

Overview of national measures regarding employment and social security of displaced persons coming from Ukraine

Country Fiche – Finland
August 2022

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Information provided in this fiche considers legal and policy developments up to 31 August 2022.

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1.0 Legal and institutional framework

1.1 Legal framework

1.1.1 List of the legal framework

- I. Legislation implementing the Temporary Protection Directive (TPD or the Directive)¹ and Council Implementing Decision (EU) 2022/382²

The Temporary Protection Directive was transposed through [Ulkomaalaislaki](#) (Aliens Act) from 30 April 2004 (30.4.2004/301), which came into force on 1 May 2004. It provides definitions of different relevant notions such as family members (Section 37(1)), marriage (Section 37(2)) and a child (Section 37(3)). It also provides rules on the issuing of residence permits for self-employed aliens (Section 76).

Council Implementing Decision (EU) 2022/382 of 4 March 2022 was transposed through [Valtioneuvoston päätös tilapäisen suojelun antamisesta Ukrainan tilanteeseen vastaamiseksi SM/2022/24](#) (Government Decision on granting temporary protection to respond to the crisis in Ukraine SM/2022/24) from 7 March 2022. The Decision came into force on 7 March 2022 and ends with the end of the Council Implementing Decision. It extends the protection guaranteed by the Council Implementing Decision (EU) 2022/382 to categories of Ukrainian citizens and non-EU nationals legally residing (not permanently) in Ukraine who cannot return to their country of origin.

- II. Legislation having an impact on the (access to) (self-)employment and social security/welfare for the displaced persons coming from Ukraine

Apart from above mentioned legal act, no other legislation concerning access to the labour market and social security/welfare for persons enjoying temporary protection from Ukraine has been adopted or amended. However, other general employment and social security/welfare legislation would also apply such as:

- ▶ [Laki kotoutumisen edistämisestä](#) (Act on the Promotion of Integration) from 30 December 2010 (30.12.2010/1386). The Act came into force on 1 September 2011;
- ▶ [Laki kansainvälistä suojelua hakevan vastaanotosta sekä ihmiskaupan uhrin tunnistamisesta ja auttamisesta](#) (Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings) from 17 June 2011 (17.6.2011/746). The Act came into force on 1 September 2011;
- ▶ [Työsopimuslaki](#) (Employment Contracts Act) from 26 January 2001 (55/2001). The Act came into force on 1 June 2001;

¹ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, OJ L 212, 7 August 2001, p. 12-23, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001L0055>.

² Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection, OJ L 71, 4 March 2022, p. 1-6, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32022D0382>.

► [Sosiaalihuoltolaki](#) (Social Welfare Act 30.12.2014/1301) from 30 December 2014. The Act came into force on 1 April 2015.

The Government is currently preparing an [amendment](#) to the Act on the Promotion of Integration with the aim to provide for reimbursement of the costs to municipalities, which they have incurred for organisation of services to beneficiaries of temporary protection. However, this amendment has not yet been finalised nor sent to the legislative procedure.

1.1.2 Beneficiaries (persons covered by temporary protection)

Type of beneficiary	National regime of temporary protection for displaced persons coming from Ukraine
<p>Ukrainian nationals</p> <ul style="list-style-type: none"> ► Residing in Ukraine ► displaced from 24 February 2022 	<p>Yes</p>
<p>Family members</p> <ul style="list-style-type: none"> ► of a Ukrainian national present or residing in Ukraine before 24 February 2022 and displaced from Ukraine on or after 24 February 2022 ► of third-country nationals and stateless persons, who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022 and were displaced from Ukraine on or after 24 February 2022 	<p>Yes</p> <ul style="list-style-type: none"> ► Family members are defined in Section 37(1) of the Aliens Act in the following way: <p><i>‘(1) In the application of this Act, the spouse of a person residing in Finland, and unmarried children (under 18 years of age) of whom the person residing in Finland or his or her spouse has custody, are considered family members. If the person residing in Finland is a minor, the person who has custody of him or her is considered a family member. A partner of the same sex is also considered a family member if the partnership has been registered nationally.’</i></p> ► Section 37(2) provides for a definition of a marriage: <p><i>‘(2) Persons living in a marriage-like relationship in the same household on a permanent basis are considered to be a married couple regardless of their sex. It is required that they have lived together for at least two years. This is not required if the persons have a child in their joint custody or if there are other serious reasons.’</i></p> ► Section 37(3) of the Aliens Act provides for a definition of a child: <p><i>‘(3) An unmarried child under 18 years of age who is under current care of the person who has a custody of him or her and is in need of such care on the date a decision is made on the residence permit application, but no official statement is available on the dependency status (a foster child), is</i></p>

Type of beneficiary	National regime of temporary protection for displaced persons coming from Ukraine
	<p><i>considered a child under subsection 1. Treatment as a child under subsection 1 also requires reliable evidence that the persons who previously had custody of the child have died or are missing and that the sponsor or his or her spouse was the person who had actual custody of the child before the sponsor entered Finland. If the sponsor is a foster child residing in Finland, treatment as a child under subsection 1 requires reliable information which shows that the person concerned was the person who had actual custody of the sponsor before the sponsor entered Finland.'</i></p>
<p>Third-country nationals and stateless persons beneficiaries of international or equivalent national protection in Ukraine until 24 February 2022</p>	<p>Yes</p>
<p>Stateless persons and nationals of third countries, legally residing in Ukraine before 24 February 2022 on the basis of a valid permanent resident permit and unable to return in safe and durable conditions to their country or region of origin</p>	<p>Yes</p>
<p>Other persons who are displaced for the same reasons and from the same country of origin (Article 7(1) of TPD), including</p> <ul style="list-style-type: none"> ▶ stateless persons and ▶ nationals of third countries other than Ukraine, <p>who are residing legally in Ukraine and who are unable to return in safe and durable conditions to their country or region of origin (Article 2(3) Council Decision).</p>	<p>Yes</p> <p>In the Government's Decision from 7 March 2022 (SM/2022/24), the Government decided to broaden the protection guaranteed by Council Implementing Decision (EU) 2022/382. The protection got extended to, among others, the persons outlined in Article 2(3) of this Decision – i.e. non-EU nationals legally residing (other than permanently residing) in Ukraine who cannot return to their country of origin.</p> <p>No national conditions are foreseen.</p>
<p>Any additional category of beneficiaries (i.e. persons who arrived from UA before 24 February 2022)</p>	<p>Yes</p> <p>In the Government's Decision from 7 March 2022 (SM/2022/24), the Government also granted temporary protection to the following persons:</p> <ul style="list-style-type: none"> ▶ Ukrainian citizens and their family members who fled Ukraine not long before 24 February 2022 and cannot return home as a result of the conflict. The Commission has urged

Type of beneficiary	National regime of temporary protection for displaced persons coming from Ukraine
	<p>the Member States to be flexible with regard to these persons.</p> <p>► Other Ukrainian citizens and their family members who are already living or have arrived in Finland.</p>

1.2 Institutional framework

- a) National competent authority(ies) providing assistance to the persons enjoying temporary (or adequate) protection coming from Ukraine.

Scope of work	Name of the authority (in EN)	Name of the authority (in national language)	Hyperlink
General (including status change in question 2)	Police of Finland	Poliisi	https://poliisi.fi/en/frontpage
	The Finnish Boarder Guard	Rajavartiolaitos	https://raja.fi/en/frontpage
	The Finnish Immigration Service	Maahanmuuttovirasto	https://migri.fi/en/home
Employment rights	Employment and Economic Development Office (TE Office)	TE-Palvelut	https://tyomarkkinatori.fi/
Social welfare and social security rights	Kela	Kela	https://www.kela.fi/web/en/main-page
	The Finnish Immigration Service, Reception services	Maahanmuuttovirasto. Vastaanottokeskukset.	https://migri.fi/en/home

- b) Existence of a mechanism in place to coordinate the work of these national authorities with respect to persons enjoying temporary (or adequate) protection coming from Ukraine.

There are no specific issues or salient points identified for this question.

2.0 Possibility of changing the status

- a) Difference between temporary protection status and other forms of adequate protection³ under national law, in respect of third country nationals and stateless persons coming from Ukraine.

There are no specific issues or salient points identified for this question. Finnish legislation does not provide any other forms of adequate protection except for temporary protection.

- b) Possibility to file status change inside the territory without the requirement for the person to first leave the country or return to Ukraine from temporary protection or other forms of adequate protection to employment-based residence permit during the temporary protection regime and at the end of this regime (e.g. single permit for work, EU Blue Card for highly-qualified workers, seasonal workers, family reunification).

It is currently not possible to file for a status change in Finland.

- c) Relevant national legislation on changing the status (including the procedure to be followed).

N/A

- d) Measures aiming to preclude registration of displaced persons in more than one Member State/EEA-EFTA country (see Article 26 of the Temporary Protection Directive).

There are no specific issues or salient points identified for this question.

3.0 Access to labour market (Article 12 of the Temporary Protection Directive)

- a) Overview on how equal treatment on the labour market as regards working conditions is ensured for persons enjoying temporary (or adequate) protection from Ukraine.

If a person is employed in Finland, employment legislation applies to that person in the same way it applies to other workers. Finnish employment laws do not only guarantee adequate working conditions to the employees, but they also foresee the principle of equal treatment and non-discrimination. This is regulated in the Employment Contracts Act (Chapter 2, Section 2).

³ 'Adequate protection' under national law is referred to in Article 2(2) of the Council Decision as a possible alternative that may be offered by Member States to temporary protection and therefore does not have to entail benefits identical to those attached to temporary protection as provided for in Directive 2001/55/EC. Nevertheless, when implementing the Council Decision, Member States must respect the Charter of fundamental rights of the European Union and the spirit of Directive 2001/55/EC. The respect for human dignity and therefore a dignified standard of living (such as residency rights, access to means of subsistence and accommodation, emergency care and adequate care for minors) has to be ensured in respect of everyone.

b) Conditions applicable to persons enjoying temporary (or adequate) protection from Ukraine, (including the procedure to be followed):

I. The conditions regulating work permits/work authorisation, if required

There are no restrictions to the right to work or to be self-employed. A person has the right to work in Finland or act as self-employed as soon as they have registered the application for temporary protection with the police or the border control authority, as can be found on the [website](#) of the Ministry of Economic Affairs and Employment of Finland. During registration, the police or the border control authority provides the person with a printed certificate proving the right to work. The certificate is called 'certificate of a pending application'. The right to work is unrestricted.

A general rule in Section 78(3) of the Aliens Act also explicitly foresees the right to work for aliens who have been granted a temporary residence permit based on temporary protection or other humanitarian immigration. In fact, the decision on temporary protection states that the person has an unrestricted right to work. The person also receives a residence permit card stating that they have an unrestricted right to work. As mentioned on its [website](#), the Finnish Immigration Service aims to issue decisions quickly and without undue delay.

With respect to self-employed persons, Section 76 of the Aliens Act provides that the issuing of a residence permits for entrepreneurs is based on consideration whether the intended business activities meet the requirements for profitable business and the alien's financial resources obtained through gainful employment, business activities or in other ways during the validity period of the residence permit are sufficient. As nothing is agreed for persons enjoying temporary protection, these requirements need to be met also by displaced persons coming from Ukraine.

II. Recognition of qualifications/diplomas

General regulation applies in such a case. Rules for recognition of qualifications and diplomas or education have not been released with respect to displaced persons coming from Ukraine.

Depending on the recognition's purpose, displaced persons from Ukraine need to apply for recognition of professional qualifications or education either with the Finnish National Agency for Education, field-specific authorities, private sector employers or higher education institutions, as stated on the Agency's [website](#). Both the decision and the processing of an application for recognition of qualifications and studies completed abroad, and the statement on completed vocational qualifications abroad, are subject to an administrative fee.

III. Eligibility to receive assistance for job seekers (e.g., career counselling, skills assessment, locating appropriate job openings, etc.)

As mentioned on the [webpage](#) of the Ministry of Economic Affairs and Employment, a person enjoying temporary protection can register as a jobseeker at the Employment and Economic Development Office (TE Office) and access services that promote employment. General services that are available to all jobseekers in Finland are also available to persons enjoying temporary protection.

IV. Availability of vocational training/educational opportunities for adults/practical workplace experience.

General education/training opportunities are available also to persons enjoying temporary protection from Ukraine.

V. Any exceptions to the general law in force in the country applicable to remuneration and other conditions of (self-) employment

Persons enjoying temporary protection from Ukraine enjoy the same conditions as Finnish nationals, with the exception of self-employed persons for whom Section 76 of the Aliens Act outlines some specific rules.

4.0 Social security, social welfare and means of subsistence assistance, as well as medical care (Article 13 of the Temporary Protection Directive)

I. Types of benefits with description and coverage

Regarding social benefits, as regulated in the first Section of the Act on the Reception of Persons Applying for International Protection and on the identification of and Assistance to Victims of Trafficking in Human Beings, the basic rule regarding persons who have been granted temporary protection, who moved to Finland after the start of the war in Ukraine and who do not have existing ties to Finland, is that they are not eligible for Kela (social) benefits.

However, since temporary protection gives such persons the right to work, this makes them eligible to most Kela benefits, under the condition that their salary is at least EUR 741.75 per month. If they are not working, persons enjoying temporary protection may be eligible for the residence-based benefits available from Kela, if Kela considers their residence in Finland to be of a permanent nature. A person can be considered as living permanently in Finland, if:

- ▶ a family member (spouse/partner or under-age child) is already living in Finland;
- ▶ they have lived in Finland previously;
- ▶ they will work or study in Finland for at least two years.

Information on the eligibility of persons fleeing the war in Ukraine for social benefits can be found on Kela's [webpage](#).

The following social benefits are provided to displaced persons from Ukraine:

▶ **Accommodation**

Persons who apply for and receive temporary protection have a right to stay at the reception centre and to receive the services available there. These persons are accommodated at a reception centre that still has

availability. Families are accommodated at an apartment or a room of their own. Others are offered communal accommodation where women and men live in their own rooms or apartments.

► **Reception allowance**

If necessary, displaced persons can apply for and be granted a reception allowance. The possible funds and income such persons have at their disposal affect whether they are granted a reception allowance and the amount of the allowance.

The basic amounts of reception allowance are:

1. EUR 290 per month for an adult living alone or a single parent, the amount is EUR 85 per month if food is provided at the reception centre;
2. EUR 245 per month for an adult other than mentioned in previous section, the amount is EUR 70 per month if food is provided at the reception centre;
3. EUR 185 per month for a child, the amount is EUR 55 per month if food is provided at the reception centre.

If the reception centre takes care of the child, the child is granted “pocket money” of EUR 25-45 per month, as provided in the Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings, Sections 16, 19-21.

► **Social services**

Persons applying for or who have been granted temporary protection have the right to certain social services foreseen in Section 14 of the Social Welfare Act in the same way as Finnish nationals, if the official of the social services regards these as inevitable such as:

1. Social services organised by the municipalities:
 - ▷ social work,
 - ▷ social guidance,
 - ▷ social rehabilitation,
 - ▷ family work,
 - ▷ home service,
 - ▷ home care,
 - ▷ housing services,
 - ▷ institutional services,
 - ▷ services supporting mobility,
 - ▷ drugs abuse work,
 - ▷ mental health work,
 - ▷ educational and family counselling,

- ▷ supervision of appointments between the child and the parent,
- ▷ the freedom of a person caring for relatives and close relatives, and
- ▷ other social services necessary for the well-being of such a person that meet the needs pursuant to Section 11.

2. Social services for certain types of groups organised by the municipalities

Municipalities are also responsible for organising child and youth welfare, special care for the mentally handicapped, services and support for people with disabilities, services related to care for substance abusers, the statutory functions of child welfare officer, other measures related to the investigation and establishment of paternity, adoption counselling, family conciliation, measures pertaining to the conciliation related to the enforcement of decisions on child custody and visiting rights and expert services pertaining to court conciliation of matters concerning child custody and meeting rights, and provision of support for informal care and other social services, and for the duties laid down in the Act on Rehabilitative Work, in accordance with any further provisions laid down concerning these services.

The social work referred to in the Social Welfare Act is performed by a social care professional at the reception centre. Section 25 of the Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings states that the work includes counselling, guidance, social problem-solving, and other support activities that maintain and promote the safety and performance of individuals and families, as well as the functioning of communities.

► Health care services

Everyone has the right to urgent medical treatment in the public healthcare system regardless of their nationality or country of origin. However, as can be found on Kela's [website](#), the services are provided at the recipient's own cost. Section 26 of the Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings provides that, when a person has been granted temporary protection, they can use health care services in the same way as permanent residents in Finland. The right to use public health services in Finland is linked to one's residence in a specific municipality (home municipality). Kela's [website](#) specifies that public health services are provided for the same fees as for the local residents.

II. Eligibility conditions

Regarding social benefits, please see above, in the previous box. One option to receive Kela benefits is through work. The right to Kela residence-based benefits for all other displaced persons is conditioned upon the fact that such persons are considered to be living in Finland permanently.

Regarding social welfare, the person needs to have an application or certificate for temporary protection (for most social benefits mentioned above) or temporary protection status (for the full extent of health care services).

III. Any exceptions to the general law in force in the country to access to social security systems or social welfare system relating to employed or self-employed activities

There are no specific issues or salient points identified for this question regarding social benefits.

Regarding social welfare, as referred to above in Section 4 I, only certain sections of Social Welfare Act apply to displaced persons from Ukraine. They do not have the right to all general social benefits.

5.0 Public support instruments

Overview of other public support instruments facilitating labour market participation, information about and enforcement of rights and entitlements for displaced persons.

► The webpage of The Finnish Immigration Service

The [webpage](#) of the Finnish Immigration Service provides instructions to the people fleeing from Ukraine and for people helping them. Information about the application of temporary protection, accommodation, available services, work and study possibilities, health and social care etc. is provided.

► Employment support service

Persons enjoying temporary protection can register as jobseekers with the TE Office and receive employment support service. Based on the [webpage](#) of the Ministry of Economic Affairs and Employment (MEAE), such persons can obtain support services such as language training. A special leaflet has been prepared by MEAE in order to facilitate employment of displaced persons coming from Ukraine and is distributed at ports, airports, reception centres and various information and advice points.

► Compensation for Municipalities

The Ministry of the Interior's [webpage](#) provides that Government compensates the municipalities' costs incurred with the admission of Ukrainians including accommodation costs and costs connected to child care and primary and secondary education.

► Transportation benefits

People fleeing from Ukraine can use Onnibus and VR trains free of charge. Ukrainian refugees can also benefit from a 95 % discount on net fares for one-way Finnair tickets from Warsaw, Krakow, Gdansk, Budapest and Prague to Helsinki, according to a [website](#) on European measures taken to help Ukraine's refugees.

► Free courses at the universities

Following Studyinfo, a [website](#) maintained by the Finnish National Agency for Education, the universities and universities of applied sciences in Finland offer people that have fled the country a possibility to take non-degree courses in higher education free of charge.

► Free cultural events, sports activities in the Municipalities

The newspaper Yle published an [article](#) mentioning that in the city of Lahti, Ukrainian people can participate free of charge in cultural events, use sports facilities and visit museums.