CITIZENSHIP AND IMMIGRATION IN FINLAND: THE *NATIONALITY ACT* 2003 IN CONTEXT

ABSTRACT

Immigration in Finland has increased since the 1980s, and questions relating to citizenship have become topical political questions here. The *Nationality Act* 2003 introduced the possibility of acquiring dual citizenship. The Nordic welfare state model provides all residents with equal social rights. However, immigrants still have a weak labour market position.

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Finland has in recent years experienced increased immigration. There have also been significant changes in migration and citizenship policies in this country. Until the 1980s, Finland was primarily a country of emigration, but since then the number of foreign-born people living in the country has grown rapidly. At the end of 2007, of a total population of 5.3 million, the number of foreign-born people was 202,500. However, as late as 1980, that number stood at less than 40,000. In many ways, Finland is today a much more international and globally oriented country than it was 30 years ago. The changes in the neighbouring Soviet Union in the 1990s made immigration from the East possible, increased economic prosperity, made Finland more attractive for immigrants, and the country joined the European Union in 1995. Today, increased immigration is discussed as a solution to the problem of a future labour shortage created by a rapidly ageing population.

In order to understand the present policies in Finland, one needs to take into account the historical context of the country. Finland did not experience immigration immediately after World War II, but in other periods of history it has been a relatively multicultural meeting place between East and West. Finland is officially a bilingual country with a Swedish-speaking population of approximately 300,000 people living mainly in the coastal regions of the country (McRae 1997). There are also other well-established smaller cultural minorities with a long history in Finland (in order of estimated size: Roma, Sami, Jewish and Muslim Tartar). Furthermore, Finnish society is characterized by the Nordic welfare state model, which strives to actively encourage equality among the population of the country. The country can today be characterized as a highly developed welfare state with a high GNP and low income differences, similar to neighbouring Scandinavian countries.

The history of large-scale emigration from Finland has also had an impact on the recent changes in citizenship legislation. The total number of people who emigrated from Finland between 1860 and 2004 is estimated to be almost 1.3 million, including about 600,000 to Sweden, 320,000 to the United States and 94,000 to Canada (Institute of Migration 2005). In the early 20th century, emigration from Finland was directed mainly towards North America, but later, after World War II, it was directed mainly to Sweden.

New immigration to Finland has been very heterogeneous, consisting of both marriage-related immigration, and immigration of both low-skilled and high-skilled employees. In addition, the country has also seen the arrival of refugees and asylum seekers. Some of the largest nationality groups are made up of immigrants from neighbouring countries, but there are also significant numbers of immigrants from developing countries, for example refugees from Somalia and Iraq. The refugees have arrived both as asylum seekers and within the framework of organized resettlement programmes administered by the UNHCR (Wahlbeck 1999). The four largest foreign nationality groups, as of December 31, 2007, were citizens of Russia (26,000), Estonia (20,000), Sweden (8,400) and Somalia (4,800) (Statistics Finland 2008).

Citizenship as legal status

The Finnish laws and regulations concerning citizenship and immigration have been the object of many debates and have gone through many changes (Lepola 2000). The legislative framework

regulating Finnish citizenship is the new *Nationality Act* (359/2003), which came into effect on June 1, 2003. According to this law, foreign citizens may become naturalized by application if they have lived permanently in Finland for six years without interruption. There are also other requirements. Among others, the applicant must not have committed any punishable act or failed to pay any fee payable under public law. The applicant should also have acquired satisfactory spoken and written skills in the Finnish or Swedish language. Since 1998, a few thousand foreign residents have each year received Finnish citizenship upon application; in 2007, that number was 4,824 (Statistics Finland 2008).

Compared with previous legislation, a major change in the new *Nationality Act* is that the Act accepts dual, or multiple, citizenship. This change can be seen as part of a general international trend that has led many countries around the world to accept dual citizenship (Kivisto and Faist 2007). Of particular significance in the Finnish case were changes to legislation in Sweden in 2001 that made multiple citizenship possible for Swedish citizens. However, despite the acceptance of dual citizenship, the new Finnish *Nationality Act* is in many ways more restrictive than previous legislation. The required length of stay in Finland was extended from five to six years, and language proficiency requirements were not explicit in previous legislation. The *Nationality Act* was based on a compromise among the political parties in the Finnish government. The introduction of dual citizenship would not have been accepted by some politicians unless the law was made more restrictive in some other respects .

The *Nationality Act* also includes detailed regulations about how Finnish citizenship is acquired at birth and about the specific circumstances under which it can be revoked. Children become Finnish citizens at birth if at least one of the parents is a Finnish citizen. The place of birth does not determine citizenship, but a child born in Finland may become a Finnish citizen in the case where he or she does not have the right to any other citizenship. One of the explicit purposes of the Finnish *Nationality Act* is to prevent statelessness of Finnish citizenship generally requires a person to live permanently abroad and have the nationality of another state. A Finnish citizen who does not maintain sufficient connections with Finland will lose his or her citizenship upon reaches the age of 22.

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Social citizenship

What are the practical consequences of Finnish citizenship for immigrants? In general, rights and services in Finland tend to be connected to whether one is a permanent resident of the country. Therefore, nationality as such does not play a large role in one's social rights or in the services that one receives from Finnish authorities. In Finland, most public services are provided by municipalities to their permanent residents, regardless of nationality. The National Health Insurance System also covers everybody who lives permanently in the country. Likewise, immigrant integration policies in Finland are implemented at the local level. Thus, in general, all permanently settled immigrants have relatively strong social rights in Finland.

The differences between Finnish citizens and foreign citizens can be mainly found at the state level, in its rights and obligations. Finnish citizenship is required for certain positions in the state administration. A Finnish citizen cannot be prevented from entering Finland and cannot be deported from the country against his or her will. All Finnish citizens are liable to defend the country in the case of a military conflict, and men above 18 years of age are eligible for military service. Finnish citizenship gives a person the right to vote in state elections. However, all foreign residents who have lived in the country for two years can to vote in local elections.

In general, it is the place of permanent residence and not nationality that is decisive for one's social rights in Finland. Thus, it can be argued that social citizenship in Finland is largely detached from formal or legal citizenship and instead connected to permanent resident status. However, it is not easy to obtain a residence permit in Finland, and the restrictive immigration policies have been the object of much public debate. Recently, the deportation of some asylum seekers has been publicly criticized by human rights groups. Despite the obvious need for immigrant labour as a result of an ageing population, public opinion has not favoured increased immigration. Until recently, politicians have also been reluctant to support an active immigration policy, and the political decisions regarding immigration can be regarded as reactive rather than proactive.

Paradoxically, despite the lack of labour predicted for the future, many of the immigrants already settled in the country find it difficult to access the labour market. In the Finnish labour market, supply and demand for labour clearly do not match up, but there are also indications that immigrants are discriminated against. In general, immigrants often experience marginalization and exclusion in the general labour market, which is reflected in their relatively high rate of unemployment. The jobs available to immigrants tend to be unskilled and insecure. Many immigrants are, therefore, forced into self-employment in the restaurant sector (Wahlbeck 2007). Finland is a developed welfare state with strong social rights and integration measures, but even so, the integration of immigrants in the general labour market has been slow and difficult. This specific feature of Finnish society has

been outlined by Kathleen Valtonen (2001, 2004), who argues that "citizenship has been compromised by lack of specific anti-discrimination mechanisms that would strengthen immigrants' exercise of civil rights to equal treatment in the labour market" (Valtonen 2004: 92). According to Valtonen (2004), Finnish society features a specific form of "differential exclusion" where strong social rights of immigrants can occur alongside a weak labour market status.

Citizenship as national identity and travel document

Despite the fact that formal citizenship is largely detached from social citizenship in Finland, Finnish nationality is still something that many immigrants seem to strive for. A large share of the immigrants who have lived permanently in Finland for a long period of time tends to apply for Finnish citizenship. Exact figures are not readily available, but the number of people in Finland who were born abroad is considerably larger than the number of foreign citizens. According to the official population register, dated December 31, 2007, which includes all people who live permanently in the country, there were 202,500 foreign-born individuals, but only 132,600 foreign residents in the country. The population register also collects information about native language (everybody has to indicate one, and only one, language). Since 1988, the number of people speaking a foreign language (any language other than Finnish, Swedish or Sami) has been larger than the number of foreign residents in the country. On December 31, 2007, the number of people who indicated a foreign language as their native language was 173,000. These figures suggest that many non-native speakers and foreign-born people have acquired Finnish citizenship in recent years.

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A study of Kurdish refugees in Finland gives some indication as to why many immigrants choose to apply for Finnish citizenship. In the interviews (Wahlbeck 1999: 110-112), a majority of the respondents considered it possible that in the future, they would apply for Finnish citizenship. The respondents felt that Finnish citizenship would make both their life in Finland and travelling abroad easier. They also hoped that Finnish citizenship would facilitate integration and reduce the discrimination they faced. Furthermore, as refugees, they did not necessarily have a strong emotional bond with their original citizenship. In any case, the likelihood of applications for citizenship was probably further strengthened by the change in Finnish legislation in 2003, which made dual citizenship officially possible.

The *Nationality Act* 2003 provides a good example of how nationalism and ethnicity play a role in Finnish political debates about citizenship. The new law, and especially the introduction of dual citizenship, was largely influenced by the interests of former Finnish citizens and their descendants, and a general wish to link these "expatriate Finns" closer to Finland. For example, the acceptance of dual citizenship was strongly lobbied for by the Finnish Expatriate Parliament (an NGO that promotes the interests of all expatriate Finns and claims to have 459 Finnish expatriate organizations as collective members). In the political debates surrounding the new law, a key argument for the introduction of dual citizenship was the possibility for expatriate Finns to regain Finnish citizenship. Some reference was also made to the fact that dual citizenship might help the integration of immigrants in Finland. However, it is clear that the primary interests guiding the new law were the interest of the Finnish state, on the one hand, and expatriate Finns on the other, and not primarily the interests of immigrants living in Finland. This emphasis on national and ethnic identities in the political debates about citizenship is, however, nothing new and had alreadty been pointed out by Outi Lepola (2000) in a study of debates in the Finnish Parliament in the 1990s. Her analysis shows that the immigration discourse in Finland is related to conceptions about "Finnishness." Furthermore, "Finnishness" is often regarded as something that is related to ancestry and, therefore, not necessarily linked to on formal citizenship.

The interests of expatriate Finns were taken into account in the implementation of the new *Nationality Act*, since former Finnish citizens and their descendants were given the possibility of obtaining Finnish dual citizenship during a transition period, even if they did not fulfill the naturalization criteria outlined above. In the period from June 1, 2003, to the end of 2007, a total of 9,246 expatriate Finns had received Finnish citizenship "by declaration" in accordance with the interim rules. The five largest groups were made up of people who came from Sweden (2,116), the United States (1,870), Canada (1,414), Australia (1,037) and Switzerland (547). In general, the total number was not as high as expected; in particular, the relatively low number of Swedish citizens is striking. Instead, mostly expatriate Finns from non-EU countries had applied for citizenship under the interim rules. Finland is a member of the EU and the Schengen area of free movement, and most applicants came from countries outside of this area. This indicates that despite the nationalist arguments for the new law, many expatriate Finns seem to have a rather pragmatic view of nationality. A key issue seems to be an EU-passport that is useful when travelling abroad.

For many people – both immigrants and expatriate Finns – dual citizenship, to a significant extent, seems to be a practical question of gaining a convenient travel document. Social rights in Finnish society are realized (or not realized) by other means and depend primarily on permanent resident status. Nationality as legal status is, of course, not unrelated to questions of identity as well as

rights and obligations. But we also need to look beyond the question of formal nationality to get a full picture of citizenship as civic identity and practice in the 21st century.

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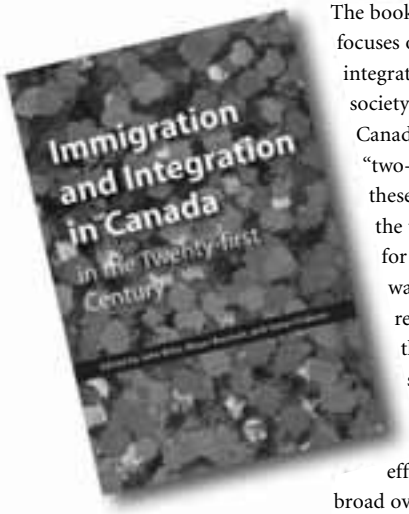
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