

Draft government proposal to Parliament for amending the Aliens Act and certain related acts

Introduction

The Ministry of Economic Affairs and Employment has prepared a government proposal for amending the Aliens Act and certain related acts. The Government proposes that the Aliens Act, the Act on the Conditions of Entry and Residence of Third-Country Nationals for the Purpose of Highly Qualified Employment, the Act on the Conditions of Entry and Residence of Third-Country Nationals in the Framework of an Intra-Corporate Transfer and the Act on the Conditions of Entry and Residence of Third-Country Nationals for Seasonal Work be amended. The government proposal has been prepared in working groups and, in addition to the Ministry of Economic Affairs and Employment, the following bodies have participated in the preparation: the Ministry of the Interior, the Ministry of Social Affairs and Health, the Finnish Immigration Service, the Centre for Economic Development, Transport and the Environment (ELY Centre) of Uusimaa, and the Employment and Economic Development Offices (TE Offices) of Uusimaa, Southeast Finland, Pirkanmaa and North Ostrobothnia. It is intended that the amendments to the Act will enter into force in early 2025.

An English-language hearing on the proposal will be held on Tuesday 13.8.2024 at 13-14. Join the hearing from the [link](#).

Background

According to the Government Programme, work-based residence permits will be tied more strongly to work. This means that a holder of such a permit must leave Finland if the holder's employment relationship ends and the holder has not entered into a new employment relationship within three months. According to the Government Programme, provisions will also be enacted that obligate employers to notify the Finnish Immigration Service that an employment relationship of a person with a work-based residence permit has ended. Failure to meet this obligation would be subject to sanctions. Moreover, as stated in the Government Programme, people with a work-based residence permit will be allowed to work in other jobs in the same sector and in sectors that can be genuinely identified as suffering from a labour shortage.

The above-mentioned entries in the Government Programme and the relevant EU legislation have been considered in the preparation of the proposal. The EU's Single Permit Directive lays down similar rules as those in the entries of the Government Programme. The new

Directive was published on 30 April. This proposal therefore takes into account the regulation of the Directive.

Objectives

The aim of the proposal is that the foreign labour force stay in Finland and, in case of becoming unemployed and during the duration of unemployment, find a new job and thereby have grounds to continue their stay in the country. This is an important objective so that an employee who has settled in Finland and is part of society would not have to leave the country. This is also the case in situations where an employee has a family who has settled in the country, for example children who attend school or early childhood education and care. The objective is to enable those who already have integrated or have started to integrate into Finland to continue living in Finland and to ensure that there is no interruption or change in the social networks and environments of the adults and children of the family.

The employer would be obligated to notify the Finnish Immigration Service if the work of an employee ends prematurely. The regulation would provide more detailed information on the labour market situation of foreign employees. As such, this obligation to notify would not be new as the Act already contains provisions on the employer's obligation to report certain information when it employs a foreign employee. Both obligations to notify would involve a threat of sanctions, because the provision of employee information under the current legislation already involves a threat of a sanction. The regulation would be clarified as concerns the application of the regulation on sanctions and the time limits for notifications required of employers.

The proposal also aims to improve the availability of labour in sectors identified as suffering from labour shortages. The proposal would allow a foreigner already residing in the country who has been granted a residence permit for an employed person to work in a sector other than the one for which his or her residence permit has been issued, if the situation so permits. The reform would help those foreign employees, in particular, who have become unemployed by allowing them to work in sectors suffering from labour shortages without an obligation to apply for a new residence permit for an employed person, as long as their current permit is valid.

Instructions for submitting comments

Please submit your comments by responding to the request published on the website [Lausuntopalvelu.fi](https://lausuntopalvelu.fi). Comments may be submitted by all interested parties, including those not specifically mentioned in the distribution. The comments need not be separately sent to the registry of the Ministry by email or post.

Registration and log-in to the service are required to submit a comment. For more detailed instructions on how to use the service, please see the 'Ohjeet > Käyttöohjeet' tab on the website. If you need help with taking the service into use, please contact lausuntopalvelu.om@gov.fi. All comments submitted to the service are public.

If it is not possible to submit a comment in the service, you can also submit it by email to kirjaamo.tem@gov.fi. Please include the reference number VN/24207/2023 in your comment.

Schedule

Please submit your comments on **16th of August 2024** at the latest.

Prepared by

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Links

<https://tem.fi/hanke?tunnus=TEM086:00/2023> – Link to Ministry's project website.

The proposed term of protection during which a residence permit of an employee who has become unemployed could not be withdrawn.

According to the proposal, a **work-based residence permit could not be withdrawn** during 3 months or 6 months if the residence permit has been valid for at least two years at the time when the employee becomes unemployed. In addition, for specialists, holders of the EU Blue Card, startup entrepreneurs, those in the middle or top management of a company, and managers and specialists referred to in the ICT Act, the term of protection would be 6 months without any other requirements.

Note! The proposed regulation is based on the Government Programme and the EU Directive ((EU) 2024/1233, Article 11, paragraph 4). Moreover, in all cases, the use of the term of protection would require that the residence permit is valid. The regulation would not apply to residence permits with a right to work, such as permits based on family ties and permanent residence permits.

Does the proposed regulation provide a sufficiently long term of protection for holders of work-based residence permits to find a new job?

- Yes
- No

Statement of reasons for the response and other possible comments on the proposed regulation

Employer's obligation to notify when the employee's work ends and the related threat of sanction

According to the proposal, **employers would be obligated to notify the Finnish Immigration Service when the work of its employee ends**. The current rules already require employers to provide the name and certain information about the employment relationship of a third-country national they employ. Both obligations would involve a threat of sanction, which would be based on the existing regulation on sanctions. In addition, notification would be made more effective by **including a precise time limit in the Act by which the notification should be submitted** (electronically 7 days, using the form of the Finnish Immigration Service 10 days; now section 82, subsection 2 of the Aliens Act provides that the information must be submitted **without delay**, which the occupational safety and health authority has stated to mean one week).

Is the proposed time limit of 7/10 days for notifications sufficient?

- Yes
- No

Statement of reasons for the response and other possible comments on the proposed regulation

Is the application of the current regulation on sanctions (e.g. sections 186–189 of the Aliens Act, Criminal Code) sufficient for cases where the duty to notify has been neglected?

- Yes
- No

Statement of reasons for the response and other possible comments on the proposed regulation

Extension of the right to work to sectors suffering from labour shortages and the authorisation to issue decrees

It is proposed that the sectors suffering from labour shortages may be issued by Government Decree. A draft Government Decree on sectors suffering from labour shortages, including an example of potential sectors, is appended to the proposal. The extension of the right to work would only apply to holders of residence permits for an employed person.

Possible comments on the proposed regulation

Other comments on the proposal

Possible other comments on the proposal

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