Proposed amendments to the Aliens Act on detention of third country nationals

The Ministry of the Interior informed that the provisions of the Aliens Act on detention and entry bans will be tightened. In addition, the Act will provide for the possibility of withdrawing a residence permit from an alien staying outside Finland and imposing an entry ban on the alien for security reasons. The amendments were submitted on 3 April 2025, and they will enter into force on 6 May 2025.

They concern the following:

- Maximum duration of detention will be extended from 12 months to 18 months in situations related to removal from the country. - Detention may be extended from six months to 12 months even before the removal decision is made if the person is considered a danger to public order and security or to national security.

- The detention measure can be adopted for situations strictly defined by law, for example when there is reason to believe that they are avoiding removal from the country.

- a person may also be detained, in the future, if the measure is necessary to safeguard public order.

- A child may be detained with a person who has custody of the child for a maximum of three months if this is essential for maintaining the family contact. Detention of a child may be extended to a maximum of six months in the event that removal from the country is delayed due to the custodian's unwillingness to cooperate or lack of return documents.

- The concept of the risk of absconding has been clarified by defining and specifying it in the Act, with detailed criteria for assessing when there is reason to assume that the person to be returned may abscond.

- In addition, the returnee will be obliged to cooperate with the Finnish authorities at all stages of the return process.

- Procedure for a more effective imposition of entry bans in cases where no time limit has been set for voluntary return or the person has not left the country

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voluntarily within the fixed time limit.

- A temporary entry ban will be possible to be imposed on a third-country national for up to 15 years. Previously, it was possible to impose an entry ban on third-country nationals for a fixed term of no more than five years. The Act also continues to allow the imposition of an entry ban until further notice.

- A residence permit can be withdrawn from an alien staying outside Finland and an entry ban be imposed on the alien due to the person being a danger to public order and security or to national security without hearing the person in Finland.

Source(s)

- Ministry of the Interior | Sisäministeriö (3 April, 2025), [New amendments to provisions on detention and entry ban help safeguard public order and security], https://intermin.fi/-/sailoonoton-ja-maahantulokiellon-muutokset-turvaavat-yleista-jarjestysta-ja-turvallisuutta?languageId=en_US

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