TEEMA-ARTIKKELI

MIGRATION REGIMES AND VISA TRACKS - A REFLECTION ON FINLAND

The role that migration regimes and international mobility plays has become an epicentre of interest, a partly highly polarized one, while other elements of this intersection remain overlooked. This paper reflects key viewpoints to the concept of migration regimes and visas that are employed as instruments governing migration processes and flows.

Keywords: international migration, migration regime, visa, policymaking

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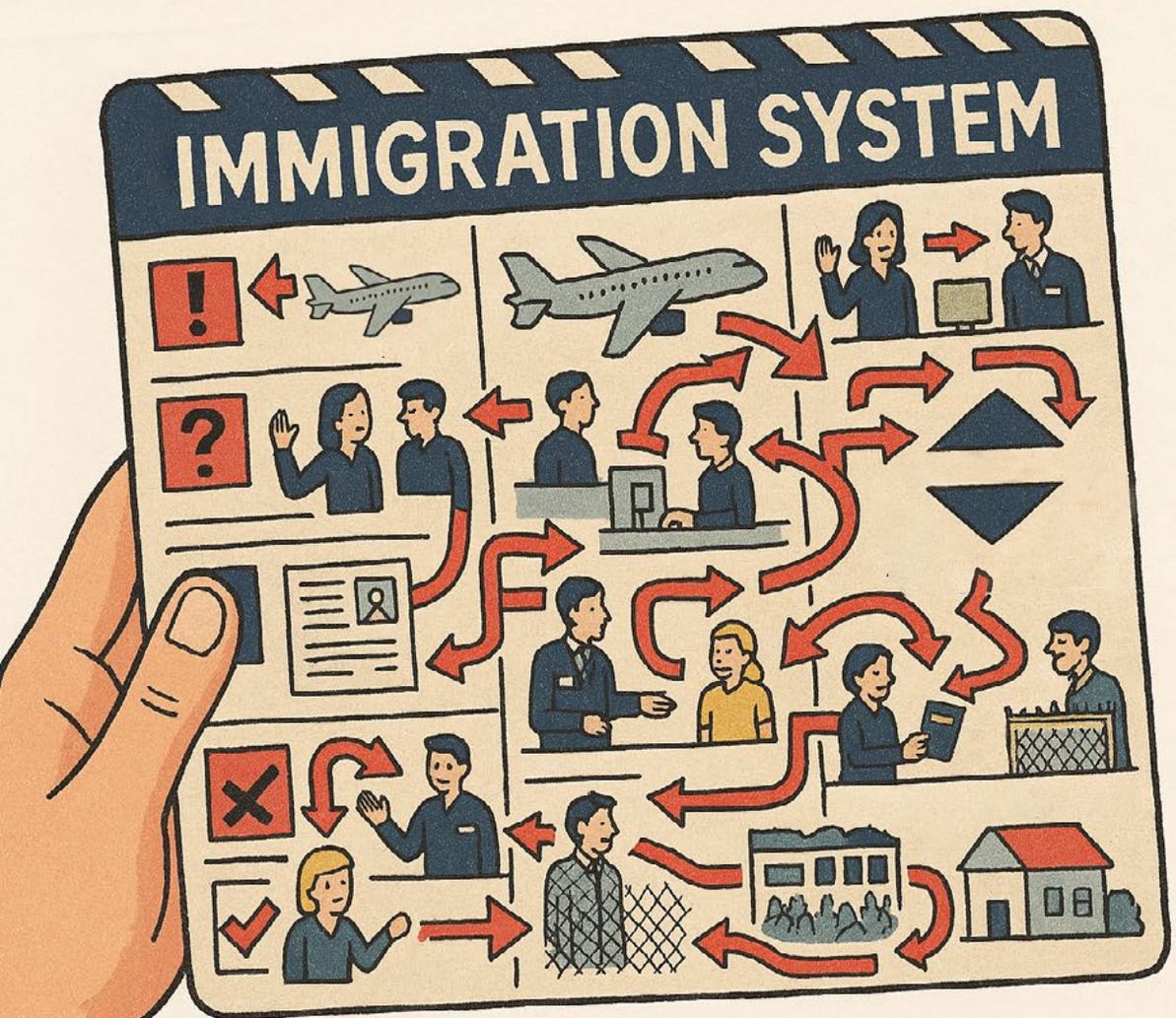

Migration regime- A multilevel and multidisciplinary concept

On the supranational level, migration flows across borders are mainly governed and regulated following humanitarian principles and agreements, specifically the 1951 Refugee Convention, its 1967 Protocol and the respective interpretations, but also following political and regional agreements, such as the European Union and its treaties, like the Treaty of Lisbon. The principles of the European Union include freedom of movement across the member states for EU citizens. Additionally, there are bilateral agreement governing mobility between two countries, e.g. between Finland and the Philippines. The two countries signed a joint declaration of intent to promote ethical labour mobility, which refers to international labour migration addressing Finland's labour shortages while safeguarding the rights of Filipino workers.

Migration regimes capturing the relation between mobility, regulation and respective discourse are often perceived as something national, but this is misleading (see a discussion on the migration regime- concept in Cvajner, Echeverría and Sciortino, 2018). Migration regimes have supranational, international, national and regional characteristics that link with external, internal and border regimes (Cvajner et al., 2018). These characteristics may co-exist on multiple levels simultaneously while having diverse governance actors involved. For example, our research in China illustrates governance policies and practices on a city-region-business ecosystem level next to the national level governance (Elo, Volovelsky & Wang, 2023). As Rass and Wolff (2018) notice, the use and meaning attributed to the term migration regime shifts notably according to the research discipline, interest agendas and political goals. They perceive it as an analytical concept that calls for interdisciplinary discourses and applicability.

The usual focus in migration studies highlights the role of states and international organizations in shaping migration governance through policies, treaties, and agreements. This represents the macro-level analysis of governance, where state sovereignty and national migration policies are discussed. These discussions often address global norms, such as human rights and refugee protection, or national interests, such as labour market needs or securitization.

Koinova (2021) discusses the macrofoundations and socio-spatial positionalities that shape and frame migration discourses on the incoming people and their governance. She points out that the territorial "country, state"-discussion and the state sovereignty have additional dimensions, since there are contested states, de facto states and weak states. This highlights the meaning of the state concept as another complex and dynamic element that represents the governing powerholder theoretically. States govern employing respective philosophies and agendas on migration and respective integration, which also vary spatio-temporally, following e.g. exclusionist, functionalist, utilitarian or other approaches or combinations of them (Joppke, 2007).

These approaches are reflected in migration policy, programs and allocation of rights in executing them. Generally, such policies tend to embed instruments protecting national security, such as pre-screening of foreign students or other migrants. For example, Finland improved its cooperation with other EU member states on data sharing related to immigration enforcement. This aimed at a more stringent focus on preventing human trafficking and immigration fraud, which are related concerns also for the migrants themselves. The territorial aspect depicts itself in the border management and the enforcement of migration policies through visa systems at the border. Asylum seekers, often referred to misleadingly as refugees, are also assessed regarding the respective criteria and rights determined in policy frameworks. However, there is an on-going debate on the context of the asylum application. Due to the Russian invasion in Ukraine, instrumentalized migration debates and governance concerns on irregular migration and crime, as well as border closures and controls have become a heated theme at the macro level. For example, Denmark has an on-going border control since Covid pandemic, and the German elections involved intense debates on the need for border control.

Practically, states deploy technologies, surveillance, and physical barriers to manage migration and control access by employing specific visa regimes. Migration happening within the migration regime's framework is referred to as regular migration, while there is also irregular migration referred to as illegal one. Irregular migration takes place beyond the channels provided by the migration regime's framework. Additionally, the migration regime may also restrict out-migration, not only in-migration, as in the case of Ukrainian men not allowed to migrate due to martial law.

The migration regime sets and provides the criteria, processes and rights that are used in each visa category constructing the pathways, i.e. "tracks" to migratory mobility and residence permissions. Here, status, rights and identity are

deeply interlinked discourses. The formal status continuum starts from an alien applicant and ends with a naturalization that grants the same rights and status as the nationals. Tourist or business traveller visas are not considered part of migration, the distinction between travelling and migration relates to time, less than 90 days is not considered migration. Interestingly, entrepreneurs and investors are not approached as migrants in many migration regimes, or not in comparable manner, as here different capitals invested are in focus instead of the individual per se. For example, Dumont (2014) makes a point that immigration and investment are perceived as "separate issues each with its own logic". Assessing different countries' investor visas, a recent study shows that there were notable differences in approaches and objectives even across the European Union member states attracting non-EU entrepreneurial capital (Dumont, 2014; Elo, 2021). Further, Elo, Täube and Servais (2022) note that not all formal identities and status categories are distinct and evident, they can be overlapping transnationally or be mixed or multiple. Especially for entrepreneurial migrants, the visa categories and governance institutions are demonstrating mismatches between migration policy and reality.

Visas as instruments of governance

The main visa categories that form the migration enabling framework are constructed on purpose and status. The tracks typically address following main categories: Study migration, family unification-migration, also called marriage migration, work migration, entrepreneurial migration, investor migration and asylum-refugee migration. Each category has its own criteria and requirements and are governed by specific regulative entities and institutions. These institutional governance structures have country-specific features and differences. For example, in Portugal local university incubators and accelerators are involved in the selection process of entrepreneurial visa applicants, while in China the governance power is partly provided to the municipal-city level to accept the most suitable and talented applicant. Therefore, it becomes interesting to follow the structure and logic of governance and power. Some countries have partly distributed and de-centralized systems, while others have centralized migration management and governance without regional dimensions or considerations.

The criteria employed by migration regimes has some universal elements for asylum and family unification building on humanitarian considerations. Also, study migration tends to follow a more comparative approach for securing a competitive inflow of international students. However, the visa policies and programs for employed and entrepreneurial migrants and for investors differ greatly.

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Work visa-term refers to the employment as the basic reason for migration. This visa category can demonstrate also temporary, seasonal and skill-based visa types that portray large differences in criteria and rights. For instance, work visa tracks look quite different for seasonal agricultural workers than for IT experts. As Finland relies on foreign labour to fill gaps in various sectors, Finland has several visa tracks designed with specific criteria. Here, the EU Blue Card, also called skilled worker visa provides an additional instrument of migration regime with a European dimension. The EU Blue Card is a common visa instrument for highly skilled workers to work and reside within the European Union. Finland participates in the EU Blue Card system, which allows non-EU citizens to enter Finland for employment in positions that require a high level of education or specific skills. This visa track requires higher education and/or equivalent professional experience, and a job offer that exceed a salary criteria set. This visa track is targeted to qualified professionals in sectors such as technology, healthcare, engineering, and research.

Temporary and seasonal work visa track serves migrant workers who are not eligible for the EU Blue Card. These visas are often issued for specific employment contracts or projects and require a valid job offer. They are delimited in time, with some extension possibilities. Seasonal workers need proof of employment, and these visas are even shorter, usually up to 6 months.

Finland is also a destination for international students, and there is a specific visa category designed for individuals seeking education opportunities. Non-EU citizens who wish to study at a Finnish educational institution need to apply for a student visa. This visa track is designed to facilitate the entry of students and help them integrate into the Finnish education system. The students must have an acceptance letter from a recognized educational institution in Finland, additionally, they must demonstrate sufficient financial resources to support themselves during their studies. The student visa track is time-limited, study-specific with some possibilities for extension (i.e. A-, B-permit and D- Visa).

As graduated students are perceived as an asset for the labour markets, the migration regime in Finland has modified the cross-track mobility and has enabled some transition from a Finnish student visa (from B to A permit) to a work visa/permanent resident status (A permit to permanent residence permit) to enable job search of graduates. Yet, the criteria, cost and process are being criticised as somewhat unrealistic. The post-graduation employment visa is also time limited (2 years). Hence, it is mainly relevant for sectors with talent demands, such as ICT or healthcare.

Family reunification is a standard part of Finland's migration policy with specific visas allowing foreign nationals to reunite with family members residing in the country. Here, family members are spouses, registered/cohabiting partners, underaged children and guardians of a child under 18 years of age, not extended family members. These residence permits build on the idea of sponsorship, where the sponsor in Finland must meet certain income criteria ("sufficient financial resources") to demonstrate that they can support their family members. Additionally, the family relationship forms a criterium (e.g., marriage certificate, registered partnership, birth certificate). Permanent residence permits are P, P-EU and P-EY permits (two latter for third country nationals), while the D visa allows entry immediately after the residence permit is issued. Remigration track concentrates on individuals with some Finnish roots, i.e. returnees from abroad, here there is no need for family sponsor in Finland.

As Finland is a member of the European Union and a signatory to the 1951 Refugee Convention, it provides refuge for individuals seeking asylum or refugee status based on serious risks on their safety. Humanitarian protection status extends this category with temporal protection to those not eligible for asylum. For example, the Ukrainians fleeing the war are under the temporary protection and victims of human trafficking may receive a temporary residence permit due to their status.

The least discussed visa tracks of migration regimes are specialized visa tracks tailored to specific migration needs of entrepreneurs and investors. Top and middle management has a specific category differing from entrepreneurial visa category. Entrepreneurs starting a business and investors bringing only capital form two distinct groups for visa tracks. The so-called start-up visa, i.e. entrepreneur visa, is directed to non-EU citizens wishing to start a business in Finland. Here, the requirements are of economic and business nature, as applicants must present a viable business plan and demonstrate that their business will contribute to the Finnish economy and receive an eligibility statement from Business Finland. The contributions typically refer to innovation,

employment generation, business creation and growth, and also to investments relevant for the Finnish entrepreneurial ecosystem. Interestingly, Finland does not have a specific investor visa track ("golden visa"). Some investors may qualify through the entrepreneur visa track.

Final remarks

Finland's migration regime and policy are structured around a range of visa tracks that cater to different needs and categories of migrants as well as national needs. The entity processing the migration is Finnish Immigration Service. Visa tracks follow the changes in policymaking and respective interests. Recently, there has been several legislative changes reflecting issues from other disciplines and domains, such as national safety and labour market needs. For example, there are amendments in the Aliens Act (301/2004,389/2023) governing the migration process, entry, residence and exit, specifying short-stay and long-stay visa conditions and many other regulations and details of the process. These changes aim to streamline and improve the efficiency of migration procedures, with an emphasis on facilitating skilled labour migration and improving the integration of migrants. Employment has become a key theme in the Finnish migration regime, in criteria and as an inherent goal. While the startup visa is being updated, it is yet complicated involving a dual process where Business Finland is involved in certifying the eligibility of the applicant. The length of this visa is first limited to two years. Its purpose is to boost innovation and attract international entrepreneurial talent to contribute to Finland's startup ecosystem, e.g. in high-tech sectors like artificial intelligence, biotech, and cleantech.

Visa amendments are taking place following the policy frameworks set by the governance system and regime. Hence, visa tracks are not static, they are constructed by policymaking. For example, for the COVID-19 pandemic temporary mobility changes were designed, the Ukrainian migrants were approached with temporary protection status, and the potential of international students is now developed with new measures. However, despite amendments the status and formal identity of some cohorts remain complicated, for example, the Russian nationals who have fled oppression and war, or people who are shifting across visa tracks or those who do not find themselves yet eligible e.g. in the entrepreneur visa category. In 2020 Migration Integration Policy Index, Finland was in the top 10 countries, but there are concerns about the development of the international competitiveness of the Finnish migration regime.[1] In the Expat Insider 2024 Survey Finland dropped from the 16th place to the 51st out of the 53 countries studied.[2] Thus, further attention on the migration policy and visa frameworks is needed.

While the Finnish migration regime has become highly digitalized, this alone is not adequate to respond to the diverse needs on different levels. Finland accelerated the digitalization of immigration services during the pandemic, allowing many processes to be conducted online. Still, in many processes the documentation needs to be collected in and applied from the country of origin, which increases the costs and process complications, if there is no local diplomatic representation of Finland. There are yet numerous visa elements requiring development ranging from transnational, diasporic status, mixed and multinational families to multi-entrepreneurial portfolios and circular/multilocal residence (Elo et al., 2022). Interestingly, the popular discussions have strongly focused on limited types of visa tracks and cohorts, while largely ignoring the importance of entrepreneurial startup mobility, "visa track hopping" and development of a national talent base, all contributing to the overall economic development and entrepreneurial ecosystems. More research is required to explore the potential overall impact of different tracks, the dynamics of migration policies on including and excluding within and across tracks, human capital supply and demand matching and development, and the underlying perceptions of legitimacy and eligibility. Currently, the heated debate on the concept of skills and highly skilled workers needs to expand beyond elites and shift more attention to the labour market and entrepreneurial ecosystem needs, including also low-tech entrepreneurs and workers. Generally, a multi-stakeholder discussion on the values and principles of the Finnish migration regime could benefit the advancement and competitiveness of the migration system.

1 See more about the index development in Solano, G., & Huddleston, T. (2022).

2 https://www.internations.org/expat-insider/2024/finland-40460#:~:text=Finland%20makes%20a%20dizzying%20drop%20from%2016th%20place,53%20countries%20in%20the%20Expat%20Insider%202024%20survey.

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