

Migration and legal family formats in Finland

by Rainer Hiltunen ¹

The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples

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Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 4 – Migration)

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Disclaimer

This paper and this database contain information with a scientific aim. Nothing in this paper and in this database should be seen as legal advice. Not all nuances and exceptions are included, and there may be errors and further legal developments. The experts, the authors, the editors, the Institut national d'études démographiques and Leiden University cannot be held liable for any inaccurate or incomplete information in this paper or in this database. More particularly, they cannot be held liable for any damage or consequences from the direct or indirect use of contents of this paper or database.

The six sections of the questionnaire

The [interactive LawsAndFamilies Database](#) is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at www.LawsAndFamilies.eu. There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

About the questionnaire

The [full text of the questionnaire](#) can be found in the paper:

K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper* 64(2016), www.familiesandsocieties.eu.

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

The six papers about Finland

The answers concerning Finland can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, www.LawsAndFamilies.eu):

Formalisation of legal family formats in Finland by Rainer Hiltunen (Section 1)

Income, troubles and legal family formats in Finland by Aija Valleala (Section 2)

Parenting and legal family formats in Finland by Aija Valleala (Section 3)

Migration and legal family formats in Finland by Rainer Hiltunen (Section 4)

Splitting up and legal family formats in Finland by Rainer Hiltunen (Section 5)

Death and legal family formats in Finland by Rainer Hiltunen (Section 6)

So this paper is based on **Section 4 (Migration)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

- 4.1 Partner of national citizen
- 4.2 Partner of national citizen (foreign status)
- 4.3 Partner of (non-EU) foreigner
- 4.4 Partner of EU citizen (foreign status)
- 4.5 Foreign status as impediment to marry
- 4.6 Foreign status and inheritance
- 4.7 Citizenship
- 4.8 Recognition of joint adoption
- 4.9 Recognition of second-parent adoption
- 4.10 General background regarding migration

In the following pages of this paper, first the answer to question 4.10 is presented, followed by the answers to questions 4.1 to 4.9.

4.10 - General background regarding migration (Open question)

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, legal-cultural, etc.) that may be relevant for the understanding your answers above regarding migration, then please do so here.

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Jurisdiction: **Finland**

Source: **R. Hiltunen**, "Migration and legal family formats in Finland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-FI-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.01 - Partner of national citizen**

When one partner is a residing national citizen, while the other is a foreigner from another continent, will the foreign partner then have a residence entitlement/eligibility?

(Please assume that they married/registered/cohabited in the country where they now want to reside. As to the meaning of 'residing', see section c of the [Guidance for experts answering questions in the questionnaire](#).)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 N/A 0000	2015 N/A 0000	2015 Yes 2002	2015 Yes, but 1991	2015 Yes, but 1993
			N/A 0000	Yes, but 0000	No, but 0000
References to legal sources: Art. 37(1) and 50(1) of the Aliens Act 30.4.2004/301.		References to legal sources: Art. 37(1) and 50(1) of the Aliens Act 30.4.2004/301.		References to legal sources: Art. 37(2) and 50(1) of the Aliens Act 30.4.2004/301.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: According to Art. 50(1) of the Aliens Act, family members of a Finnish citizen living in Finland are issued with a continuous residence permit on the basis of family ties upon application.</p> <p>According to Art. 37(1) of the same act, the spouse or a person in same-sex registered partnership with a person residing in Finland is a family member and entitled to a residence permit.</p>		<p>Explanations and nuances: According to Art. 50(1) of the Aliens Act, family members of a Finnish citizen living in Finland are issued with a continuous residence permit on the basis of family ties upon application.</p> <p>According to Art. 37(1) of the same act, the spouse or a person in same-sex registered partnership with a person residing in Finland is a family member and entitled to a residence permit.</p>		<p>Explanations and nuances: Art. 37(2) of the Aliens Act requires that the foreigner has continuously lived together for at least two years in the same household in a marriage-like relationship with a person who lives in Finland.</p> <p>In 1993 the Supreme Administrative Court granted in a precedent decision (KHO 1993-A-26) a residence permit to a homosexual man from Russia partly because of his "marriage-like relationship" with a Finnish citizen.</p>	

Jurisdiction: **Finland**

Source: **R. Hiltunen**, "Migration and legal family formats in Finland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-FI-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.02 - Partner of national citizen (foreign status)**

When one partner is a residing national citizen, while the other partner is a foreigner from another continent, and this couple married/registered in the country of the foreigner, will the foreign partner then have a residence entitlement/eligibility?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 Yes 2002	2015 Yes 2002	2015 Yes 2002	X	X
	Yes, but 2001	Yes, but 1998	Yes, but 1993	X	X
	N/A 0000	N/A 0000	No, but 1989	X	X
			N/A 0000	X	X
References to legal sources: Art. 37(1) and 50(1) of the Aliens Act 30.4.2004/301.		References to legal sources: Art. 37(1) and (2) and 50(1) of the Aliens Act 30.4.2004/301.			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: According to Art. 37(1) of the Aliens Act, the spouse or a person in same-sex registered partnership with a person residing in Finland is a family member and entitled to a residence permit.</p>		<p>Explanations and nuances: According to Art. 37(1) of the Aliens Act, the spouse or a person in same-sex registered partnership with a person residing in Finland is a family member and entitled to a residence permit.</p> <p>As it is in Art. 37(1) required that the persons are of same sex, it may be that for different-sex registered partners Art. 37(2) is applied. According to Art. 37(2) persons living continuously in a marriage-like relationship within the same household regardless of their sex are comparable to a married couple if they have lived together for at least two years. This living together is not required if the persons have a child in their joint custody or if there is some other weighty reason for it. It is likely that a registered partnership between different-sex partners is considered a weighty reason required by the act.</p>			

Jurisdiction: **Finland**

Source: **R. Hiltunen**, "Migration and legal family formats in Finland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-FI-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.03 - Partner of (non-EU) foreigner**

When both partners are foreigners from another continent, and one of them is residing in the country, will the other partner then have a residence entitlement/eligibility?

(Please assume that they married/registered/cohabited in the country where they now want to reside.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 1991	2015 N/A 0000	2015 N/A 0000	2015 Yes, but 2002	2015 Yes, but 2004	2015 Yes, but 2004
? 0000			N/A 0000	? 0000	? 0000
References to legal sources: Art. 49(1)(2) of the Aliens Act 30.4.2004/301.		References to legal sources: Art. 49(1)(2) and 49(3) of the Aliens Act 30.4.2004/301.		References to legal sources: Art. 49(1)(2) and 49(3) of the Aliens Act 30.4.2004/301.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: According to Art. 49(1)(2) for the partner of a foreigner living in Finland it is required that the person applying for the residence permit has already, before entering Finland, lived together with his or her married spouse who lives in Finland for at least two years, or has continuously lived together for at least two years in the same household in a marriage-like relationship with a person who lives in Finland.</p>		<p>Explanations and nuances: According to Art. 49(1)(2) for the partner of a foreigner living in Finland it is required that the person applying for the residence permit has already, before entering Finland, lived together with his or her married spouse who lives in Finland for at least two years, or has continuously lived together for at least two years in the same household in a marriage-like relationship with a person who lives in Finland.</p> <p>According to the art. 49(3) the provision in subsection 1(2) applies to registered partnerships of the same sex and to marriage-like relationships of two persons of the same sex living continuously together in the same household.</p>		<p>Explanations and nuances: According to Art. 49(1)(2) for the partner of a foreigner living in Finland it is required that the person applying for the residence permit has already, before entering Finland, lived together with his or her married spouse who lives in Finland for at least two years, or has continuously lived together for at least two years in the same household in a marriage-like relationship with a person who lives in Finland.</p> <p>According to the art. 49(3) the provision in subsection 1(2) applies to registered partnerships of the same sex and to marriage-like relationships of two persons of the same sex living continuously together in the same household.</p>	

Jurisdiction: **Finland**

Source: **R. Hiltunen**, "Migration and legal family formats in Finland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-FI-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.04 - Partner of EU citizen (foreign status)**

When one partner is a foreign EU citizen who is residing in the country, while the other is a foreigner from another continent, and this couple married/registered/cohabited in the country of the EU citizen, will the non-EU partner then have a residence entitlement/eligibility?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1995	2015 Yes 2002	2015 Yes 2002	2015 Yes 2002	2015 Yes, but 2002	2015 Yes, but 2004
? 0000	Yes, but 2001	? 1998	? 1989	? 0000	? 0000
	N/A 0000	N/A 0000	N/A 0000		
References to legal sources: Art. 50a(1)(1) of the Aliens Act 30.4.2004/301. Art. 8(2) of Act on Registered Partnerships 9.11.2001/950.		References to legal sources: Art. 50a(1)(1) of the Aliens Act 30.4.2004/301. Art. 8(2) of Act on Registered Partnerships 9.11.2001/950.		References to legal sources: Art. 50a and 154(4) of the Aliens Act 30.4.2004/301.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: According to Art. 50a(1)(1) a spouse of an EU citizen is a family member who is issued a residency permit. In the government preparatory works it is referred to the Act on Registered Partnerships and explained that the term spouse in Finnish legislation includes registered partners. It is therefore likely that same-sex married partners are treated similarly as different-sex married partners.</p> <p>Finland joined the EU in 1995.</p>		<p>Explanations and nuances: According to Art. 50a(1)(1) a spouse of an EU citizen is a family member who is issued a residency permit. In the government preparatory works it is referred to the Act on Registered Partnerships and explained that the term spouse in Finnish legislation includes registered partners. It is also likely that different-sex registered partners are treated similarly as same-sex registered partners.</p> <p>Finland joined the EU in 1995.</p>		<p>Explanations and nuances: According to art. 154(4) of the Aliens Act persons living continuously in a marriage-like relationship in the same household regardless of their sex are comparable to a married couple if they have lived in the same household for at least two years.</p>	

Jurisdiction: **Finland**

Source: **R. Hiltunen**, "Migration and legal family formats in Finland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-FI-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.05 - Foreign status as impediment to marry**

When the couple got married or registered abroad, will this relationship then be recognised as an impediment to marry someone else?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 Yes 2002	2015 Yes 2002	2015 Yes 2002	X	X
	? 2001	? 1998	? 1989	X	X
	N/A 0000	N/A 0000	N/A 0000	X	X
References to legal sources: Art. 6 of Marriage Act 13.6.1929/234.		References to legal sources: Art. 6 of Marriage Act 13.6.1929/234.			
Explanations and nuances: According to Art. 6 of the Marriage Act no person shall marry if his or her prior marriage is still in force. Likewise, no person shall marry if his or her registered partnership is in force.		Explanations and nuances: According to Art. 6 of the Marriage Act no person shall marry if his or her prior marriage is still in force. Likewise, no person shall marry if his or her registered partnership is in force.			

Jurisdiction: **Finland**

Source: **R. Hiltunen**, "Migration and legal family formats in Finland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-FI-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.06 - Foreign status and inheritance**

When the couple got married or registered abroad, will this relationship then be recognised as regards inheritance in the absence of a testament?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 Yes 2002	2015 No, but 2002	2015 Yes 2002	X	X
	? 2001	No, but 1998	No, but 1989	X	X
	N/A 0000	N/A 0000	N/A 0000	X	X
<p>References to legal sources: Art. 3(1) in chapter 3 of Code of Inheritance 5.2.1965/40. Art. 115 of Marriage Act 13.6.1929/234. Art. 8(2) of Act on Registered Partnerships 9.11.2001/950.</p>		<p>References to legal sources: Art. 8(2) of Act on Registered Partnerships 9.11.2001/950 referring to: Art. 1(1) in chapter 3 of Code of Inheritance 5.2.1965/40art 3(1) in chapter 3 of Code of Inheritance 5.2.1965/40; and Art. 115 of Marriage Act 13.6.1929/234.</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: According to art. 3(1) in chapter 3 of Code of Inheritance if the decedent was married and he or she is not survived by any direct descendants, the estate shall devolve on the surviving spouse.</p> <p>According to art. 115 of the Marriage Act a marriage concluded by a woman and a man in a foreign state before an authority of that state shall be valid in Finland, if it is valid in the state where it was concluded or in a state of which either spouse was a citizen or where either spouse was habitually resident at the conclusion of the marriage.</p> <p>According to art. 8(2) of Act on Registered Partnerships the statutes related to marriage apply to same sex partnership. As same-sex marriage cannot be recognised as marriage in Finland, it has been recognised as registered partnership and therefore recognised as regards inheritance.</p>		<p>Explanations and nuances: According to art. 8(2) of the Act on Registered Partnerships the statutes related to marriage apply to same-sex partnership. It is not clear if different-sex registered partners relationship has any protection even if the wording of the law (same-sex partnership) does not recognise it.</p> <p>According to art. 3(1) in chapter 3 of Code of Inheritance if the decedent was married and he or she is not survived by any direct descendants, the estate shall devolve on the surviving spouse.</p>			

Jurisdiction: **Finland**

Source: **R. Hiltunen**, "Migration and legal family formats in Finland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-FI-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.07 - Citizenship**

Does a relationship of this type make it easier for a foreign partner to obtain citizenship?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2003	2015 N/A 0000	2015 N/A 0000	2015 Yes 2003	2015 Yes 2003	2015 Yes 2003
No 0000			No 2002	No 0000	No 0000
			N/A 0000		
References to legal sources: Art. 22 of the Nationality Act 16.5.2003/359 coming into force 1.6.2003.		References to legal sources: Art. 22 of the Nationality Act 16.5.2003/359.		References to legal sources: Art. 22 of the Nationality Act 16.5.2003/359.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: According to art. 22 of the Nationality Act the residence time required for nationality is shorter if the spouses live and have lived together for a minimum of three years.</p>		<p>Explanations and nuances: According to art. 22 of the Nationality Act the residence time required for nationality is shorter if the spouses live and have lived together for a minimum of three years.</p>		<p>Explanations and nuances: According to art. 22 of the Nationality Act the residence time required for nationality is shorter if the spouses live and have lived together for a minimum of three years. The term spouses includes also cohabiting different and same-sex partners.</p>	

Jurisdiction: **Finland**

Source: **R. Hiltunen**, "Migration and legal family formats in Finland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-FI-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.08 - Recognition of joint adoption**

When the partners have jointly adopted a child while residing abroad, will that foreign adoption then be recognised as regards legal parenthood?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2012	2015 N/A 0000	2015 N/A 0000	2015 Yes 2012	2015 Yes 2012	2015 Yes 2012
Yes, but 1985			Yes, but 2002	Yes, but 1985	Yes, but 1985
Doubt 0000			N/A 0000	Doubt 0000	Doubt 0000
References to legal sources: The Adoption Act 153/1985 came into force 1.5.1985 and was repealed by the new Adoption Act 22/2012 which came into force 1.7.2012.		References to legal sources: The Adoption Act 153/1985 came into force 1.5.1985 and was repealed by the new Adoption Act 22/2012 which came into force 1.7.2012.		References to legal sources: The Adoption Act 153/1985 came into force 1.5.1985 and was repealed by the new Adoption Act 22/2012 which came into force 1.7.2012.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Art. 69 of the Adoption Act 2012 prescribes the recognition of foreign adoption. According to it an adoption that has taken place in a foreign country shall also be valid in Finland without a separate confirmation: 1) if both of the adopters were habitually resident in that state at the time of the adoption and had been habitually resident therein continuously for at least one year immediately prior to the adoption; or 2) if the adoption is valid in the state wherein the adopters were habitually resident at the time of the adoption and wherein they had been continuously habitually resident for at least one year immediately prior to the adoption.</p> <p>The earlier Adoption Act of 153/1985 in Art. 38(3) stated that an adoption granted in a contracting state of the Hague Convention and certified there as having been made in accordance with the Hague Convention shall be valid in Finland without further measures.</p>		<p>Explanations and nuances: Art. 69 of the Adoption Act 2012 prescribes the recognition of foreign adoption. According to it an adoption that has taken place in a foreign country shall also be valid in Finland without a separate confirmation: 1) if both of the adopters were habitually resident in that state at the time of the adoption and had been habitually resident therein continuously for at least one year immediately prior to the adoption; or 2) if the adoption is valid in the state wherein the adopters were habitually resident at the time of the adoption and wherein they had been continuously habitually resident for at least one year immediately prior to the adoption.</p> <p>The earlier Adoption Act of 153/1985 in Art. 38(3) stated that an adoption granted in a contracting state of the Hague Convention and certified there as having been made in accordance with the Hague Convention shall be valid in Finland without further measures.</p>		<p>Explanations and nuances: Art. 69 of the Adoption Act 2012 prescribes the recognition of foreign adoption. According to it an adoption that has taken place in a foreign country shall also be valid in Finland without a separate confirmation: 1) if both of the adopters were habitually resident in that state at the time of the adoption and had been habitually resident therein continuously for at least one year immediately prior to the adoption; or 2) if the adoption is valid in the state wherein the adopters were habitually resident at the time of the adoption and wherein they had been continuously habitually resident for at least one year immediately prior to the adoption.</p> <p>The earlier Adoption Act of 153/1985 in Art. 38(3) stated that an adoption granted in a contracting state of the Hague Convention and certified there as having been made in accordance with the Hague Convention shall be valid in Finland without further measures.</p>	

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Section: **4 - Migration**

Question: **4.09 - Recognition of second-parent adoption**

When one partner has become the second parent of a child of the other partner, by way of adoption while the partners were residing abroad, will that foreign adoption then be recognised as regards legal parenthood?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2012	2015 N/A 0000	2015 N/A 0000	2015 Yes 2012	2015 Yes 2012	2015 Yes 2012
Yes, but 1985			Yes, but 2002	Yes, but 1985	Yes, but 1985
Doubt 0000			N/A 0000	Doubt 0000	Doubt 0000
<p>References to legal sources: The Adoption Act 153/1985 came into force 1.5.1985 and was repealed by the new Adoption Act 22/2012 which came into force 1.7.2012.</p>		<p>References to legal sources: The Adoption Act 153/1985 came into force 1.5.1985 and was repealed by the new Adoption Act 22/2012 which came into force 1.7.2012.</p>		<p>References to legal sources: The Adoption Act 153/1985 came into force 1.5.1985 and was repealed by the new Adoption Act 22/2012 which came into force 1.7.2012.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Art. 69 of the Adoption Act 2012 prescribes the recognition of foreign adoption. According to it an adoption that has taken place in a foreign country shall also be valid in Finland without a separate confirmation: 1) if both of the adopters were habitually resident in that state at the time of the adoption and had been habitually resident therein continuously for at least one year immediately prior to the adoption; or 2) if the adoption is valid in the state wherein the adopters were habitually resident at the time of the adoption and wherein they had been continuously habitually resident for at least one year immediately prior to the adoption.</p> <p>The earlier Adoption Act of 153/1985 in Art. 38(3) stated that an adoption granted in a contracting state of the Hague Convention and certified there as having been made in accordance with the Hague Convention shall be valid in Finland without further measures.</p>		<p>Explanations and nuances: Art. 69 of the Adoption Act 2012 prescribes the recognition of foreign adoption. According to it an adoption that has taken place in a foreign country shall also be valid in Finland without a separate confirmation: 1) if both of the adopters were habitually resident in that state at the time of the adoption and had been habitually resident therein continuously for at least one year immediately prior to the adoption; or 2) if the adoption is valid in the state wherein the adopters were habitually resident at the time of the adoption and wherein they had been continuously habitually resident for at least one year immediately prior to the adoption.</p> <p>The earlier Adoption Act of 153/1985 in Art. 38(3) stated that an adoption granted in a contracting state of the Hague Convention and certified there as having been made in accordance with the Hague Convention shall be valid in Finland without further measures.</p>		<p>Explanations and nuances: Art. 69 of the Adoption Act 2012 prescribes the recognition of foreign adoption. According to it an adoption that has taken place in a foreign country shall also be valid in Finland without a separate confirmation: 1) if both of the adopters were habitually resident in that state at the time of the adoption and had been habitually resident therein continuously for at least one year immediately prior to the adoption; or 2) if the adoption is valid in the state wherein the adopters were habitually resident at the time of the adoption and wherein they had been continuously habitually resident for at least one year immediately prior to the adoption.</p> <p>The earlier Adoption Act of 153/1985 in Art. 38(3) stated that an adoption granted in a contracting state of the Hague Convention and certified there as having been made in accordance with the Hague Convention shall be valid in Finland without further measures.</p>	