

**EMN FOCUSED STUDY  
2014**

# Admitting third-country nationals for business purposes

– National Report of Finland



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# Admitting third-country nationals for business purposes – National report of Finland

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The EMN has been established by Council Decision 2008/381/EC and is financially supported by the European Union. The objective of the EMN is to meet the information needs of Community institutions and of Member States' authorities and institutions by providing up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in the European Union in these areas. The EMN also serves to provide the general public with such information.

The study was produced by the Finnish National Contact Point of the European Migration Network (EMN), which is coordinated by the European Commission. The Commission is not responsible for the views or conclusions presented herein.

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# Top-line “factsheet”

## NATIONAL CONTRIBUTION

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

## Section 1.1: Immigrant investors: overview of national policies

**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 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.

collects and maintains information about foreign-owned companies in Finland.

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

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?*

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
<b>What do these specific measures entail?</b> (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.
<b>Does a list of specific procedural facilitations for admission exist? If yes, please explain what they entail</b> (reduced costs, shortened processing time, reduced documentary requirements, minimum residence period required (per year), possibility of renewal, etc.)	No
<b>Are there specific tax incentives?</b> (benefits, exemptions, etc.)	No
<b>Does the possibility exist for immigrant investors to be accompanied by family members?</b>	No
<b>Are family members allowed to access the labour market?</b>	No
<b>Are immigrant investors granted access to social benefits?</b>	No
<b>Are immigrant investors granted access to citizenship?</b>	No
<b>Other</b> (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?

No.

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

**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?
<b>Minimum financial amount to invest</b> (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	-
<b>Investment plan</b> If Yes, please complete the table in Q6b	No	
<b>Expected Impact of proposed investment in the Member State</b> (economy, public life etc.)	No	-
<b>Minimum Education / Professional skills</b>	No	-
<b>Language knowledge</b> (certification, pre-entry tests, mandatory courses, etc.)	No	-
<b>Age requirement for applicants</b> (minimum / maximum)	No	-
<b>Security / health / background checks in place</b> (origin of investment, fraud checks, previous bogus activities, etc.)	No	-
<b>Other</b> (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
<b>Information required on legal aspects of the investment.</b>	No
<b>Information required on the commercial and financial aspects</b> (nature of the investment, origin of the capital to invest, target groups, preliminary contracts, performance indicators, etc.)	No
<b>National institution responsible for the assessment/ approval</b>	No
<b>Duration of examination / due diligence phase</b>	No
<b>Documentation required</b> (If a list exists, please report it here)	No
<b>Review period</b>	No
<b>Other</b> (please state)	-



**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.)*

-

**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
<b><i>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?</i></b>	No

## Section 1.3: Immigrant business owners: overview of national policies

**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 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.

**Q11b.** *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).

**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
<b>What do these specific measures entail?</b> (active promotion / information dissemination / campaigns / events including in third countries, etc.)	-
<b>Does a list of specific procedural facilitations for admission exist? If yes, please explain what they entail</b> (reduced costs, shortened processing time, reduced documentary requirements, minimum residence period required (per year), possibility of renewal, etc.)	-
<b>Do specific support measures exist?</b> (financial / logistic, business support to applicants to establish a business plan, recognition of qualification etc.)	-
<b>Are there specific tax incentives?</b> (benefits, exemptions, etc.)	-

<b>Are immigrant business owners granted access to social benefits?</b>	-
<b>Are immigrant business owners granted access to citizenship?</b>	-
<b>Does the possibility exist for immigrant business owners to be accompanied by family members?</b>	-
<b>Are family members allowed to access the labour market?</b>	-
<b>Other</b> (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

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

**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?
<b>Evidence of entrepreneurial skills</b> (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.
<b>Minimum level of educational achievement / professional skills</b> (please specify)	Yes, evidence of professional skills is required, see Q14b, Documentation required.	Yes, evidence of professional skills is required, see Q14b, Documentation required.
<b>Evidence of capital</b> (minimum sum required)	<p>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 the means of support of self-employed persons. 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>	Yes

	<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).</p> <p>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 time, the Centre for Economic Development, Transport and the Environment determines whether self-employment is temporary or continuous.</p>	
<b>Contribution to the economy / employment of the Member State</b> (national interest, "jobs - created", contribution to specific sector, innovativeness of activity, introduction of new technologies, etc.)	No	No
<b>Business plan</b> If a business plan is required, please complete the table in Q14b	Yes, see Q14b	Yes
<b>Language knowledge</b> (certification, pre-entry tests, mandatory courses, etc.)	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.
<b>Age requirement for applicants</b> (minimum / maximum)	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.
<b>Insurance requirement</b> (personal and/or for the investment)	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).
<b>Security / background checks in place</b> (fraud checks, tax avoidance, previous bogus activities, money origin / money laundering, etc.)	<p>No security checks are conducted in relation to business operations, but the general requirements related to granting a residence permit must be met.</p> <p>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.</p> <p>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 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.</p> <p>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>	Yes

**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
<b>National institution responsible for the approval / Self-assessment</b>	<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>
<b>Information required on legal aspects of the business</b> (form of the business, principal activity, subsidiary of existing activity)	See Documentation required below.
<b>Information required on the commercial and financial aspects</b> (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.
<b>Duration of examination of the business plan</b>	The duration of the assessment of the business operations conducted by the Centre for Economic Development, Transport and the Environment has been on average 160 days in the period 2011-2014.
<b>Documentation required</b> (please provide a list of the documents required)	<ul style="list-style-type: none"> <li>• Detailed description of the business idea</li> <li>• 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</li> <li>• 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</li> <li>• The Trade Register extract or an account of why the company has not been registered in the Trade Register</li> <li>• Evidence of premises (a rental agreement or a similar document)</li> <li>• Evidence of assets and other income</li> <li>• Evidence of professional skills</li> <li>• Evidence of the number of personnel</li> </ul>
<b>Review period</b>	
<b>Other</b>	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).

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
<b>National institution responsible for the registration of the business in the Member State</b>	The Finnish Patent and Registration Office (PRH) is the responsible party when a company is registered in the Finnish Trade Register.
<b>Type of business</b> (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.
<b>Place of registration of business</b> (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.
<b>Main requirements for registration of business</b> (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 Register, the notification must be accompanied by a clarification, that proves the actual existence of the person is question.
<b>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?</b>	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.
<b>Other</b> (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
<p><b>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?</b></p>	<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 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.</p> <p>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 (Validity of first fixed-term residence permits) 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><b>Is there a requirement that a business is active during the extension of permits?</b></p> <p><b>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.)</b></p> <p><b>Who assesses this information?</b></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><b>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?</b></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 1.5: Other business persons: overview of national policies

**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
Business visitors for establishment purposes (BVEP)	<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), Subsection 7 of the Aliens Act:</p> <p>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</p>
Intra-corporate transferees (ICT)	<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), Subsection 11 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.</p>
Business sellers (BS)	-
Independent professionals (IP)	<p>Short-term entry/visit by Schengen C-visa (grounds business)</p> <p>Persons pursuing a trade, grounds for a residence permit in the Aliens Act, a residence permit for a self-employed person</p>
Contractual services suppliers (CSS)	<p>Short-term entry/visit by Schengen C-visa (grounds business)</p> <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>
Graduate trainees (GT)	<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>
Other (please describe)	-

**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?
Business visitors for establishment purposes (BVEP)	There are no specific policies for other business persons.  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. *  * Relates to all categories of other business persons.	-	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.	No
Intra-corporate transferees (ICT)	*			No
Business sellers (BS)	*			No
Independent professionals (IP)	*			No
Contractual services suppliers (CSS)	*			No
Graduate trainees (GT)	*			No
Other (please describe)	*			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
Business visitors for establishment purposes (BVEP)	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.
Intra-corporate transferees (ICT)	*				
Business sellers (BS)	*				
Independent professionals (IP)	*				
Contractual services suppliers (CSS)	*				
Graduate trainees (GT)	*				
Other (please describe)	-				

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

**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) list of admission criteria? If yes, please indicate the criteria.
Business visitors for establishment purposes (BVEP)	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 year (first permit)	Visa (visa-free regime) or residence permit	
Intra-corporate transferees (ICT)	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	
Business sellers (BS)	-	-	-	-	
Independent professionals (IP)	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	
Contractual services suppliers (CSS)	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 temporary by nature	Visa or visa-free regime	
Graduate trainees (GT)	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	
Other (please describe)	-			-	

**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.

<b>Categories of other business persons</b>	<b>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?</b>
Business visitors for establishment purposes (BVEP)	
Intra-corporate transferees (ICT)	
Business sellers (BS)	-
Independent professionals (IP)	
Contractual services suppliers (CSS)	
Graduate trainees (GT)	
Other (please describe)	-

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

**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><b>Does your national legislation provide for a definition of misuse and and/or abuse?</b></p> <p><b>If yes, do they differ? Please describe</b></p> <p><b>If no, how are they defined in practice?</b></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> <ol style="list-style-type: none"> <li>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 or permanent residence card;</li> <li>2) deliberately, without right to gainful employment is gainfully employed or pursues a trade;</li> <li>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</li> <li>4) deliberately enters the country despite a prohibition of entry on grounds of public order, security or health</li> </ol> <p>shall be sentenced to a fine for a violation of the Aliens Act. (323/2009)</p>	The same provisions apply to other business persons as to business owners.
<p><b>What are the specific measures in place in the Member States to monitor, detect and prevent misuse/abuse at admission stage?</b> (in addition to the criteria to be satisfied as reported under Sections 1.2)</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 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><b>What are the entities responsible for the monitoring of compliance of immigrant business owners and immigrant investors and what are their specific responsibilities?</b> (Labour Inspectorate, Labour Exchange office, Tax authorities, Ministry of Interior, Migration services)</p> <p><b>Does a national referral mechanism (or its equivalent) exist? (Yes/No).</b></p> <p><b>If yes, how is information shared between stakeholders involved?</b></p> <p><b>Is there an obligation to inform about misuse/abuse identified by other institution</b> (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 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>	-
<p><b>What is the frequency of control?</b></p>	-	<p>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>	-
<p><b>What are the main sectors where misuse/abuse occurs?</b> (real estate, transfer of capital, national funds / bonds, business investments, etc.)</p> <p>Please list the top three</p>	-	<p>Regarding companies established by immigrants or immigrant business owners, there is not sufficient evidence to be able to single out certain sectors.</p>	-
<p><b>If misuse/abuse is detected, what are the penalties imposed on the third-country national concerned</b> (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.)</p>	-	<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>	
<p><b>What other circumstances might result in the withdrawal / non-renewal of a long-stay visa / residence permit?</b></p>	-	<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>	

**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

### Section 3.1: Immigrant investors

**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](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 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.**

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*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.).*

**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

**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.*

**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**

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**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

**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.*

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.*

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**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.*

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**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

*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?*

<b>Categories of other business persons</b>	<b>Challenges for national stakeholders associated with the design and implementation of policies for other business persons.</b>	<b>Challenges for applicant at both admission (pre-arrival) and stay stages</b> (e.g. documentation required, waiting times, restrictions, etc.)
Immigrant investors	If possible studies should be included (sourced as appropriate).  There is no such category, nor is one planned at present.	If possible, the views of the business community, of the immigrant community and studies should be included (sourced as appropriate).  There is no category
Immigrant business owners		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).  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.  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.
Business visitors for establishment purposes (BVEP)	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. *  * This mentions is valid for all categories.  Q19 includes information on how the other business persons-categories are included in the residence permit requirements of the Finnish Alien's legislation.	The other business persons-categories are not well-known as a means of admission to Finland.

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

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## Section 4: Good practices and lessons learned

### 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. Third-country nationals who do not require a visa to enter Finland, can stay in Finland (and in other Schengen-area countries) for a maximum of 90 days during a 180-day time period.

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/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

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. Third-country nationals who do not require a visa to enter Finland, can stay in Finland (and in other Schengen-area countries) for a maximum of 90 days during a 180-day time period.

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 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.

## Annex 1

Table 1: Statistics on immigrant investors and immigrant business owners

Indicators	2009	2010	2011	2012	2013	Source / further information
Statistics on immigrant investors <sup>2</sup>						
Number of visa applications (national D-type visas) * Finland does not issue 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 owners <sup>3</sup>						
Number of visa applications (national D-type visas) * Finland does not issue Please see Q34b. 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 in Annex 2, please provide them in a separate spreadsheet. * Data is not available according to the Mode IV-categories.	n/a	n/a	n/a	n/a	n/a	
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	1 259 643	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

<sup>2</sup> 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.

<sup>3</sup> 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.

**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 immigrant investor (national D-type visa)	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 immigrant business owner (national D-type visa)	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 immigrant investor (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 immigrant business owner (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 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
<b>BVEP:</b> <b>Business visitors for establishment purposes'</b>	Natural persons <ul style="list-style-type: none"> <li>- working in a senior position who:</li> <li>- are responsible for setting up an enterprise,</li> <li>- do not offer or provide services or engage in any other economic activity than required for establishment purposes.</li> <li>- do not receive remuneration from a source located within the host Party.</li> </ul>	Up to 90 days in any twelve month period
<b>ICT:</b> <b>'Intra-corporate transferees' 4</b>	Natural persons who: <ul style="list-style-type: none"> <li>- have been employed by a juridical person or have been partners in it for at least one year</li> <li>- 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,</li> <li>- belong to one of the following categories:               <ol style="list-style-type: none"> <li>1. Managers:                   <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"> <li>- directing the host entity or a department or sub-division of the host entity</li> <li>- supervising and controlling the work of other supervisory, professional or managerial employees</li> <li>- having the authority to recommend hiring, dismissing or other personnel action;.</li> </ul> </li> <li>2. Specialists:                   <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> </li> </ol> </li> </ul>	Up to 3 years
<b>GT:</b> <b>Graduate trainees / trainee employees 5</b>	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
<b>BS:</b> <b>Business sellers</b>	Natural persons who: <ul style="list-style-type: none"> <li>- are representatives of a services or goods supplier of one Party,</li> <li>- 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</li> <li>- do not engage in making direct sales to the general public</li> <li>- do not receive remuneration from a source located within the host Party</li> <li>- nor are they commission agents.</li> </ul>	Up to 90 days in any twelve month period

<sup>4</sup> Definition as in Directive 2014/66/EU

<sup>5</sup> Directive 2014/66/EU

<p><b>CSS:</b></p> <p><b>'Contractual services suppliers'</b></p>	<p>Natural persons:</p> <ul style="list-style-type: none"> <li>- 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</li> <li>- 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.</li> <li>- 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.</li> <li>- 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.</li> <li>- must possess a university degree or a qualification demonstrating knowledge of an equivalent level</li> <li>- 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.</li> <li>- 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..</li> </ul>	<p>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.</p>
<p><b>IP:</b></p> <p><b>'Independent professionals'</b></p>	<p>Natural persons:</p> <ul style="list-style-type: none"> <li>- engaged in the supply of a service</li> <li>- established as self-employed in the territory of a Party who have not established in the territory of the other Party</li> <li>- 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</li> <li>- must be engaged in the supply of a service on a temporary basis as self-employed persons established in the other Party</li> <li>- must have obtained a service contract for a period not exceeding twelve months.</li> <li>- 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.</li> <li>- must possess a university degree or a qualification demonstrating knowledge of an equivalent</li> <li>- 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.</li> </ul>	<p>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.</p>

**FOKUSOITU EMN-TUTKIMUS  
2014**

# Kolmansien maiden kansalaisten maahantulo liiketoimintatarkoituksessa

– Suomen kansallinen raportti



Euroopan unionin  
osarahoittama

# Kolmansien maiden kansalaisten maahantulo liiketoimintatarkoituksessa – Suomen kansallinen raportti

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Euroopan muuttoliikeverkosto (EMN) perustettiin Neuvoston päätöksellä 14. päivänä toukokuuta 2008 ja se saa taloudellista tukea Euroopan unionilta. Euroopan muuttoliikeverkoston tavoitteena on vastata yhteisön toimielinten sekä jäsenvaltioiden viranomaisten ja laitosten tarpeeseen saada tietoa maahanmuutto- ja turvapaikka-asioista tuottamalla ajantasaista, puolueetonta, luotettavaa ja vertailukelpoista tietoa näitä asioita koskevan politiikan suunnittelun tukemiseksi Euroopan unionissa. EMN antaa lisäksi yleisölle tietoa kyseisistä asioista.

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## Top-line “factsheet”

### NATIONAL CONTRIBUTION

Suomen lähestymistapaa maahantuloon liiketoimintatarkoituksessa leimaa pragmaattisuus. On olemassa kaksi maahantulon väylää, viisumi tai oleskelulupa. Kumpaakaan väylää ei markkinoida aktiivisesti, mutta tulijoiden määrissä on suuri ero. Suomessa ulkoasiainministeriö on vastuussa viisumiasioista ja sisäministeriö oleskelulupa-asioista.

Maahantulo viisumilla on ylivoimaisesti suosituin tapa tulla Suomeen liiketoimintatarkoituksessa. Suomi myöntää vuosittain n. 40 000 ns. business-viisumia. Suomi myöntää ainoastaan ns. Schengen C-viisumeita, jotka on tarkoitettu maksimissaan 3kk kestävään yhtäjaksoiseen oleskeluun. Viisumijärjestelmä koetaan joustavaksi ja tehokkaaksi. Suomen lainsäädäntö ei sisällä käsitettä tai kategoriaa maahanmuuttajainvestoija/-investori tämän tutkimuksen määritelmien mukaisesti.

Suomen lainsäädäntö ei sisällä käsitettä tai kategoriaa maahanmuuttajasijoittaja/-investori tämän tutkimuksen määritelmien mukaisesti.

Oleskelulupaprosessissa yrittäjille, yrityksen omistajille ja elinkeinonharjoittajille myönnetään joko elinkeinonharjoittajan oleskelulupa tai työntekijän oleskelulupa. Oleskeluluvan tyyppi riippuu yritysmuodosta. Eri toimijat kokevat oleskelulupajärjestelmän jäykkänä ja monimutkaisena. Tämä on luultavasti yksi syy miksi ensimmäisiä oleskelulupia elinkeinonharjoittamisen perusteella myönnetään hyvin vähän.

Tutkimuksen “other business persons”-kategoriat,

jotka määritellään Maailman kauppajärjestön (WTO) palvelukauppasopimuksen GATS (General Agreement on Trade in Services) Mode IV-osassa on sisällytetty Ulkomaalaislakiin, mutta ne eivät ole maahantulon väylänä kovin tunnettuja. Ulkoasiainministeriö toimii EU:n kauppapolitiikan kansallisena vastuutahona ja osallistuu EU:n vapaakauppasopimusneuvotteluihin. EU komission aloitteesta ulkoasiainministeriö kehittää tiedotusta koskien maahantuloa “other business persons”-kategorioiden perusteella, varsinkin EU:n vapaakauppasopimukseen liittyen.

Suomi on markkinoinut itseään ulkomaisten investointien kohdemaana eri tavoin, mutta nämä toimenpiteet eivät sisällä mainintoja henkilöiden houkuttelemisesta tai maahanpääsystä liiketoimintatarkoituksissa.

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

## Section 1.1: Immigrant investors: overview of national policies

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

Suomen lainsäädäntö ei tunne käsitettä maahanmuuttajasijoittaja/-investori.

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

Yes / **No** Ei varsinaista investoreille (henkilöille) suunnattua strategiaa, mutta yleisemmällä tasolla Team Finland ja Invest in Finland-toiminta tähtää investointien houkuttelemiseen.

**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

Suomella ei ole erityisiä ohjelmia jotka on kohdistettu tutkimuksessa tarkoitettulle ryhmälle, mutta Team Finland-verkoston toiminnan yhtenä osa-alueena on mainittu Suomeen suunnattujen investointien edistäminen. Vuoden 2015-strategiassaan Team Finland-verkosto nostaa esiin investointien houkuttelemisen yhtenä kehittämisalueenaan. Invest in Finland-palvelu toteuttaa konkreettisesti mainittua strategiaa ja palvelee ulkomaisia yrityksiä ja sijoittajia, mm. tiedolla siitä mitä Suomella on tarjota.

Team Finland -verkosto edistää Suomen asiaa maailmalla: Suomen taloudellisia ulkosuhteita, suomalaisten yritysten kansainvälistymistä, Suomeen suuntautuvia ulkomaisia investointeja ja Suomen maakuvaa. Team Finland -toimintamalli tuo yhteen näiden alojen keskeiset toimijat kotimaassa ja ulkomailla. Toimijoita ohjaavat yhteiset, valtioneuvoston vuosittain vahvistamat tavoitteet. Yhteistyön tavoitteena on luoda selkeä, joustava ja asiakaslähtöinen toimintamalli, jossa Team Finland -toimintakenttään kuuluvia hankkeita toteutetaan yhteistyössä valtion ja yksityisten toimijoiden kesken.

Team Finland -verkoston ytimen muodostavat työ- ja elinkeinoministeriö, ulkoasiainministeriö, opetus- ja kulttuuriministeriö sekä näiden ohjauksessa olevat julkisrahoitteiset organisaatiot ja ulkomaiset toimipisteet (muun muassa Suomen ulkomaanedustustot, Finpron ja Tekesin toimipisteet sekä kulttuuri- ja tiedeinstituutit).Maailmalla Team Finland -verkostoa edustaa yli 70 paikallista tiimiä. Ne kokoavat yhteen kullakin alueella toimivat Suomen viranomaiset, julkisrahoitteiset organisaatiot sekä muut keskeiset Suomi-toimijat. Kotimaassa Team Finland -verkoston tärkeä osa ovat puolestaan ELY-keskusten paikalliset tiimit, joita on viisitoista.

Invest in Finland on palvelu- ja asiantuntijaorganisaatio, joka hankkii ulkomaisia yrityksiä Suomeen. Se on työ- ja elinkeinoministeriön alainen ja rahoittama yksikkö, jonka toiminnan tavoitteena on vahvistaa osaamiskeskittymiä, lisätä työllisyyttä ja yritysten kansainvälistymistä.

Invest in Finland tuottaa tietoa Suomesta investointikohteena sekä kehittää ja koordinoi kansallista ulkomaisten investointien hankintatyötä verkottuen alueellisten ja kansainvälisten toimijoiden kanssa.

Lisäksi Invest in Finland kerää ja ylläpitää tietoa ulkomaalaisomisteisista yrityksistä Suomessa. Invest in Finland on osa Finproa, joka on kansainvälistä kasvua ja suomalaisten yritysten menestystä

rakentava asiantuntijaorganisaatio. Finpron maailmanlaajuinen verkosto on olennainen osa Invest in Finlandin työtä ulkomailla.

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

Ei

**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?*

Työhön osallistuvat työ- ja elinkeinoministeriö, ulkoasiainministeriö, opetus- ja kulttuuriministeriö sekä näiden ohjauksessa olevat julkisrahoitteiset organisaatiot ja ulkomaiset toimipisteet (muun muas-

sa Suomen ulkomaanedustustot, Finpron ja Teke-sin toimipisteet sekä kulttuuri- ja tiedeinstituutit). Vuosittaiset tavoitteet määritellään valtioneuvoston toimesta.

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

Team Finland ja Invest in Finland-verkostot sekä 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
<b>What do these specific measures entail?</b> (active promotion / information dissemination / campaigns / events including in third countries, etc.)	Suomella ei ole yksittäisille investoijille (henkilöille) kohdistettuja toimenpiteitä. Team Finland ja Invest in Finland suuntautuvat yleisemmällä tasolla ulkomaisten investointien houkuttelemiseen Suomeen. He mainostavat Suomea ja Suomen tarjoamia mahdollisuuksia.
<b>Does a list of specific procedural facilitations for admission exist? If yes, please explain what they entail</b> (reduced costs, shortened processing time, reduced documentary requirements, minimum residence period required (per year), possibility of renewal, etc.)	Ei
<b>Are there specific tax incentives?</b> (benefits, exemptions, etc.)	Ei
<b>Does the possibility exist for immigrant investors to be accompanied by family members?</b>	Ei
<b>Are family members allowed to access the labour market?</b>	Ei
<b>Are immigrant investors granted access to social benefits?</b>	Ei
<b>Are immigrant investors granted access to citizenship?</b>	Ei
<b>Other</b> (please state)	Ei

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

Ei

**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?

Ei

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

**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?
<b>Minimum financial amount to invest</b> (please indicate the financial amounts applied to each of the investment types identified above in Question 2b point c)	Ei, kategoriaa ei ole olemassa	-
<b>Investment plan</b> If Yes, please complete the table in Q6b	Ei	
<b>Expected Impact of proposed investment in the Member State</b> (economy, public life etc.)	Ei	-
<b>Minimum Education / Professional skills</b>	Ei	-
<b>Language knowledge</b> (certification, pre-entry tests, mandatory courses, etc.)	Ei	-
<b>Age requirement for applicants</b> (minimum / maximum)	Ei	-
<b>Security / health / background checks in place</b> (origin of investment, fraud checks, previous bogus activities, etc.)	Ei	-
<b>Other</b> (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
<b>Information required on legal aspects of the investment.</b>	Ei
<b>Information required on the commercial and financial aspects</b> (nature of the investment, origin of the capital to invest, target groups, preliminary contracts, performance indicators, etc.)	Ei
<b>National institution responsible for the assessment/ approval</b>	Ei
<b>Duration of examination / due diligence phase</b>	Ei
<b>Documentation required</b> (If a list exists, please report it here)	Ei
<b>Review period</b>	Ei
<b>Other</b> (please state)	-

**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.)*

-

**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
<b><i>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?</i></b>	Ei

## Section 1.3: Immigrant business owners: overview of national policies

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

Ulkomaalaislain 3 §:n 1 momentin 9 kohdassa määritellään elinkeinonharjoittajaksi henkilö, joka harjoittaa elinkeinoa tai ammattia omissa nimissään (ammattinharjoittaja) tai on yritys vastuun kannalta tällaiseen henkilöön rinnastettava. Elinkeinoonharjoittajista ammattinharjoittajat tarvitsevat työntekijän oleskeluluvan työskennelläkseen muissa kuin ulkomaalaislain 77 §:n 1 tai 6 momentin tai 79 §:n 1 tai 3 momentin mukaisissa tehtävissä (UlkL 78 § 3 mom. 1 kohta).

Henkilö, joka työskentelee omistamansa osakeyhtiön palveluksessa, ei määritelmän mukaan ole elinkeinonharjoittaja edes silloin, kun hän omistaa koko osakekannan. Osakeyhtiön osakkeenomistajan vas-

tuu yrityksestä rajoittuu lähtökohtaisesti hänen sijoittamansa omaisuuspanoksen määrään.

Elinkeinoonharjoittajana ei hallituksen esityksen mukaan myöskään pidetä kommandiittiyhtiössä työskentelevää äänetöntä yhtiömiestä, koska hänen vastuunsa yhtiössä rajoittuu yhtiöpanoksen määrään.

Työskennelläkseen omistamassaan yrityksessä osakeyhtiön osakkeenomistaja ja kommandiittiyhtiön äänetön yhtiömiestä ovat velvollisia hakemaan työntekijän oleskelulupaa tai muuta oleskelulupaa ansiotyötä varten, ellei heillä ole muun kuin ansiotyön perusteella myönnettyä oleskelulupaa, jonka nojalla heillä on työnteko-oikeus (UlkL 78 § 3 mom.).

**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 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?*

Työ- ja elinkeinoministeriö on vastuutaho työntekoon ja elinkeinonharjoittamiseen liittyen Suomessa. Sisäministeriö on vastuussa oleskelulupajärjestelmän ja ulkomaalaislainsäädännön kehittämisestä.

Maahanmuuton tulevaisuus 2020-strategiassa, joka hyväksyttiin kesäkuussa 2013, todetaan että maahanmuuttajien yrittäjyyttä on tuettava aktiivisesti. Strategian toimenpideohjelmassa asiasta on kirjattu kaksi toimenpidettä joiden vastuutahoksi on merkitty työ- ja elinkeinoministeriö:

- kannustetaan maahanmuuttajia yritystoimintaan ja ohjataan erityisasiantuntemusta omaavien seudullisten yrityspalveluiden piiriin.

- selvitetään maahanmuuttajien yritystoiminnan edistämistä koskevan palvelujärjestelmän kehittämistarpeet

Nämä toimenpiteet ovat lähinnä suunnattu jo maassa oleskeleville maahanmuuttajille, joten varsinaisesta maahanmuuttajayrittäjien houkuttelemisesta kolmansista maista ei ole kyse.

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

Työ- ja elinkeinoministeriö ja sen alaiset viranomaiset, elinkeino- liikenne- ja ympäristökeskukset (ELY-

keskukset) sekä patentti ja rekisterihallitus (PRH).

**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
<b>What do these specific measures entail?</b> (active promotion / information dissemination / campaigns / events including in third countries, etc.)	-
<b>Does a list of specific procedural facilitations for admission exist? If yes, please explain what they entail</b> (reduced costs, shortened processing time, reduced documentary requirements, minimum residence period required (per year), possibility of renewal, etc.)	-
<b>Do specific support measures exist?</b> (financial / logistic, business support to applicants to establish a business plan, recognition of qualification etc.)	-
<b>Are there specific tax incentives?</b> (benefits, exemptions, etc.)	-



<b>Are immigrant business owners granted access to social benefits?</b>	-
<b>Are immigrant business owners granted access to citizenship?</b>	-
<b>Does the possibility exist for immigrant business owners to be accompanied by family members?</b>	-
<b>Are family members allowed to access the labour market?</b>	-
<b>Other</b> (please state)	-

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

Ei

**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?*

Ei

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

**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?
<b>Evidence of entrepreneurial skills</b> (experience in running businesses, turnover of activities in the country of origin, etc.)	Kyllä, tarvitaan selvitys ammattitaidosta, katso Q14b, tarvittavat liitteet.	Kyllä, tarvitaan selvitys ammattitaidosta, katso Q14b, tarvittavat liitteet.
<b>Minimum level of educational achievement / professional skills</b> (please specify)	Kyllä, tarvitaan selvitys ammattitaidosta, katso Q14b, tarvittavat liitteet.	Kyllä, tarvitaan selvitys ammattitaidosta, katso Q14b, tarvittavat liitteet.
<b>Evidence of capital</b> (minimum sum required)	<p>Ei ole kirjattu summaa, mutta oleskeluluvan saamisen ehtona on toimeentuloedellytys. Elinkeinonharjoittajan oleskeluluvan myöntäminen perustuu harkintaan, jossa tulee varmistaa, että elinkeinotoiminnalla on kannattavan toiminnan edellytykset. ELY-keskukset arvioivat osapäätöksessään toiminnan kannattavuuden (UuKL 76 §).</p> <p>Elinkeinonharjoittajien toimeentulosta säädetään erikseen3 ulkomaalaislain 76 §:ssä (muutettu lailla 1218/2013).</p> <p>Sen mukaan elinkeinonharjoittajan oleskelulupaa myönnettäessä tulee varmistaa, että elinkeinotoiminnalla on kannattavan toiminnan edellytykset ja että ulkomaalaisen toimeentulo on turvattu ansiotyöllä, elinkeinotoiminnalla tai muulla tavalla oleskeluluvan voimassaolon ajan. Hallituksen esityksen (139/2013 vp.) mukaan alkavalle elinkeinon harjoittamiselle on tyypillistä se, ettei toiminta välttämättä ole heti tuottavaa. Näin ollen toimeentuloedellytystä on perusteltua soveltaa joustavammin, jos henkilö voi osoittaa muita hyväksyttäviä tuloja tai varallisuutta.</p> <p>Sama toimeentuloedellytys sisältyi ennen 1.1.2014 voimaan tulleita muutoksia ulkomaalaislain 72 §:n 4 momenttiin, jota koskevan hallituksen esityksen (28/2003) mukaan elinkeinonharjoittajan tulee saada elinkeinotoiminnan voitosta, nostetusta palkasta, henkilökohtaisista ostoista tai esimerkiksi myyntivoitoista sellainen säännöllinen toimeentulo, että se oleskeluluvan voimassaoloaikana ylittää toimeentulotuen perusosan myöntämisen alarajan. Kannattavuusedellytyksellä on merkitystä myös pyrittäessä estämään elinkeinonharjoittajan oleskeluluvan käyttöä työntekijän oleskelulupaa koskevien säännösten kiertämiseen. Antamassaan osaratkaisussa ELY-keskus ratkaisee, täyttyvätkö elinkeinonharjoittajan oleskeluluvan myöntämiseksi 76 §:ssä asetetut toimeentulon ja kannattavan toiminnan edellytykset. Samalla ELY-keskus ratkaisee onko elinkeinonharjoittaminen tilapäistä vai jatkuva.</p>	Kyllä

<b>Contribution to the economy / employment of the Member State</b> (national interest, "jobs - created", contribution to specific sector, innovativeness of activity, introduction of new technologies, etc.)	Ei	Ei
<b>Business plan</b> If a business plan is required, please complete the table in Q14b	Kyllä, katso Q14b	Kyllä
<b>Language knowledge</b> (certification, pre-entry tests, mandatory courses, etc.)	Ei ole kirjattu vaatimuksiin, mutta käytännössä edellytetään jonkinlaista kielitaitoa, joten se arvioidaan osana yleistä harkintaa.	Ei ole kirjattu vaatimuksiin, mutta käytännössä edellytetään jonkinlaista kielitaitoa, joten se arvioidaan osana yleistä harkintaa.
<b>Age requirement for applicants</b> (minimum / maximum)	Ei ole kirjattu vaatimuksiin, mutta käytännössä hakijan ikä arvioidaan osana yleistä harkintaa.	Ei ole kirjattu vaatimuksiin, mutta käytännössä hakijan ikä arvioidaan osana yleistä harkintaa.
<b>Insurance requirement</b> (personal and/or for the investment)	Kyllä, yrittäjä tarvitsee yrittäjän eläkelain (YEL) mukaisen henkilökohtaisen vakuutuksen.	Kyllä, yrittäjä tarvitsee yrittäjän eläkelain (YEL) mukaisen henkilökohtaisen vakuutuksen.
<b>Security / background checks in place</b> (fraud checks, tax avoidance, previous bogus activities, money origin / money laundering, etc.)	<p>Ei suoriteta turvallisuustarkastuksia elinkeinotoimintaan liittyen, mutta oleskeluluvan myöntämiseen liittyvät yleiset edellytykset tulee täyttää.</p> <p>Ulkomaalaislain 36 §:n 1 momentin (358/2007) mukaan oleskelulupa voidaan jättää myöntämättä, jos ulkomaalaisen katsotaan vaarantavan yleistä järjestystä tai turvallisuutta, kansanterveyttä taikka Suomen kansainvälisiä suhteita. Kansanterveyden vaarantaminen ei kuitenkaan estä jatkoluvan myöntämistä, jos luvan myöntämisen edellytykset ovat muutoin olemassa. Kansainvälisten suhteiden vaarantaminen ei kuitenkaan estä oleskeluluvan myöntämistä perhesiteen perusteella tai oleskeluluvan myöntämistä ulkomaalaiselle, jolle on unionin jäsenvaltiossa myönnetty pitkään oleskelleen kolmannen maan kansalaisen EU-oleskelulupa.</p> <p>Ulkomaalaislain 36 §:n 2 momentin mukaan oleskelulupa voidaan jättää myöntämättä, jos on perusteltua aihetta epäillä ulkomaalaisen tarkoituksena olevan maahantuloa tai maassa oleskelua koskevien säännösten kiertäminen.</p> <p>Elinkeinonharjoittajan oleskelulupaa voidaan yrittää käyttää esim. työntekijän oleskeluluvan edellytysten kiertämiseen. Arvioinnissa voidaan ottaa huomioon hakijan ilmoittama alkuperäinen maahantulon ja maassa oleskelun tarkoitus, ostettavan tai vuokrattavan yrityksen aikaisempi historia sekä hakijan hakemushistoria Suomessa (oleskelulupa, viisumi) ja mahdollisesti toisessa EU/Schengen-valtiossa. Maahantulon ja maassa oleskelun tarkoitusta arvioitaessa voidaan ottaa huomioon, saako hakija todellisuudessa toimeentulonsa elinkeinotoiminnasta.</p>	Kyllä

**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
<b>National institution responsible for the approval / Self-assessment</b>	Elinkeinonharjoittajan oleskeluluvan myöntämisprosessi on kaksivaiheinen. Maahanmuuttovirasto antaa päätöksen elinkeino-, liikenne ja ympäristökeskuksen (ELY-keskus) osapäätöksen perusteella. ELY-keskus suorittaa elinkeinotoiminnan arvioinnin.  Työntekijän oleskelulupaprosessi on niin ikään kaksivaiheinen ja tämän tutkimuksen kohderyhmän tapauksessa osakeyhtiömuotoisen yritystoiminnan arvioinnin suorittaa työ- ja elinkeinotoimisto (TE-toimisto), joka sitten antaa osapäätöksen, jonka perusteella Maahanmuuttovirasto tekee lopullisen päätöksen asiassa.
<b>Information required on legal aspects of the business</b> (form of the business, principal activity, subsidiary of existing activity)	Katso tarvittavat liitteet alla.
<b>Information required on the commercial and financial aspects</b> (type of business / services, origin of the capital to invest, target groups, preliminary contracts, nature of the investment, performance indicators, feasibility analysis, etc.)	Katso tarvittavat liitteet alla.
<b>Duration of examination of the business plan</b>	ELY-keskuksen suorittaman elinkeinotoiminnan arvioinnin keskimääräinen kesto on vuosina 2011-2014 ollut 160 vuorokautta.
<b>Documentation required</b> (please provide a list of the documents required)	<ul style="list-style-type: none"> <li>• Yksityiskohtainen selvitys toimintaideasta</li> <li>• Jos yritystoimintaa ei vielä ole harjoitettu: kannattavuuslaskelma (arvio yrityksen tuloista ja menoista kahdelle seuraavalle vuodelle) ja kopiot asiakkaiden ja yhteistyökumppaneiden kanssa tehdyistä sopimuksista, mikäli sellaisia on tehty tai</li> <li>• jos yritystoimintaa on jo harjoitettu: viimeisimmät tilinpäätöstiedot, mikäli yritystoimintaa on harjoitettu niin kauan, että yrityksellä on jo tilinpäätöstiedot ja viimeisin kirjanpitoajo</li> <li>• kaupparekisteriote tai selvitys siitä miksi yritystä ei ole rekisteröity kaupparekisteriin</li> <li>• Selvitys toimitiloista (vuokrasopimus tms.)</li> <li>• Selvitys varoista ja muista tuloista</li> <li>• Selvitys ammattitaidosta</li> <li>• Selvitys henkilökunnan määrästä</li> </ul>
<b>Review period</b>	
<b>Other</b>	Elinkeinonharjoittajan on lähtökohtaisesti rekisteröitävä yritystoimintansa Patentti ja rekisterihallituksen kaupparekisteriin ennen kuin lupa myönnetään tai toimittaa selvitys siitä miksi sitä ei ole vielä tehty. Katso yllä vaadittavat asiakirjat. Jos kenellekään yrityksen vastuuhenkilöistä ei ole kotipaikkaa EU-/ETA-alueella lupaa yrityksen rekisteröimisestä on annettava Patentti- ja rekisterihallitukselta.

**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.

Hakijalle myönnetään oleskelulupa. Ensimmäinen määräaikainen oleskelulupa myönnetään yhdeksi vuodeksi kuitenkin enintään hakijan matkustusasiakirjan voimassaoloajaksi, jollei oleskelulupaa haeta lyhyemmäksi ajaksi (UlkL 53 § 1 mom.).

Oleskelulupa voidaan myöntää vuotta lyhyemmäk-

si tai pidemmäksi ajaksi, jos elinkeinonharjoittaminen on tilapäistä ja se suoritetaan tiedossa olevan määräajan kuluessa (vrt. työtehtävät UlkL 53 §:n 3 mom.). Ensimmäistä määräaikaista oleskelulupaa ei saa kuitenkaan myöntää yli kahdeksi vuodeksi. Ensimmäinen oleskelulupa myönnetään alkavaksi ratkaisupäivästä.

**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.)*

Lähtömaassa oleskelulupa hakemus tehdään lähimässä Suomen edustustossa. Hakemuksen voi jättää myös sähköisesti, mutta henkilön on tultava edustustoon kuukauden sisällä hakemuksen jättämisestä todistamaan henkilöllisyytensä sekä esittämään

tarvittavat liiteasiakirjat alkuperäisinä. Hakemus käsitellään Maahanmuuttovirastossa; jos päätös on myönteinen, edustusto luovuttaa tarvittavat lupaasiakirjat hakijalle.

**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
<b>National institution responsible for the registration of the business in the Member State</b>	Patentti- ja rekisterihallitus (PRH) on vastuutaho kun yritys rekisteröidään kaupparekisteriin.
<b>Type of business</b> (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).	Kaupparekisteri-ilmoituksen tulee sisältää tieto minkä tyyppisestä yritystoiminnasta on kyse. Jotta yritys voidaan rekisteröidä Kaupparekisteriin, sillä tulee olla vastuuhenkilö tai vastuutaho, jolla on kotipaikka joko Suomessa tai EU/EEA-alueella.
<b>Place of registration of business</b> (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)?)	Kaupparekisteri-ilmoitusta tekevän henkilön ei tarvitse olla paikan päällä Suomessa, kun ilmoitus tehdään. Kaupparekisteriin tehtävän ilmoituksen allekirjoittamisesta säädetään käytännössä yritys- ja yhteisötietolain 14 §:ssä. Ilmoitus on sen tekemisestä vastuussa olevan tai hänen valtuuttamansa henkilön allekirjoitettava.
<b>Main requirements for registration of business</b> (capital, employees. Please state whether the requirements is different from that applied to EU nationals)	Jotta yritys saadaan rekisteröityä kaupparekisteriin, tarvitaan osassa tilanteita lupia tai lupia Euroopan talousalueen ulkopuolella asuville toimia tiettyinä yrityksen vastuuhenkilöinä. Osassa tilanteita tarvitaan lisäksi erityinen elinkeinon harjoittamisen oikeudesta annetun lain 6 §:n 3 momentissa tarkoitettu edustaja, jolla on oikeus ottaa vastaan haasteita ja tiedoksiantoja elinkeinonharjoittajan puolesta. Tällaisen edustajan kotipaikan on oltava Suomessa. Jos yrityksellä on kuitenkin tietyt kriteerit täyttävä kaupparekisteriin ilmoitettu muu edustaja, jolla on asuinpaikka Euroopan talousalueella, ei erillistä edustajaa tarvitse valita. Jos kaupparekisteriin ilmoitetaan merkittäväksi henkilö, jolla ei ole suomalaista henkilötunnusta, oheistetaan ilmoitukseen lähtökohtaisesti lisäksi selvitys henkilön olemassaolosta.
<b>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?</b>	Kyllä, Suomessa on voimassa laki ulkomaisten yritystojen seurannasta (172/2012). Yritystojen seurannasta ja vahvistamista koskevat viranomaisasiat käsittelee työ- ja elinkeinoministeriö. Lain lähtökohta on myönteinen suhtautuminen ulkomaalaisomistukseen. Viranomaisilla on kuitenkin mahdollisuus valvoa huoltovarmuuden ja maan turvallisuuden kannalta keskeisten yhtiöiden omistuspuhjauksen ja tarvittaessa rajoittaa ulkomaalaisomistusta tällaisissa yhtiöissä.
<b>Other</b> (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
<p><b>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?</b></p>	<p>Ulkomaalaislain 84 §:n (1218/2013) 3 momentin mukaan poliisilaitos myöntää elinkeinonharjoittajan oleskeluluvan, jos ulkomaalaisella on hakemusta jätettäessä voimassa oleva oleskelulupa, eikä ulkomaalaislain 36 §:stä muuta johdu. (Vrt. myös ulkomaalaislain 68 §:n (358/2007) 1 momentin 2 kohta, jonka mukaan uuden määräaikaisen oleskeluluvan myöntää ulkomaalaisen asuinpaikan poliisilaitos.).  Jatkolupahakemuksen ratkaisee siis poliisi, jollei poliisilaitos ole poikkeuksellisesti saattanut asiaa Maahanmuuttoviraston ratkaistavaksi tai Maahanmuuttovirasto ole ottanut ratkaistavakseen poliisilaitokselle kuuluvaa asiaa ulkomaalaislain 210 §:n (886/2011) nojalla.  Ulkomaalaislain 54 §:n 1 momentin mukaan uusi määräaikainen oleskelulupa myönnetään, jos edellytykset, joiden perusteella ulkomaalaiselle myönnettiin edellinen määräaikainen oleskelulupa, ovat edelleen olemassa.</p> <p>Jatkolupaa tulee hakea Suomessa (UlkL 60 § 2 mom.). Jatkolupahakemus jätetään Suomessa poliisilaitokselle. Jatkolupahakemusta ei voi jättää Suomen edustustoon. Suomen edustustoon jätetty jatkolupahakemus käsitellään aina uutena ensimmäistä oleskelulupaa koskevana hakemuksena ja sen ratkaisee Maahanmuuttovirasto. Hakemuksesta peritään ensimmäistä lupaa koskeva käsittelymaksu ja mahdollisen myönnettävän oleskeluluvan voimassaolo alkaa lähtökohtaisesti ratkaisupäivästä lukien.  Myöhässä Suomessa jätetyn elinkeinonharjoittajan jatko-oleskelulupahakemuksen ratkaisee Maahanmuuttovirasto (vrt. UlkL 84 § 2 mom.). Jos tällaiseen jatkolupahakemukseen tehdään myönteinen päätös, uusi lupa myönnetään vakiintuneen käytännön mukaan yleensä ratkaisupäivästä lukien.  Kun poliisi ratkaisee jatko-oleskelulupahakemuksen, se lähettää osapäätöspyyntön alueelliselle ELY-keskukselle, joka antaa arvion elinkeinotoiminnan kannattavuudesta, hakijan toimeentuloa koskevien edellytysten täyttymisestä sekä siitä, onko elinkeinonharjoittaminen tilapäistä vai jatkuvaa. Alueellinen ELY-keskus toimittaa osapäätöspyyntön ja arvion liitteineen Uudenmaan ELY-keskukselle, joka tekee osapäätös- ja rekisterimerkinnät ulkomaalaisrekisteriin. Uudenmaan ELYkeskus toimittaa osapäätöksen poliisille.  Myönnettävän jatkoluvan pituuteen ei vaikuta se, kuinka pitkään hakijan matkustusasiakirja on voimassa, kunhan se on voimassa luvan myöntämishetkellä.  Jatkoluvan osalta ulkomaalaislakiin ei sisälly 53 §:n 1 momentin (ensimmäisen määräaikaisen oleskeluluvan pituus) mukaista säännöstä, joka edellyttäisi matkustusasiakirjan olevan voimassa koko myönnettävän luvan ajan.  Jatkoluvan myöntämistä harkittaessa on varmistuttava, että kyseessä on edelleen elinkeinonharjoittajan oleskelulupa-asia (hakija on edelleen elinkeinonharjoittaja ja hänen pääasiallinen maassa oleskelun tarkoituksensa on jatkaa elinkeinonharjoittamista Suomessa). Esimerkiksi yritysmuodon muuttuessa osakeyhtiöksi ja maassa oleskelun pääasiallisen tarkoituksen muuttuessa ansiotyöksi toisen palveluksessa on elinkeinonharjoittajan oleskeluluvan sijaan haettava työntekijän oleskelulupaa tai oleskelulupaa muuta ansiotyötä varten, ellei kyseessä ole 79 §:ssä (1218/2013, työnteko-oikeus ilman oleskelulupaa) mainitut alat.</p>
<p><b>Is there a requirement that a business is active during the extension of permits?</b></p> <p><b>If so, what indicators are used to assess this?</b> (Volumes of turnover, amount of paid taxes, staff employed, compliance of immigrant investors and their investment, etc.)</p> <p><b>Who assesses this information?</b></p>	<p>Edellytyksenä on että henkilö saa edelleen toimeentulonsa elinkeinonharjoittamisesta.</p> <p>ELY-keskus arvoi myös jatkolupa-vaiheessa toiminnan kannattavuuden toimitettujen selvitysten perusteella.</p>
<p><b>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?</b></p>	<p>Ei ole erikseen määriteltyjä vaatimuksia. ELY-keskus suorittaa kokonaisvaltaisen arvioinnin elinkeinotoiminnasta ja sen kannattavuudesta oleskeluluvan jatkoa haettaessa.</p>

## Section 1.5: Other business persons: overview of national policies

**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
Business visitors for establishment purposes (BVEP)	<p>Lyhytkestoinen maahantulo Schengen-viisumilla (peruste "business")</p> <p>Oleskelulupaperuste ulkomaalaislaissa 77§ (muu oleskelulupa ansiotyötä varten) 7):            tutkii markkinoita, valmistelee yrityksen sijoittautumista Suomeen, neuvottelee tilauksista, hankkii tilauksia tai valvoo tehtyjen tilausten toimeenpanoa tai toimii muissa vastaavissa tehtävissä, jollei hänen työn- eikä toimeksiantajallaan ole toimipaikkaa Suomessa</p>
Intra-corporate transferees (ICT)	<p>Lyhytkestoinen maahantulo Schengen-viisumilla (peruste "business")</p> <p>Oleskelulupaperuste ulkomaalaislaissa 77§ (muu oleskelulupa ansiotyötä varten) 11            11) suorittaa työn tai työharjoittelun, joka sisältyy valtioiden väliseen sopimukseen tai kansalaisjärjestöjen vaihto-ohjelmaan, jos työ tai harjoittelu kestää enintään 18 kuukautta, tai joka tapahtuu korkeakoulututkinnon suorittaneen ulkomaalaisen enintään vuoden kestävässä siirtotona yrityksen sisällä</p>
Business sellers (BS)	-
Independent professionals (IP)	<p>Lyhytkestoinen maahantulo Schengen-viisumilla (peruste "business")</p> <p>Ammattinharjoittajat, oleskelulupaperuste ulkomaalaislaissa, elinkeinonharjoittajan oleskelulupa</p>
Contractual services suppliers (CSS)	<p>Lyhytkestoinen maahantulo Schengen-viisumilla (peruste "business")</p> <p>Oleskelulupaperuste ulkomaalaislaissa 79§ (työnteko-oikeus ilman oleskelulupaa)</p> <p>Tulee suorittamaan toisessa Euroopan unionin tai Euroopan talousalueen valtiossa toimivan yrityksen vakituksena työntekijänä palvelujen tarjoamisvapauden piiriin kuuluvaa tilapäistä hankinta- tai alihankintatyötä.</p>
Graduate trainees (GT)	<p>Lyhytkestoinen maahantulo Schengen-viisumilla (peruste "business")</p> <p>Oleskelulupaperuste ulkomaalaislaissa 77§ 11 ja 12):            11) suorittaa työn tai työharjoittelun, joka sisältyy valtioiden väliseen sopimukseen tai kansalaisjärjestöjen vaihto-ohjelmaan, jos työ tai harjoittelu kestää enintään 18 kuukautta, tai joka tapahtuu korkeakoulututkinnon suorittaneen ulkomaalaisen enintään vuoden kestävässä siirtotona yrityksen sisällä; tai            12) on 18–30-vuotias ja suorittaa työharjoittelun, kun hän opiskelee ulkomaisessa korkeakoulussa suomen tai ruotsin kieltä tai kun harjoittelun ala vastaa ulkomaalaisen opintoja tai tutkintoa, jos työharjoittelu kestää enintään 18 kuukautta</p>
Other (please describe)	-

**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?
Business visitors for establishment purposes (BVEP)	Ei ole olemassa erityistä ohjelmaa/politiikkaa ryhmälle ("other business persons").  Suomi osallistuu EU:n jäsenenä unionin yhteiseen kauppapolitiikkaan ja asettaa omat kansalliset tavoitteensa vapaakauppasopimusneuvotteluissa eri henkilöryhmille.  * Koskee kaikki "other business persons"-kategorioita.	-	Suomella on ns. offensiivisia intressejä tiettyjen alojen asiantuntijoiden maahan-tuloa koskien (intressit vaihtelevat maasta riippuen): huolto-, korjaus- ja asennuspalvelut, tekniset suunnittelupalvelut, konsulttipalvelut, IT-palvelut (esim. pilvipalvelut ja tietoturvasuunnittelu), telekommunikaatiopalvelut, tutkimus- ja kehityspalvelut, tekninen testaus ja analyysi sekä ympäristöpalvelut.	Ei
Intra-corporate transferees (ICT)	*			Ei
Business sellers (BS)	*			Ei
Independent professionals (IP)	*			Ei
Contractual services suppliers (CSS)	*			Ei
Graduate trainees (GT)	*			Ei
Other (please describe)	-	-	-	-

**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
Business visitors for establishment purposes (BVEP)	Kansallisella tasolla EU:n ja muiden maiden välisissä vapaakauppaneuvotteluissa, Ulkoasiainministeriö koordinoi toimintaa johon täytäntöönpanevat tahot osallistuvat.*  * Koskee kaikkia "other business persons"-kategorioita.	Sisäministeriö, työ- ja elinkeinoministeriö, sosiaali- ja terveysministeriö Maahanmuuttovirasto	Ulkoasiainministeriö koordinoi neuvotteluja kansallisella tasolla järjestemällä kokouksia ja sähköpostikonsultointeja.	Valtioneuvoston EU-asioiden alaisen jaosto 2: en asiat kuuluvat Ulkoasiainministeriölle.	Suomen edustustot, Team Finland ja Invest in Finland-verkostot ja Finpro, joille kuuluu viennin ja kaupan edistäminen.
Intra-corporate transferees (ICT)	*				
Business sellers (BS)	*				
Independent professionals (IP)	*				
Contractual services suppliers (CSS)	*				
Graduate trainees (GT)	*				
Other (please describe)	-				



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

**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) list of admission criteria? If yes, please indicate the criteria.
Business visitors for establishment purposes (BVEP)	Katso Q19	Viisumi (peruste "business") tai  muu oleskelulupa ansiotyötä varten	Schengen-viisumilla 3kk kerrallaan.  Oleskeluluvalla pääsääntö 1 vuosi	Viisumi tai oleskelulupa riippuen oleskelun kestosta.	
Intra-corporate transferees (ICT)	Katso Q19	Viisumi (peruste "business") tai  muu oleskelulupa ansiotyötä varten	Schengen-viisumilla 3kk kerrallaan.  Oleskeluluvalla pääsääntö 1 vuosi	Viisumi tai oleskelulupa riippuen oleskelun kestosta.	
Business sellers (BS)	-	-	-	-	-
Independent professionals (IP)	Katso Q19	Viisumi (peruste "business") tai  ammattinharjoittaja, elinkeinonharjoittajan oleskelulupa	Schengen-viisumilla 3kk kerrallaan.  Oleskeluluvalla pääsääntö 1 vuosi	Viisumi tai oleskelulupa riippuen oleskelun kestosta.	
Contractual services suppliers (CSS)	Katso Q19	Viisumi (peruste "business") tai työnteko-oikeus ilman oleskelulupaa	Schengen-viisumilla 3kk kerrallaan. Ilman oleskelulupaa oleskelussa ulkomaalaislaissa maininta työn tilapäisyydestä	Viisumi tai oleskelulupa riippuen oleskelun kestosta.	
Graduate trainees (GT)	Katso Q19	Viisumi (peruste "business") tai  muu oleskelulupa ansiotyötä varten	Schengen-viisumilla 3kk kerrallaan.  Oleskeluluvalla enintään 18 kuukautta	Viisumi tai oleskelulupa riippuen oleskelun kestosta.	
Other (please describe)				-	

**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.

<b>Categories of other business persons</b>	<b>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?</b>
Business visitors for establishment purposes (BVEP)	Henkilö voi hakea ns. jatkolupaa työnteon perusteella tietyille ammattialoille, jos oleskelun peruste on pysynyt samana.
Intra-corporate transferees (ICT)	Oleskelun maksimikesto on yksi vuosi. Sen jälkeen oleskelua on mahdollista jatkaa hakemalla oleskelulupaa toisella perusteella (työntekijän oleskelulupa, erikoisasiantuntijan oleskelulupa).
Business sellers (BS)	-
Independent professionals (IP)	Henkilö voi hakea ns. jatkolupaa elinkeinonharjoittamisen perusteella, jos oleskelun peruste on pysynyt samana.
Contractual services suppliers (CSS)	Oleskelun maksimikesto on kolme kuukautta kerrallaan (viisumisäännöt)
Graduate trainees (GT)	Oleskelun maksimikesto on 18 kuukautta. Sen jälkeen oleskelua on mahdollista jatkaa hakemalla oleskelulupaa toisella perusteella (työntekijän oleskelulupa, erikoisasiantuntijan oleskelulupa).
Other (please describe)	-

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

**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><b>Does your national legislation provide for a definition of misuse and and/or abuse?</b></p> <p><b>If yes, do they differ? Please describe</b></p> <p><b>If no, how are they defined in practice?</b></p>	-	<p>Ulkomaalaislain 36§:n mukaan oleskelulupa voidaan jättää myöntämättä, jos on perusteltua aihetta epäillä ulkomaalaisen tarkoituksena olevan maahantuloa tai maassa oleskelua koskevien säännösten kiertäminen.</p> <p>Ulkomaalaislain 185§ määrittelee ulkomaalaisrikkomuksen seuraavasti:</p> <p>Ulkomaalainen, joka</p> <ol style="list-style-type: none"> <li>1) tahallaan oleskelee maassa ilman vaadittavaa matkustusasiakirjaa, viisumia tai oleskelulupaa taikka laiminlyö velvollisuutensa rekisteröidä oleskelunsa taikka hakea oleskelulupakortti, oleskelukortti tai pysyvä oleskelukortti,</li> <li>2) tahallaan oikeudetta tekee ansiotyötä tai harjoittaa elinkeinoa,</li> <li>3) tahallaan jättää noudattamatta 118 §:n nojalla määrätyn ilmoittautumisvelvollisuuden, 119 §:n nojalla määrätyn muun velvollisuuden tai 130 §:n nojalla annetun kutsun saapua antamaan tietoja oleskelutaan taikka</li> <li>4) tahallaan tulee maahan, vaikka hänelle on määrätty maahantulokiello yleiseen järjestykseen tai yleiseen turvallisuuteen taikka kansanterveyteen liittyvistä syistä,</li> </ol> <p>on tuomittava ulkomaalaisrikkomuksesta sakkoon.</p>	Business owners-kohdan määritelmä pätee myös "other business persons"-kohdalla.
<p><b>What are the specific measures in place in the Member States to monitor, detect and prevent misuse/abuse at admission stage?</b> (in addition to the criteria to be satisfied as reported under Sections 1.2)</p>	-	<p>Maahantulovaiheessa ei ole erityisiä monitorointikeinoja väärinkäytösten havaitsemiseksi. Viisumin ja oleskeluluvan myöntämisen yhteydessä tutkitaan yleisten edellytysten täyttäminen. Elinkeinonharjoittajan oleskeluluvan ja työntekijän oleskeluluvan osalta osapäätöksessä suoritetaan kokonaisvaltainen harkinta, joka myös osaltaan toimii erillisenä tarkistuksena.</p>	

<p><b>What are the entities responsible for the monitoring of compliance of immigrant business owners and immigrant investors and what are their specific responsibilities?</b> (Labour Inspectorate, Labour Exchange office, Tax authorities, Ministry of Interior, Migration services)</p> <p><b>Does a national referral mechanism (or its equivalent) exist? (Yes/No).</b></p> <p><b>If yes, how is information shared between stakeholders involved?</b></p> <p><b>Is there an obligation to inform about misuse/abuse identified by other institution</b> (migration services, police, tax authority, etc.)</p>	-	<p>Aluehallintovirasto (AVI) on elinkeinoasi-oissa muun muassa alkoholielinkeinon sekä kilpailu- ja kuluttaja-asioiden alueellinen asiantuntija-, lupa- ja valvontaviranomainen.</p> <p>Etelä-Suomen aluehallintovirasto (AVI) valvoo valtakunnallisesti rahanpesun ja terrorismin rahoittamisen estämisestä ja selvittämisestä annetun lain (rahanpesulain 503/2008) ja sen nojalla annettujen säännösten noudattamista.</p> <p>Aluehallintovirastolla on oikeus salassapitosäännösten estämättä saada valvomiltaan ilmoitusvelvollisilta valvonnan kannalta tarpeelliset tiedot. Aluehallintovirastolla on myös oikeus toimittaa tarkastus ilmoitusvelvollisten liike- ja varastotiloihin. Valvonta voidaan suorittaa joko erityisenä valvontana tai muun tarkastustoiminnan yhteydessä.</p> <p>Ilmoitusvelvollisten on viipymättä ilmoitettava Keskusrikospoliisin rahanpesun selvitykselle epäilyttävästä liiketoimesta tai terrorismin rahoittamisen epäilystä.</p> <p>Veroviranomaiset vastaavat kaikesta verosäännösten edellyttämästä monitoroinnista ja raportointivelvollisuuksista yritystoimintaan liittyen.</p> <p>Poliisilla on toimivalta, esim. vihjeiden perusteella tehdä tarkastuksia yrityksiin joita epäillään väärinkäytöksistä.</p> <p>Rahanpesulain (503/2008) ilmoittamisvelvoitteiden lisäksi ei ole olemassa muita ilmoittamisvelvoitteita. Normaalisissa viranomaisyhteistyössä tapahtuvan tietojen vaihdon yhteydessä ilmi tulleet epäillyt väärinkäytöksistä voivat johtaa toimiin yksittäisiä henkilöitä tai yrityksiä kohtaan.</p>	-
<p><b>What is the frequency of control?</b></p>	-	<p>Maassaolon edellytykset tarkistetaan jatkoluvan myöntämisaikavälillä, eli pääsääntöisesti 1 vuoden oleskelun jälkeen.</p>	-
<p><b>What are the main sectors where misuse/abuse occurs?</b> (real estate, transfer of capital, national funds / bonds, business investments, etc.)</p> <p>Please list the top three</p>		<p>Maahanmuuttajien perustamien tai omistamien yritysten osalta ei ole tarpeeksi todisteita jotta voitaisiin nimetä tiettyjä sektoreita.</p>	
<p><b>If misuse/abuse is detected, what are the penalties imposed on the third-country national concerned</b> (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.)</p>		<p>Ulkomaalaisrikkomuksesta seuraa sakko-rangaistus.</p> <p>Oleskeluluvan peruuttamisesta säädetään ulkomaalaislain 58 §:ssä. Määräaikainen tai pysyvä oleskelulupa taikka pitkään oleskelleen kolmannen maan kansalaisen EU-oleskelulupa voidaan peruuttaa, jos oleskelulupaa haettaessa on tietoisesti annettu hakijan henkilöllisyyttä koskevia tai muita päätökseen vaikuttaneita vääriä tietoja taikka salattu sellainen seikka, joka olisi saattanut estää oleskeluluvan myöntämisen.</p>	
<p><b>What other circumstances might result in the withdrawal / non-renewal of a long-stay visa / residence permit?</b></p>		<p>Oleskelulupa voidaan perua myös jos henkilö on yhtäjaksoisesti oleskellut Suomen ulkopuolella kaksi vuotta tai jos hän on muuttanut pois.</p>	

**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

### Section 3.1: Immigrant investors

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

**Yes / no** **Ulkomaalaisten investointien saamista Suomeen on tutkittu, muttei erityisesti henkilönäkökulmasta.**

**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.*

**Työ- ja elinkeinoministeriö on julkaissut selvityksen Investointeja Suomeen – Ehdotus strategiaksi ja toimintaohjelmaksi Suomen houkuttelevuuden lisäämiseksi yritysten investointikohteena (TEM Konserni 9/2012). Selvityksessä ei mainita sijoittajien maahantuloa vaan käsitellään yleisemmällä tasolla Suomen houkuttelevuutta investointien kohdemaana ja mitä tulisi tehdä jotta investointeja saataisiin Suomeen lisää. Selvitys sisältää 5 teesiä ja 40 toimenpide-ehdotusta. Raporttiin voi tutustua osoitteessa: [http://www.tem.fi/files/32058/9\\_2012\\_netti.pdf](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.*

Kts. Q26b. **Kyseisessä selvityksessä punnitaan kansantaloudellisia vaikutuksia ja tehokkuutta sekä kilpailukykyä, muttei yksittäisten henkilöiden houkuttelemista. Selvityksessä todetaan että Suomen tulee olla aktiivisempi investointien houkuttelemisessa, esim. markkinoimalla Suomen tarjoamia mahdollisuuksia tehokkaammin ulkomailla**

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*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.).*

**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

**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.

**Ajatushautomo Magma on tilannut ja julkaissut tutkimuksen Yrittäjänä Suomessa – Maahanmuuttajataustaisten yrittäjien kokemuksia (1/2014). Tutkimus löytyy osoitteesta: <http://magma.fi/uploads/media/study/0001/01/f134736900ce23ebd20ebf64181e0164913526da.pdf>**

**Se keskittyy tuomaan esiin maahanmuuttajayrittäjien omia kokemuksia yrittäjänä toimimisesta. Selvityksessä käy ilmi että yli puolet maahanmuuttajayrittäjistä tulee Ruotsista, Virosta ja Venäjältä ja kyseessä on useimmiten pienimuotoinen muutaman henkilön yritys.**

**Tutkimuksessa ei analysoida Suomen politiikkaa tai käytäntöjä maahanmuuttajayrittäjien houkuttelemiseksi, mutta se antaa kuvan maahanmuuttajien päivittäisistä kokemuksista yritystoiminnasta (esim. tiedon saannista ja Suomen viranomaisten kanssa toimimisesta). Enimmäkseen, tutkimus keskittyy maahanmuuttajayrittäjiin jotka ovat perustaneet yrityksen sen jälkeen kun he ovat tulleet Suomeen. Katso myös 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.*

**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

**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.*

“Other business persons”-kategorioita ei tunneta kovin hyvin Suomessa ja ei ole olemassa tutkimuksia niiden vaikutuksesta maahantulon väylänä.

**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.*

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**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.*

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**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?*

Kts. Q34b.

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## Section 3.4: Challenges and obstacles to admitting third country nationals for business purposes

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?

<b>Categories of other business persons</b>	<b>Challenges for national stakeholders associated with the design and implementation of policies for other business persons.</b>	<b>Challenges for applicant at both admission (pre-arrival) and stay stages</b> (e.g. documentation required, waiting times, restrictions, etc.)
Immigrant investors	If possible studies should be included (sourced as appropriate). Ei ole olemassa kategoriaa. Toistaiseksi ei olla suunnittelemassa tämänkaltaisen maahantuloväylän/kategorian käyttöönottoa.	If possible, the views of the business community, of the immigrant community and studies should be included (sourced as appropriate). Ei ole olemassa kategoriaa
Immigrant business owners		Liike-elämän edustajien mukaan Suomen maahantulojärjestelmä on liian jäykkä ja monimutkainen, varsinkin yrittämiseen liittyen. Yritystoiminnan aloittaminen Suomessa suoraan ulkomailta käsin on hankalaa koska etupainotteisesti vaaditaan paljon dokumentaatiota ja selvitystä (lähde: Helsingin kauppakamari).  Ajatushautomo Magman tilaamassa ja julkaisemassa tutkimuksessa, Yrittäjänä Suomessa – Maahanmuuttajataustaisten yrittäjien kokemuksia (1/2014), on tutkittu kyseistä aihetta. Maahanmuuttajayrittäjät kokevat että yritystoiminnan aloittaminen on Suomessa verrattain helppoa, neuvontaa on saatavilla sekä erinäisiä muita toimenpiteitä kuten starttirahaa. Yrittäjänä pärjääminen koetaan vaikeammaksi, koska säännöksiä on paljon esim. maahanmuuttajayrittäjien suosimalla ravintola-alalla.  Oleskelulupajärjestelmän erottelu yhtiömuodon mukaan, joka tarkoittaa maahantuloa joko elinkeinonharjoittelijan oleskeluluvalla tai työntekijän oleskeluluvalla on ulkomaalaisten sekä viranomaisten keskuudessa koettu epäloogiseksi.
Business visitors for establishment purposes (BVEP)	Suomessa ei ole suunniteltu politiikkaa/ohjelmia jotka perustuvat maahantuloon erityisesti "other business persons"-kategorioiden nojalla. Ulkoasiainministeriö suunnittelee tiedotuksen kehittämistä EU-komission aloitteesta, jotta voidaan paremmin informoida maahantulon mahdollisuuksista "other business persons"-kategorioiden nojalla esim. EU:n solmimien vapaa-kauppasopimusten nojalla.*  * Maininta koskee kaikkia kategorioita.  Q19:ssa on lueteltu miten "other business persons"-kategoriat ovat sisällytetty ulkomaalaislain oleskelulupaperusteisiin.	"Other business persons"-kategoriat tunnetaan verrattain huonosti maahantulon väylänä Suomeen.
Intra-corporate transferees (ICT)	* Maininta koskee kaikkia kategorioita.	

Business sellers (BS)	* Maininta koskee kaikkia kategorioita.	
Independent professionals (IP)	* Maininta koskee kaikkia kategorioita.	
Contractual services suppliers (CSS)	* Maininta koskee kaikkia kategorioita.	
Graduate trainees (GT)	* Maininta koskee kaikkia kategorioita.	
Other (please describe)	-	

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## Section 4: Good practices and lessons learned

### Hyvät käytännöt:

Maahantulo Suomeen viisumilla liiketoimintatarkoituksessa on suhteellisen vaivatonta. Jos henkilö noudattaa viisumivaatimuksia (3kk maksimikesto yksittäiselle vierailulle) on todennäköistä että viisumi myönnetään uudelleen ja pidempikestoisena ns. "multiple entry"-viisumina, joka mahdollistaa usean 3kk vierailujakson Schengen-alueella. Viisumivapaita maista tulevat kolmansien maiden kansalaiset voivat oleskella Suomessa tai muiden Schengen-maiden alueella) enintään 90 päivää 180 päivän aikajaksolla.

Jos ulkomaalainen joka oleskelee Suomessa jollain toisella perusteella, haluaa perustaa yrityksen tai aloittaa yritystoiminnan, tarjolla on runsaasti neuvontapalveluja, jotka helpottavat prosessia. Henkilö voi myös aloittaa osa-aikaisen yritystoiminnan vaikka oleskelee toisella perusteella ja voi sitten anoa jatkolupaa elinkeinonharjoittamisen perusteella.

### Tutkimuksessa esiin tulleita huomioita

Oleskelulupajärjestelmä erottelee esim. yrityksen omistajia/tai vastuuhenkilöitä yhtiömuodon mukaan, joten se ei ole yhtä helposti ymmärrettävä ulkomaalaisen näkökulmasta. Jos haetaan ensimmäistä oleskelulupaa elinkeinonharjoittamisen perusteella (ammatinharjoittaja, kommandiittiyhtiö) vaaditaan selvityksiä harjoitettavasta liiketoiminnasta ja arvioida sen kannattavuudesta etukäteen ELY-keskuksen osapäätöstä varten. Kun hakija hakee oleskelulupaa elinkeinonharjoittamisen perusteella ulkomailta, on selvä että vaadittavia asiakirjoja ja laskelmia ei ole helppoa tuottaa ilman syvällistä tietoa tai neuvoja koskien Suomen yhteiskuntaa ja taloutta.

Osakeyhtiön kokonaan tai osittain omistavat, haavat työntekijän oleskelulupaa, saadakseen maahantuloluvan. Tämä käytäntö ei ulkomaalaisten tai viranomaisen mielestä ole kovin looginen ja vaikka se edellyttää TE-toimiston osaratkaisua, suurin osa tätä kautta haetuista oleskeluluvista myönnetään, kun hakijalla on todisteita riittävästä varallisuudesta. TE-toimistoilla ei ole samaa asiantuntemusta liiketoiminnan arvioinnissa kuin ELY-keskuksella, joka tekee osapäätöksen elinkeinonharjoittajan oleskelulupaa haettaessa. Ns. työntekijän oleskeluluvalla tuleville yrittäjille myönnetään oleskelulupa suunnitellun liiketoiminnan perusteella, vaikkeivät he varsinaisesti

työskentele itse tai työllistä muita. Tämä ei ole lainvastaista, mutta sen voidaan katsoa olevan vastoin maahantulosäännösten tarkoitusta. Maahanmuuton tulevaisuus 2020-strategian toimenpideohjelman puitteissa selvitetään, jos tämän kaltaiset yrittäjät saataisiin elinkeinonharjoittajan oleskeluluvan piiriin.

Nämä yllä mainitut asiat tekevät oleskelulupajärjestelmästä vaikeaselkoisen ja raskaan yrittäjille ja yrityksen omistajille. Oletettavasti nämä seikat vaikuttavat siihen, että tällä perusteella haetaan ja myönnetään vähän oleskelulupia.

Joissain tapauksissa tarvitaan erillinen lupa Patentti ja rekisterihallitukselta, jotta yritys voidaan rekisteröidä kaupparekisteriin. Lupa vaaditaan, jos kenellekään yrityksen vastuuhenkilöistä ei ole kotipaikkaa EU/ETA-alueella.

Tämän tutkimuksen aihepiiriin kuuluvat ns. "other business persons"-ryhmät ovat sisällytetty ulkomaalaislainsäädäntöön, mutta näitä maahantuloväyliä ei juuri markkinoida ja ne tunnetaan aika heikosti ulkomailta.

Suomessa ei ole käytössä tutkimuksen määritelmien kaltaista kategoriaa, maahanmuuttajasijoittaja/investori. Suomen politiikka painottaa ulkomaisten investointien houkuttelemisen tärkeyttä, mutta se ei sisällä mainintoja sijoittajien (henkilöiden) houkuttelemisesta ja maahantulosta.

Tilastollisesti on erittäin vaikeaa saada tarkkaa lukumäärää henkilöistä jotka ovat tulleet maahan liiketoimintatarkoituksessa. Liiketoiminnan perusteella myönnettyjen ns. business-viisumien määrä on suhteellisen suuri, mutta elinkeinonharjoittamisen, yrityksen omistamisen tai "other business persons"-perusteella myönnettyjen oleskelulupien määrä on hyvin pieni. "Other business persons"-perusteella myönnettyjen oleskelulupien erottaminen luotettavasti kaikista työnteon perusteella myönnettyistä oleskeluluvista on mahdotonta.

## Section 5: Conclusions

Keskeiset löydökset Suomen tutkimuksessa viittaavat siihen että kolmansien maiden kansalaisten maahan-tuloon liiketoimintatarkoituksessa ei ole kiinnitetty paljon huomiota, varsinkaan oleskelulupajärjestelmän osalta. Suomella ei ole omaa kategoriaa tai maahantulooperustetta maahanmuuttajasijoittajille/-investoreille, eikä maahantuloa ns. "other business persons"-kategorioiden (GATS Mode IV:n mukaan) perusteella aktiivisesti edistetä.

Toisaalta maahantulo Suomeen viisumilla liiketoimintatarkoituksessa on hyvin joustava ja tehokas tapa. Suomi myöntää yli 40 000 Schengen C-viisumia ns. business-perusteella vuosittain. Elinkeinonharjoittamisen perusteella sekä muilla perusteilla myönnettävien (tämän tutkimuksen määritelmiin sopivat) oleskelulupien määrät ovat hyvin pienet. Maahantulo viisumilla on kolmansien maiden kansalaisten osalta selvästi yleisin tapa tulla Suomeen (ja Schengen-alueelle) liiketoimintatarkoituksessa. Huomionarvoista on myös että esim. Yhdysvaltojen ja Japanin kansalaisia koskee viisumivapaus Suomeen ja Schengen-alueelle. Viisumivapaista maista tulevat kolmansien maiden kansalaiset saavat oleskella Suomessa tai muiden Schengen-maiden alueella enintään 90 päivää 180 päivän aikajaksolla.

Eri toimijoiden kommentit ovat yhteneväiset. Viisumijärjestelmä koetaan toimivaksi ja tehokkaaksi kun taas oleskelulupajärjestelmää kuvaillaan monimutkaiseksi, jäykäksi ja raskaaksi elinkeinonharjoittamisen ja muun liiketoiminnan osalta. Ensimmäinen oleskelulupa elinkeinonharjoittamisen perusteella haetaan ulkomailta ja sen yhteyteen vaaditaan mm. liiketoimintasuunnitelma, kannattavuuslaskelma sekä muita asiakirjoja. Vaadittujen asiakirjojen ja suunnitelmien hankkiminen ennen Suomeen tuloa voi olla hankalaa. Liike-elämän toimijoiden näkemys on että maahantulon ja yritystoiminnan käynnistämisen tulisi olla helpompaa, eikä kaikkia asiakirjoja tulisi vaatia etukäteen. Liiketoiminnan edellytykset voisi tarkistaa tietyn ajanjakson jälkeen. Nykyinen järjestelmä lan-nistaa monia edes yrittämästä, mikä selittää alhaisen määrän ensimmäisiä oleskelulupahakemuksia esim. elinkeinonharjoittamisen perusteella.

Suomessa on todennäköisempää että, kolmannen maan kansalainen aloittaa liike-/yritystoiminnan tul-tuaan ensiksi maahan toisella perusteella (työnte-ko, opiskelu, perheside). Maahanmuuttajayrittäjien

omien kokemusten mukaan, Suomessa on suhteel-lisen helppoa aloittaa yritystoiminta, kunhan on ensin tottunut yhteiskuntaan ja osaa hakea tietoa ja neuvoja oikeilta tahoilta. Toisaalta samat maahanmuuttajayrittäjät kokevat yritystoiminnalla menes-tymisen Suomessa vaikeaksi. Liiketoimintaa ja yri-tyksiä koskeva lainsäädäntö ja muut säädökset ovat hyvin kattavia. Prosessiin liittyy monia viranomaisia, jonka vuoksi byrokratia on raskas. Verotaso koetaan myös korkeana.

Politiikkatasolla Suomen tavoitteena on houkutel-la enemmän ulkomaisia investointeja ja yrityksiä ja näitä tavoitteita pyritään edistämään Team Finland ja Invest in Finland-verkoston avulla. Poliittikkatason tavoitteissa ei yleensä mainita yksittäisten henkilöi-den maahantuloa liiketoimintatarkoituksessa.

EU:n jäsenenä Suomi osallistuu EU:n yhteiseen kauppapolitiikkaan ja osallistuu vapaakauppasopi-musten neuvotteluihin kolmansien maiden kanssa. Suomi asettaa omat kansalliset tavoitteensa vapaa-kauppasopimusten puitteissa, mutta tällä hetkellä maahantulomahdollisuudet Suomeen vapaakauppa-sopimusten perusteella ei ole hyvin tiedossa. Ulko-asiainministeriö on EU:n kauppapolitiikan kansallinen vastuuviranomainen ja EU-komission aloitteesta sen on tarkoitus kehittää tieto- ja neuvontapalveluita täl-tä osin yhteistyössä muiden viranomaisten kanssa (mm. maahanmuuttohallinto).

Loppuun voi todeta että Suomen on päätettävä mitä se haluaa saavuttaa kolmansien maiden kansalaisten houkuttelemisessa ja maahantulon edistämisessä lii-ketoimintatarkoituksessa. Ulkomaisten investointien houkuttelemisen ja maahanmuuttajien kannustami-nen yrittäjiksi on mainittu monissa asiakirjoissa. Suo-mi tarvitsee parempaa yhteistyötä eri viranomaisten ja avointa keskustelua kaikkien toimijoiden kanssa, erityisesti liike-elämän kanssa jotta tässä onnistut-taisiin.

## Annex 1

Table 1: Statistics on immigrant investors and immigrant business owners

Indicators	2009	2010	2011	2012	2013	Source / further information
Statistics on immigrant investors <sup>2</sup>						
Number of visa applications (national D-type visas) * Suomi ei myönnä D-viisumeita eikä tunne käsitettä/kategoriaa maahanmuuttajainvestoija	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 owners <sup>3</sup>						
Number of visa applications (national D-type visas) * Suomi ei myönnä D-viisumeita	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 Elinkeinonharjoittajan oleskelulupa	95	117	103	165	118	Maahanmuuttovirasto
Number of residence permits issued (perhaps an estimate e.g. admissions) Elinkeinonharjoittajan oleskelulupa	57	43	55	68	65	Maahanmuuttovirasto
Number of residence permits refused / withdrawn (perhaps an estimate e.g. admissions) Elinkeinonharjoittajan oleskelulupa	13	35	55	52	44	Maahanmuuttovirasto
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.) * Tietoa ei ole luotettavasti saatavilla	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 in Annex 2, please provide them in a separate spreadsheet. * Data is not available according to the Mode IV-categories.	n/a	n/a	n/a	n/a	n/a	
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	1 259 643	1 392 048		EU komissio viisumi- tilastot
Number of visa issued (Schengen C-type visas) Total	781 756	1 009 158	1 249 368	1 378 484	1 556 916	Ulkoasiainministeriö
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	Ulkoasiainministeriö
Number of visa refused (Schengen C-type visas) Refusal rate in %	n/av	1.3%	1.2%	1.3%	n/av	EU komissio viisumi- tilastot

<sup>2</sup> 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.

<sup>3</sup> 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.

**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 immigrant investor (national D-type visa)	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 immigrant business owner (national D-type visa)	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 immigrant investor (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 immigrant business owner (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 data refer to newly admitted business owners or they include also those third-country nationals already living in their Member States

Tietoa ei ole saatavilla kyseisillä kriteereillä.

Tilastokeskuksen vuoden 2012 työvoimatutkimuksen tietojen mukaan Suomessa oli 11 376 ulkomailla syntynyttä yrittäjää. Tilastokeskuksen vuoden 2011 tietojen mukaan Suomessa oli 6 321 yritystä jonka omistajat olivat ulkomaalaistaustaisia.

- 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
<b>BVEP:</b> <b>Business visitors for establishment purposes'</b>	Natural persons <ul style="list-style-type: none"> <li>- working in a senior position who:</li> <li>- are responsible for setting up an enterprise,</li> <li>- do not offer or provide services or engage in any other economic activity than required for establishment purposes.</li> <li>- do not receive remuneration from a source located within the host Party.</li> </ul>	Up to 90 days in any twelve month period
<b>ICT:</b> <b>'Intra-corporate transferees' 4</b>	Natural persons who: <ul style="list-style-type: none"> <li>- have been employed by a juridical person or have been partners in it for at least one year</li> <li>- 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,</li> <li>- belong to one of the following categories:               <ol style="list-style-type: none"> <li>1. Managers: 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:                   <ul style="list-style-type: none"> <li>- directing the host entity or a department or sub-division of the host entity</li> <li>- supervising and controlling the work of other supervisory, professional or managerial employees</li> <li>- having the authority to recommend hiring, dismissing or other personnel action;.</li> </ul> </li> <li>2. Specialists: 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;</li> </ol> </li> </ul>	Up to 3 years
<b>GT:</b> <b>Graduate trainees / trainee employees 5</b>	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
<b>BS:</b> <b>Business sellers</b>	Natural persons who: <ul style="list-style-type: none"> <li>- are representatives of a services or goods supplier of one Party,</li> <li>- 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</li> <li>- do not engage in making direct sales to the general public</li> <li>- do not receive remuneration from a source located within the host Party</li> <li>- nor are they commission agents.</li> </ul>	Up to 90 days in any twelve month period

<sup>4</sup> Definition as in Directive 2014/66/EU

<sup>5</sup> Directive 2014/66/EU

<p><b>CSS:</b></p> <p><b>'Contractual services suppliers'</b></p>	<p>Natural persons:</p> <ul style="list-style-type: none"> <li>- 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</li> <li>- 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.</li> <li>- 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.</li> <li>- 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.</li> <li>- must possess a university degree or a qualification demonstrating knowledge of an equivalent level</li> <li>- 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.</li> <li>- 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..</li> </ul>	<p>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.</p>
<p><b>IP:</b></p> <p><b>'Independent professionals'</b></p>	<p>Natural persons:</p> <ul style="list-style-type: none"> <li>- engaged in the supply of a service</li> <li>- established as self-employed in the territory of a Party who have not established in the territory of the other Party</li> <li>- 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</li> <li>- must be engaged in the supply of a service on a temporary basis as self-employed persons established in the other Party</li> <li>- must have obtained a service contract for a period not exceeding twelve months.</li> <li>- 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.</li> <li>- must possess a university degree or a qualification demonstrating knowledge of an equivalent</li> <li>- 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.</li> </ul>	<p>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.</p>