaluations or studies in your Member State considered the effectiveness of national policies to attract other business persons?

Yes / no

Q34b If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report.

If no, please provide also any other evidence/indicator that may be available in your Member State and provide any examples of good practice in this regard.

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The other business persons-categories are not well-known in Finland, and there are no studies or research regarding their impact as means of admission.

Q35a. Have any evaluations or studies in your Member State considered the effectiveness of the national policies to attract other business persons to the growth of the national economy, and/or in competing with other larger economies, and have specific indicators been developed?

Yes / no

Q35b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report.

If no, please provide also any other evidence/indicator that may be available in your Member State and provide any examples of good practice in this regard.

-

Q36. Does any evidence exist on the impact of other business persons on increased volume of trade, increased mobility, increased visibility, etc. for your Member State? EMN NCPs are asked to corroborate information provided with any available data or source.

-

Q37. What evidence exists (policy documents, political discourses, media coverage, NGO campaigns, case law examples etc.) that other business persons are perceived as abusing national migration rules in your Member State?

Please see Q34b.

[Section 3.4: Challenges and obstacles to admitting third country nationals for business purposes \(Maximum 1.5 pages\)](#)

This Section examines the existing challenges and obstacles for the design and implementation of specific policies aiming to attract immigrant investors, immigrant business owners and other business persons and those challenges and barriers reported by the business community. EMN NCPs are asked to address any obstacle to their admission (eligibility criteria, investment plan, business plan, obtaining visa, etc.) or to other macro-level areas such as visa policy, education, trade, etc.).

EMN NCPs are asked to present the findings and analysis of any existing studies / evaluations or evidence collected in any other way and to provide any available statistics in the corresponding tables Annex 1.

Q38. What are the main challenges related to the admission of immigrant investors, immigrant business owner and other business persons in your Member State?

Categories of other business persons	Challenges for national stakeholders associated with the design and implementation of policies for other business persons. <i>If possible studies should be included (sourced as appropriate).</i>	Challenges for applicant at both admission (pre-arrival) and stay stages (e.g. documentation required, waiting times, restrictions, etc.) <i>If possible, the views of the business community, of the immigrant community and studies should be included (sourced as appropriate).</i>

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<i>Immigrant investors</i>	There is no such category, nor is one planned at present.	There is no category
<i>Immigrant business owners</i>		<p>According to representatives of the Finnish business community, the Finnish immigration system is quite rigid and complicated when it comes to admitting persons, especially for entrepreneurship. It is difficult to start a business in Finland from abroad, because a lot of documentation is required beforehand. (source: the Helsinki Chamber Commerce).</p> <p>The study commissioned by the think tank, Magma, mentioned in Q30b, includes comments from immigrant business owners who state that it is fairly easy to start a business in Finland (once you are in the country), because there are good advisory services and you can even apply for a so called "starting grant" for your business. On the other hand, immigrant business owners feel that it is difficult to run a business in Finland as the society is complex and there is a lot of regulation. Even with good advisory services it is difficult to know everything that is required, and the language can be an issue too.</p> <p>The Finnish residence permit system differentiates between different types of companies, so that you are either issued a residence permit for a self-employed person or a residence permit for an employed person, depending ... This is a cause for confusion, and it is perceived as illogical by the foreigners, as well as other stakeholders.</p>
<i>Business visitors for establishment purposes (BVEP)</i>	<p>Finland does not have policies or schemes for admission based on the other business persons-categories. The Ministry for Foreign Affairs is planning to develop the information regarding these categories based on an initiative from the EU Commission. The aim is to provide better information on the possibilities for admission to Finland on the basis of the other business categories, e.g. in the context of the EU free-trade agreements.</p> <p>*</p> <p>* This mentions is valid for all categories.</p> <p>Q19 includes information on how the other business persons-categories are included in the residence permit requirements of the Finnish Alien's legislation.</p>	The other business persons-categories are not well-known as a means of admission to Finland.

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<i>Intra-corporate transferees (ICT)</i>	* This mentions is valid for all categories.	
<i>Business sellers (BS)</i>	* This mentions is valid for all categories.	
<i>Independent professionals (IP)</i>	* This mentions is valid for all categories.	
<i>Contractual services suppliers (CSS)</i>	* This mentions is valid for all categories.	
<i>Graduate trainees (GT)</i>	* This mentions is valid for all categories.	
<i>Other (please describe)</i>	-	

Section A4: Good practices and lessons learned (Maximum 2 pages)

This Synthesis report will highlight any good practices of Member States that have successfully attracted and facilitated the arrival of immigrant investors, immigrant business owners and other business persons. This section will also tackle the extent to which these practices have favoured the (positive) contribution of third-country nationals to the national economy and their likelihood to be promoted and replicated in other Member States and also the extent to which has created monitoring mechanisms to detect misuse / abuse of these migration channels.

This section will include also lessons learned from the practical implementation of specific policies, programmes or schemes for the targeted categories of third-country nationals: lessons learned may address also assessments of the expected and/or unintended (positive and negative) consequences of specific policies, programmes or scheme (i.e. A so-called investor programme has facilitated the admission of wealthy third-country nationals to boost national economy in the real-estate sector. However, as consequence, admitted third-country nationals have invested their money but many properties remain empty due to inflated market rates).

If there are specific examples of good practices that you would like to highlight, please do so below:

Good practices:

The entry to Finland for business purposes is fairly easy with a visa; the formalities are straight-forward and the processing is swift given that Finland issues over one million visas overall per year. If the person adheres to the Schengen- visa code (3 months maximum time for a single visit) it is very likely that a visa will be reissued; with a longer validity and a multiple-entry possibility, which allows for several 3 month-visits to the Schengen-area during the validity of the visa.

If a foreigner wants to start a business or a company, while already residing in Finland on another status, there are plenty of advisory services, which make the process easier. The person can also start a part-time business activity on another status, and then apply for an extension to the residence permit on the grounds for self-employment.

Lessons learned

The Finnish residence permit system differentiates business owners/or other responsible persons according to the type of company, which makes it more difficult to understand from a foreigners' point of view. If a person applies for a first residence permit for a self-employed person (e.g. independent professionals, limited partnership company, individually-owned business), the required documentation includes a business plan and a calculation of the profitability, which are needed for the partial decision made by the Centre for Economic Development, Traffic and the Environment. When applying for this type of residence permit abroad, it is clear that the documentation and calculations needed are not easy to produce without thorough knowledge or advice of the Finnish system and the economy.

If the person owns shares of a public limited company and works in this company, or is a silent partner in a limited liability company he/she needs to apply for a residence permit for an employed person. The residence permit for an employed person requires a partial decision by the Employment and Economy office. The majority of residence permits for an employed person (in this case as entrepreneurs or business owners) are granted, if the applicant can prove that he/she has sufficient funds in the company. The Employment and Economy offices do not have the same assessing obligations of the business activity of a public limited company as the Centres for Economic Development, Traffic and the Environment, who make the partial decision for a residence permit for a self-employed person. The entrepreneurs/business owners who enter Finland with a residence permit for an employed person are granted a residence permit based on a planned business activity, even though they do not work themselves or employ others in their business. This is by no means illegal, although it can be considered to be against the spirit of the immigration regulations. Within the scope of the action plan on the Future of Migration 2020 strategy, there is a proposed action point to examine whether this type of business activity can be transferred to be processed as a residence permit for a self-employed person.

The mentioned issues make the residence permit system quite cumbersome regarding entrepreneurs and business owners, which result in low number of applications.

In some cases, a separate permission to register a business in the Finnish Trade Register is needed from the Finnish Patent and Registration office. This is necessary when none of the responsible persons in the company are domiciled in the EU/EEA-area.

The categories of other business persons within the scope of this study are included in the immigration legislation, although they are not marketed and thus not well-known as means of admission to Finland for business purposes.

There is no category for immigrant investors as per the definition in the study. Finnish policy emphasizes the importance to attract foreign investment, although there is no mention on how to admit the actual persons making the investments and how to attract them.

Statistically, it is very difficult to pinpoint the actual numbers of persons admitted for business purposes. The number of granted visas for business purposes is quite high, although in contrast, the residence permits granted for business owners/self-employed persons or other business persons is very low, and it is impossible to distinguish the separate other business persons from the other residence permits in a reliable way.

Section 5: Conclusions (*Maximum 2 pages*)

The Synthesis Report will outline the key findings, main observations of the Study, present conclusions relevant for policymakers at national and EU level and identify policy pointers for future actions.

Specific conclusions drawn by Member States should be included in the Top Line Factsheet to prevent duplication of efforts.

The key findings of the Finnish study point out that the admission of third-country nationals for business purposes has not been emphasized much, especially regarding the residence permit system. Finland does not have a category for immigrant investors, nor does it actively promote the categories of other business persons (as per mode IV).

On the other hand, entering Finland with a visa for business purposes is very flexible and efficient. Finland issues over 40 000 Schengen C-visas on the ground of business annually. The numbers of issued residence permits for self-employed persons, as well as the other categories is very low. It is evident that admission with a visa is by far the most common way for third-country nationals of entering Finland (and the Schengen-area) for business purposes.

The comments from different stakeholders are similar; the visa system is perceived as very convenient and efficient, and in contrast, the residence permit system is viewed as complex, rigid and cumbersome, regarding admission for purposes of self-employment or other business purposes. The application of a first residence permit for a self-employed person from abroad requires e.g. a business plan, a calculation of profitability and several other documents, which might be quite difficult to produce before entering Finland. The view from the business community is that the process should be made easier to enter the country and start a business, instead of demanding a lot of documentation beforehand. The viability of the business could then be assessed after a certain period of time. The current system most probably discourages many, which result in a low number of first applications.

In the Finnish context, it is more likely that a third-country national will start a business after having entered Finland on another status (employment, study, family). Accounts from immigrants who have started a business in Finland, state that it is fairly simple to start a business in Finland once you are accustomed to the society and gain knowledge regarding sources of information and other advisory services. On the other hand, the same immigrant business owners also state that it is quite difficult to succeed in Finland with a business. The regulation and the legislation concerning companies and business activities are very comprehensive. Several different authorities are involved in the processes, which makes the bureaucracy quite heavy. The level of taxation is also seen as high.

On the policy level, Finland aims to attract more foreign investments and companies, and there are ongoing promotional activities, e.g. through the Team Finland and Invest in Finland networks. The policy level initiatives do not generally mention the actual admission of persons for business purposes.

As a member of the EU, Finland participates in the common EU trade policy, which means participating in the negotiations on free trade agreements with third-countries. Finland sets its own national priorities in the context of the free trade agreements, although at present, the means of admission based on the free trade agreements are

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not well known. Therefore the Ministry for Foreign Affairs, who is the responsible national authority in EU trade policy, is on the initiative of the EU Commission planning to develop the information services in this area together with other responsible authorities (e.g. the immigration administration).

As a conclusion it can be stated, that Finland has to decide what it wants to achieve regarding the attraction and admission of third-country nationals for business purposes. The attraction of foreign investment as well as the encouragement and facilitation of immigrants to become entrepreneurs have been stated in policy documents. In order to be successful with these aims, Finland needs better coordination between the different authorities and an open dialogue with all stakeholders, especially the business community.

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Annex 1

Statistics from Member States will be used in the Synthesis Report to contextualise the statistics provided in this annex.

Table 1: Statistics on immigrant investors and immigrant business owners

Indicators	2009	2010	2011	2012	2013	Source / further information
Statistics on immigrant investors³²						
Number of visa applications (national D-type visas) * Finland does not issues D-visas nor does it have the category immigrant investor	n/a	n/a	n/a	n/a	n/a	
Number of visa issued (national D-type visas)	n/a	n/a	n/a	n/a	n/a	
Number of visa refused (national D-type visas)	n/a	n/a	n/a	n/a	n/a	
Number of applications for residence permits (perhaps an estimate e.g. admissions)	n/a	n/a	n/a	n/a	n/a	
Number of residence permits issued (perhaps an estimate e.g. admissions)	n/a	n/a	n/a	n/a	n/a	
Number of residence permits refused / withdrawn (perhaps an estimate e.g. admissions)	n/a	n/a	n/a	n/a	n/a	
Average age of migrant investors who were granted residence permits (and national D-type visas?)	n/a	n/a	n/a	n/a	n/a	
Statistics on immigrant business owners³³						
Number of visa applications (national D-type visas) * Finland does not issues D-visas	n/a	n/a	n/a	n/a	n/a	
Number of visa issued (national D-type visas)	n/a	n/a	n/a	n/a	n/a	
Number of visa refused (national D-type visas)	n/a	n/a	n/a	n/a	n/a	
Number of applications for residence permit Residence permit for a self-employed person	95	117	103	165	118	Finnish Immigration Service
Number of residence permits issued (perhaps an estimate e.g. admissions) Residence permit for a self-employed person	57	43	55	68	65	Finnish Immigration Service
Number of residence permits refused / withdrawn (perhaps an estimate e.g. admissions) Residence permit for a self-employed person	13	35	55	52	44	Finnish Immigration Service
Number of residence permits reflecting a change of status into business owner (specifying, if possible, from which category – i.e. student, family member, beneficiary of international protection, etc.)* Reliable data is not available	n/av	n/av	n/av	n/av	n/av	
Average age of immigrant business owners	n/av	n/av	n/av	n/av	n/av	
Statistics on other business persons corresponding to Annex 2 (EU Mode 4 categories) and other business persons as recognised by Member States						
Number of third-country nationals admitted under EU Mode 4 categories or equivalent categories indicated in Q22. If available data can be broken down according to the categories	n/a	n/a	n/a	n/a	n/a	

32 For Ireland and the United Kingdom, statistics refer to the relevant visas on immigrant investors, but please indicate the name of the visa category to which the data refer to.

33 For Ireland and the United Kingdom, statistics refer to the relevant visas on business owners, but please indicate the name of the visa category to which the data refer to.

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in Annex 2, please provide them in a separate spreadsheet. * Data is not available according to the Mode IV-categories.						
Number of visa applications (national D-type visas)	n/a	n/a	n/a	n/a	n/a	
Number of visa issued (national D-type visas)	n/a	n/a	n/a	n/a	n/a	
Number of visa refused (national D-type visas)	n/a	n/a	n/a	n/a	n/a	
Number of visa applications (Schengen C-type visas)	795 554	1 020 825	1 259 64 3	1 392 048		EU Commission visa statistics
Number of visa issued (Schengen C-type visas) Total	781 756	1 009 158	1 249 368	1 378 484	1 556 916	Ministry for Foreign Affairs
Number of visa issued (Schengen C-type visas) Visas issued on the grounds of business	n/av.	47 937	48 422	45 909	41 224	Ministry for Foreign Affairs
Number of visa refused (Schengen C-type visas) Refusal rate in %	n/av	1.3%	1.2%	1.3%	n/av	EU Commission visa statistics

Table 2: indications of the average length of time needed for each of the following indicators

The table below is not intended as having detailed, 'hard' statistics on the average length of time taken, but rather as approximate indications. In case you concrete statistics or data are available however, please provide them separately.

- Please indicate with 'X' the (approximate) average length of time needed for each of the indicators.

Average length of time expected (in days)	A few days	From a few days to a week	Up to two weeks	Up to a month	More than a month
Average time expected between lodging an application and the final decision for a visa application of an <u>immigrant investor (national D-type visa)</u>	n/a	n/a	n/a	n/a	n/a
Average time expected between lodging an application and the final decision for a visa application of an <u>immigrant business owner (national D-type visa)</u>	n/a	n/a	n/a	n/a	n/a
Average time expected for registering a business (from application to establishment)			X		
If possible to change status: the average time expected for third-country nationals already present in the Member State to change their status into <u>immigrant investor</u> (from family reasons, study reasons, asylum, etc.)	n/a	n/a	n/a	n/a	n/a
If possible to change status: the average time expected for third-country nationals already present in the Member State to change their status into <u>immigrant business owner</u> (from family reasons, study reasons, asylum, etc.)					X

Please indicate if statistics are available on businesses established by immigrant business owners and by Business Visitors for Establishment Purposes (BVEP): (such as total number of businesses established by third-country nationals; number of FTEs created by migrant investors and business owners; number of survived / closed businesses; share of businesses per size (share of 1; 2-10, 11-19, 20-49, 50+ employees). If possible, EMN NCPs are asked to indicate whether

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data refer to newly admitted business owners or they include also those third-country nationals already living in their Member States

Data not available according to the criteria in the question.

The 2012 data from the Labour Force Survey by Statistics Finland gives a figure of 11 376 foreign-born entrepreneurs. 2011 data from Statistics Finland show 6321 companies with owners of foreign origin.

- Please indicate if statistics are available on the economic effects of immigrant investments or businesses (such as the share of migrant investments out of total annual national investments; number of FTEs created/supported as a result of investments by third-country nationals; the tax contribution to the national revenue systems of immigrant business owners and investors; the increased economic ties / trade volumes with specific third countries as a result of immigrant business owners and investors).

N/a

Annex 2

Table 1: Temporary Movement of Natural Persons under international trade agreements – the EU “Mode 4” categories

Category	Criteria	Length of stay
BVEP: Business visitors for establishment purposes'	Natural persons - working in a senior position who: - are responsible for setting up an enterprise, - do not offer or provide services or engage in any other economic activity than required for establishment purposes. - do not receive remuneration from a source located within the host Party.	Up to 90 days in any twelve month period
ICT: 'Intra-corporate transferees' ³⁴	Natural persons who: - have been employed by a juridical person or have been partners in it for at least one year	Up to 3 years

³⁴ Definition as in Directive 2014/66/EU

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	<p>- are temporarily transferred to an enterprise, the host entity, that may be a subsidiary, branch or head company of the juridical person in the territory of the other Party,</p> <p>- belong to one of the following categories:</p> <p>1. Managers:</p> <p>Persons holding a senior position, who primarily direct the management of the host entity, receiving general supervision or guidance principally from the board of directors of the business or equivalent; that position shall include:</p> <ul style="list-style-type: none"> - directing the host entity or a department or sub-division of the host entity - supervising and controlling the work of other supervisory, professional or managerial employees - having the authority to recommend hiring, dismissing or other personnel action;. <p>2. Specialists:</p> <p>Persons working within a juridical person who possess specialised knowledge essential to the host entity's areas of activity, techniques or management. In assessing such knowledge, account shall be taken not only of knowledge specific to the host entity, but also of whether the person has a high level of qualification including adequate professional experience referring to a type of work or activity requiring specific technical knowledge, including possible membership of an accredited profession;</p>	
GT: Graduate trainees / trainee employees³⁵	Natural persons with a university degree who are transferred to a host entity for career development purposes or in order to obtain training in business techniques or methods, and are paid during the transfer;	Up to 1 year
BS: Business sellers	<p>Natural persons who:</p> <ul style="list-style-type: none"> - are representatives of a services or goods supplier of one Party, - seeking entry and temporary stay in the territory of the other Party for the purpose of negotiating the sale of services or goods, or entering into agreements to sell services or goods for that supplier - do not engage in making direct sales to the general public - do not receive remuneration from a source located within the host Party 	Up to 90 days in any twelve month period

³⁵ Directive 2014/66/EU

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	- nor are they commission agents.	
CSS: 'Contractual services suppliers'	<p>Natural persons:</p> <ul style="list-style-type: none"> - employed by a juridical person of one Party which itself is not an agency for placement and supply services of personnel nor acting through such an agency, has not established in the territory of the other Party and has concluded a bona fide contract to supply services with a final consumer in the latter Party, requiring the presence on a temporary basis of its employees in that Party, in order to fulfil the contract to provide services - must be engaged in the supply of a service on a temporary basis as employees of a juridical person, which has obtained a service contract not exceeding twelve months. - should be offering such services as employees of the juridical person supplying the services for at least the year immediately preceding the date of submission of an application for entry into the other Party. - must possess, at the date of submission of an application for entry into the other Party, at least three years professional experience in the sector of activity which is the subject of the contract. - must possess a university degree or a qualification demonstrating knowledge of an equivalent level - must possess professional qualifications where this is required to exercise an activity pursuant to the laws, regulations and legal requirements of the Party where the service is supplied. - shall not receive remuneration for the provision of services in the territory of the other Party other than the remuneration paid by the juridical person employing the natural person.. 	A cumulative period of not more than 6 months or, in the case of Luxembourg, 25 weeks in any twelve month period or for the duration of the contract, whichever is less.
IP: 'Independent professionals'	<p>Natural persons:</p> <ul style="list-style-type: none"> - engaged in the supply of a service - established as self-employed in the territory of a Party who have not established in the territory of the other Party - who have concluded a bona fide contract (other than through an agency for placement and supply services of personnel) to supply services with a final consumer in the latter Party, requiring their presence on a temporary basis in that Party in order to fulfil the contract to provide services - must be engaged in the supply of a service on a temporary basis as self-employed persons established in the other Party - must have obtained a service contract for a period not exceeding twelve months. - must possess, at the date of submission of an application for entry into the other Party, at least six years professional experience in the sector of activity which is the subject of the contract. - must possess a university degree or a qualification demonstrating knowledge of an equivalent 	A cumulative period of not more than 6 months or, in the case of Luxembourg, 25 weeks in any twelve month period or for the duration of the contract, whichever is less.

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	- must possess professional qualifications where this is required to exercise an activity pursuant to the laws, regulations or legal requirements of the Party where the service is supplied.	
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