

FINNISH BORDER GUARD INSTRUCTIONS FOR BORDER TRAFFIC IN ACCORDANCE WITH THE GOVERNMENT DECISION OF 12/06/2020

On 12 June 2020, the Government decided on the partial extension of internal border control and the restriction of external border traffic until 14 July 2020. These instructions issued by the Finnish border guard provide passengers with information on the changes that apply to permitted cross-border traffic as of 15 May.

As of 15 June 2020, internal border control will be terminated for traffic between Finland and Norway, Denmark, Iceland, Estonia, Latvia and Lithuania as well as for recreational boats between Schengen countries. The aforementioned traffic is unrestricted at all airports and in all ports, provided that the point of transport is open.

All airports will be opened for passenger traffic, taking into account travel restrictions for internal and external border traffic.

Until 14 July 2020, internal border control has been reinstated on the land border between Finland and Sweden; in air traffic with the exception of traffic between Finland and Norway, Denmark, Iceland, Estonia, Latvia and Lithuania; and in waterborne traffic, with the exception of recreational boat traffic and regular ferry services between Finland and Norway, Denmark, Iceland, Estonia, Latvia and Lithuania.

The following are permitted at internal borders where border control has been reinstated:

- return to Finland
- return traffic to other EU and Schengen countries or via them
- commuter traffic
- other essential traffic.

Restrictions on border traffic will continue at external borders until 14 July 2020.

The following are permitted at external borders:

- return to Finland
- return traffic to other EU and Schengen countries or via them
- removal of a third-country national from the country
- other essential traffic.

According to section 9 of the Constitution of Finland, Finnish citizens must not be prevented from entering Finland, and everyone has the right to leave Finland. However, limitations on the right to leave the country may be provided by law if they are necessary for the purpose of safeguarding

legal proceedings or for the enforcement of penalties or for the fulfilment of the duty of national defence.

1. SCHENGEN INTERNAL TRAFFIC

1.1. Termination of internal border control in certain respects

As of 15 June 2020, internal border control will be terminated for traffic between Finland and Norway, Denmark, Iceland, Estonia, Latvia and Lithuania as well as for recreational boats between Schengen countries.

The aforementioned traffic is unrestricted at all airports and in all ports, provided that the point of transport is open.

On the land border between Finland and Norway, the border can be crossed everywhere without border checks on persons.

Recreational boat traffic between Schengen countries is unrestricted by border control, and recreational boats are not obliged to enter a border checkpoint.

Despite the partial termination of internal border control, Finnish citizens must have the required travel documents when leaving the country. Foreigners must also ensure that they meet the requirements for entry and residence in the country. In traffic between the Nordic countries, it is sufficient for Nordic citizens to be able to prove their identity in some way.

1.2. Partial continuation of internal border control

Internal border control will continue until 14 July 2020:

- on the land border between Finland and Sweden,
- for air transport except between Finland and Norway, Denmark, Iceland, Estonia, Latvia and Lithuania, and
- for waterborne transport with the exception of recreational craft transport and regular ferry services between Finland and Norway, Denmark, Iceland, Estonia, Latvia and Lithuania.

The Finnish border authorities allow the following on internal borders where internal border control has been reinstated, i.e. traffic between Finland and another Schengen state:

- Return to Finland

- a) Finnish nationals and their family members
- b) nationals of EU and Schengen countries and their family members
- c) third-country nationals residing in Finland with a residence permit

- Return traffic to other EU and Schengen countries or via them

- a) nationals of other EU and Schengen countries and their family members
- b) third-country nationals residing another EU or Schengen country with a residence permit

- Travel for work and other essential traffic

- a) commuting based on employment or assignment
- b) diplomats, staff of international organisations, military personnel and humanitarian aid workers in the exercise of their duties
- c) persons studying in Finland
- d) persons with a Finnish residence permit and EU/Schengen citizens who have registered their right of residence
- e) persons travelling for family matters (e.g. meeting a close relative, funerals, weddings, illness)
- f) persons in need of international protection or who are travelling for other humanitarian reasons
- g) other essential and justified traffic (e.g. pressing personal reasons, representatives of foreign media, property, residence or secondary residence in Finland)

Those arriving in the country should follow the instructions given by the health authorities.

Internal border control can be focused on subjects selected on the basis of threat and risk assessments by internal security authorities and health care authorities. The primary focus of internal border control is on immigration checks.

According to section 9 of the Constitution of Finland, Finnish citizens must not be prevented from entering Finland, and everyone has the right to leave Finland. However, limitations on the right to leave the country may be provided by law if they are necessary for the purpose of safeguarding legal proceedings or for the enforcement of penalties or for the fulfilment of the duty of national defence.

The purpose and requirements of a commute based on employment relationship or assignment are determined during the border check. During border checks, the commuter may be asked to present documents to verify that the entry requirements are fulfilled. Such documents may in particular relate to information on the employment relationship and assignment. The entry of EU citizens as foreign seasonal labour is permitted in the same way as commuting.

In addition to diplomats, holders of service and official passports are allowed entry in the exercise of their duties.

The entry into Finland of third-country nationals arriving for seasonal work through another Schengen State are recorded in accordance with established practice. In addition to the 4,500 seasonal workers the government has previously decided to allow to enter, the entry of 4,500 additional seasonal workers from outside the EU will be allowed.

Other essential traffic is assessed on a case-by-case basis based on information gathered during the border check.

A traveller must always have the required travel document and, if necessary, the required visa or a residence permit. However, travel documents that deviate from those required earlier are not needed for crossing an internal border. In traffic between the Nordic countries, it is sufficient for Nordic citizens to be able to prove their identity in some way.

Those wishing to cross the internal border must use border crossing points where border control has been reinstated. Crossing the border in other places is not permitted without a border crossing permit.

2. TRAFFIC AT EXTERNAL BORDERS

With regard to traffic at external borders, which means between Finland and a non-Schengen country, the Finnish border authorities permit the following:

- Return to Finland

- a) Finnish nationals and their family members
- b) nationals of EU and Schengen countries and their family members
- c) third-country nationals residing in Finland with a residence permit

- Return traffic to other EU and Schengen countries or via them

- a) nationals of other EU and Schengen countries and their family members
- b) third-country nationals residing another EU or Schengen country with a residence permit

- Exiting of a third-country national from the country

- Essential traffic

- a) citizens of an EU or Schengen country or a citizen of the United Kingdom arriving from another non-Schengen EU country or the United Kingdom due to commuting on the basis of employment or assignment
- b) health care and rescue service personnel (including first aid) and elderly care professionals during assignments
- c) freight transport and logistics personnel during assignments
- d) diplomats, staff of international organisations, military personnel and humanitarian aid workers in the exercise of their duties
- e) persons with a Finnish residence permit and EU/Schengen citizens who have registered their right of residence
- f) persons in need of international protection or who are travelling for other humanitarian reasons
- g) persons travelling for compelling family or other compelling personal reasons
- h) other necessary and justified transport such as work that is significant for the functioning of society or supply security, the implementation of which requires the work performance of a person or persons coming from another country and the work can not be delayed;

representatives of the foreign media; air transit the at Helsinki Airport; and the arrival of a family member of a Finnish citizen living abroad)

Those arriving in the country should follow the instructions given by the health authorities.

Crossing the external border of the Schengen area is only possible through open border crossing points. Crossing the border in other places is not permitted without a border crossing permit.

According to section 9 of the Constitution of Finland, Finnish citizens must not be prevented from entering Finland, and everyone has the right to leave Finland. However, limitations on the right to leave the country may be provided by law if they are necessary for the purpose of safeguarding legal proceedings or for the enforcement of penalties or for the fulfilment of the duty of national defence.

A traveller must have the required travel document and, if necessary, the required visa or a residence permit.

The entry of EU citizens as foreign seasonal labour is permitted in the same way as commuting.

In addition to diplomats, holders of service and official passports are allowed entry in the exercise of their duties.

With regards to external border traffic, other essential traffic refers particularly to border traffic which is related to work that is important for the functioning of society or security of supply, requires work tasks to be carried out by persons from another country, and cannot tolerate delay.

The Ministry of Economic Affairs and Employment has overseen the process of defining the types of work that are important for the functioning of society or security of supply and cannot tolerate delay. This list of critical tasks does not constitute an advance decision granting entry into the country. The employer must use a separate form to justify why the work of the employee coming to Finland is critical and cannot tolerate delay. The Employer fills in the form entitled 'Employer's explanation of the employee's need to enter the country during the state of emergency' and gives it to the employee. In addition to the other documents required for border crossing, the employee seeking to enter Finland presents this form at the border check.

The entry of those entering the country for this purpose is recorded in accordance with established practice.

The border control authority will take into account the list of critical tasks and the employer's explanation when assessing whether the case qualifies as essential traffic. Decisions as to what is essential traffic are made by the border control authority at the particular border crossing point in question, based on the instructions issued by the Finnish Border Guard and case-by-case consideration.

The Government has revised the maximum amount of seasonal labour required on agricultural and horticultural farms. In addition to the 4,500 seasonal workers the government has previously

decided to allow to enter, the entry of 4,500 additional seasonal workers from outside the EU will be allowed from June 1. The entry into Finland of third-country nationals arriving for seasonal work are recorded in accordance with the established practice. The Headquarters of the Border Guard use these records to ensure that the maximum number (9,000 persons) is not exceeded.

Other essential traffic is assessed on a case-by-case basis based on information gathered during the border check.

3. Interpretation guidelines for clarification

In accordance with the Government decision, these Border Guard guidelines specify the content of the passenger traffic referred to in the decision and, in particular, the essential traffic included in it.

- Family member of a Finnish citizen

A family member of a Finnish citizen may enter Finland if they meet the requirements laid down in Section 37 of the Aliens Act (301/2004). The family member of a Finnish citizen arriving in Finland must be a family member of a Finnish citizen currently living in Finland. However, the entry of a family member of a Finnish citizen residing abroad is also permitted through the external border. The family member must also have the required travel documents and, if required, a visa or residence permit.

The provisions on freedom of movement will apply to a family member of a Finnish citizen if the Finnish citizen has exercised their right of movement under the Directive on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States by settling in another Member State and the family member comes to Finland with them or follows them later. A family member of a Finnish citizen may arrive in the country if they have the required document proving their right of residence in Finland or another EU or Schengen country.

- residence permit issued by Finland

Persons holding a residence permit issued by Finland may arrive in Finland through external borders or internal borders where border control has been reinstated. The residence permit card must be presented at the border check.

- Persons travelling for family matters on internal border crossings

It is allowed to arrive in Finland through internal borders where border control has been reinstated for family matters.

Persons travelling to meet a close relative are categorised as persons travelling for family matters. The entire family may enter the country to meet a close relative. Those categorised as close relatives include one's spouse or one's children, parents, siblings or grandparents. A cohabiting partner with whom one is living continuously (at least 2 years) is also considered as a close relative. The regulations for meeting with close relatives apply both to Finnish citizens and also to

EU/Schengen citizens residing in Finland and their family members as well as third-country nationals residing with a residence permit.

Persons arriving in the country on the basis of a relationship are also considered persons travelling for family matters. In practice, a relationship refers to a romantic relationship. The regulations for entering Finland on a basis of a relationship apply to Finnish citizens and to EU/Schengen citizens residing in Finland and their family members as well as third-country nationals residing with a residence permit.

It is also possible to enter Finland through an internal border in order to handle other family matters. These include funerals, weddings and cases of illness, for example.

- students in Finnish institutions

Students admitted to a Finnish educational institution can enter Finland through an internal border where border control has been reinstated.

- Cross-border commuting

All cross-border commuting within the Schengen area based on an employment relationship or a commission is permitted where border control has been reinstated. The purpose and requirements of commuting are examined in connection with the border check. You must be prepared to present the grounds for commuting and, in particular, the documents concerning the employment relationship or commission at the border check.

- Essential personal reasons for internal border traffic

It is allowed to arrive in Finland through internal borders where border control has been reinstated for a compelling personal reason.

A vital personal reason should involve a task or event that requires one to be physically present, which cannot tolerate delay, and which, if left undone, would cause undue harm within the context in question. Vital personal reasons are assessed on a case-by-case basis in connection with the border check.

- the entry of a person who owns property, a flat or a secondary residence in Finland

A person who owns a property, residence or secondary residence in Finland can arrive in Finland through internal borders where border control has been reinstated. The owner's family may also enter the country.

- incoming commuter traffic from a non-Schengen EU member state or the United Kingdom

Exterior border control allows the entry of citizens of an EU or Schengen country or a citizen of the United Kingdom arriving from another non-Schengen EU country or the United Kingdom due to commuting on the basis of employment or assignment.

- work significant for the functioning of society and supply security in external border traffic

With regards to external border traffic, other essential traffic refers particularly to border traffic which is related to work that is important for the functioning of society or security of supply, requires work tasks to be carried out by persons from another country, and cannot tolerate delay.

The Ministry of Economic Affairs and Employment has overseen the process of defining the types of work that are important for the functioning of society or security of supply and cannot tolerate delay. This list of critical tasks does not constitute an advance decision granting entry into the country. The employer must use a separate form to justify why the work of the employee coming to Finland is critical and cannot tolerate delay. In addition to the other documents required for border crossing, the employee seeking to enter Finland presents this form at the border check.

The border control authority will take into account the list of critical tasks and the employer's explanation when assessing whether the case qualifies as essential traffic entry.

- Compulsory family matters in external border traffic

Finland can be entered through an external border in order to handle compulsory family matters. These include the birth of one's own child or a serious illness of a close relative.

- Compulsory personal reasons for external border traffic

You can enter Finland through an external border for a compulsory personal reason. A compulsory personal reason should involve a compulsory or unpredictable cause which requires personal attendance, which cannot tolerate delay, and which would cause undue harm within the context in question if the person concerned would not tend to it. Compulsory personal reasons are assessed on a case-by-case basis in connection with the border check.

- Transit through the Helsinki Airport

In external border traffic and where internal border control has been reinstated, the Border Guard allows transit through the Helsinki-Vantaa Airport when the passenger remains in the transit area during transit. The right to transit does not grant the right to enter the country (Finland).

- Entry is decided during the border check

The Finnish Border Guard does not grant advance permits for entry to Finland. In external border traffic and where internal border control has been reinstated, the decision to allow entry is always made during border checks.

- Travel documents

A traveller must have the required travel document and, if necessary, the required visa or a residence permit.

In traffic between the Nordic countries, it is sufficient for Nordic citizens to be able to prove their identity if necessary.