

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

Country Fiche – Finland
February 2023

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Information provided in this fiche considers legal and policy developments up to 31 January 2023.

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Contents

1.0	Legal and institutional framework.....	4
1.1	Legal framework	4
1.1.1	List of the legal framework	4
1.1.2	Beneficiaries (persons covered by temporary protection).....	5
1.2	Institutional framework	7
2.0	Possibility of changing the status.....	8
3.0	Access to labour market (Article 12 of the Temporary Protection Directive).....	9
4.0	Social security, social welfare and means of subsistence assistance, as well as medical care (Article 13 of the Temporary Protection Directive).....	10
5.0	Public support instruments	13

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 the [Aliens Act](#) (Ulkomaalaislaki) from 30 April 2004 (30.4.2004/301), which came into force on 1 May 2004. The Act 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 foreigners (Section 76).
- ▶ Council Implementing Decision (EU) 2022/382 of 4 March 2022 was transposed through [Government Decision SM/2022/24](#) on granting temporary protection to respond to the crisis in Ukraine (Valtioneuvoston päätös tilapäisen suojelun antamisesta Ukrainan tilanteeseen vastaamiseksi SM/2022/24) dated 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.
- ▶ The [Aliens Act](#) has been [temporarily amended](#) to ensure the validity of residence permits issued to beneficiaries of temporary protection for as long as the Council Implementing Decision remains in force. The temporary amendment will be in force from 19 January 2023 until 4 March 2025.

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

Apart from the above-mentioned legal acts, few legislation has been adopted or amended concerning access to the labour market and social security/welfare for persons enjoying temporary protection from Ukraine. General employment and social security/welfare legislation apply such as:

- ▶ The [Act on the Promotion of Integration](#) (Laki kotoutumisen edistämisestä) dated 30 December 2010 (30.12.2010/1386). The Act came into force on 1 September 2011.
- ▶ 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, so-called [Reception Act](#) (Laki kansainvälistä suojelua hakevan vastaanotosta sekä ihmiskaupan uhrin tunnistamisesta ja auttamisesta), dated 17 June 2011 (17.6.2011/746). The Act came into force on 1 September 2011.

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>.

- ▶ The [Employment Contracts Act](#) (*Työsopimuslaki*) dated 26 January 2001 (55/2001). The Act came into force on 1 June 2001.
- ▶ The [Social Welfare Act](#) (*Sosiaalihuoltolaki*) dated 30 December 2014. The Act came into force on 1 April 2015.
- ▶ The [Act on Residence-based Social Security in Cross-border Situations](#) (*Laki asumisperusteisesta sosiaaliturvasta rajat ylittävässä tilanteissa*) dated 11 January 2019 (16/2019). The Act came into force on 1 April 2019.

The [amendments](#) to the [Reception Act](#) have been confirmed and will come to force on 1 March 2023. The aim of the amendments is to provide for the reimbursement of the costs incurred by municipalities and wellbeing service counties for the organisation of services to the beneficiaries of temporary protection.

The Finnish Parliament approved the [amendments](#) to the Act on Municipal Experiments to Promote Employment (1269/2020) to improve employment opportunities for people who have fled the war in Ukraine and those who have impaired capacity for work. The Government proposes that beneficiaries of temporary protection could also become clients of the local government pilots on employment. The amendment is proposed to come into force on 1 March 2023.

1.1.2 Beneficiaries (persons covered by temporary protection)

Type of beneficiary	National regime of temporary protection for displaced persons coming from Ukraine
Ukrainian nationals <ul style="list-style-type: none"> ▶ Residing in Ukraine ▶ displaced from 24 February 2022 	Yes
Family members <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 	Yes <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</i></p>

Type of beneficiary	National regime of temporary protection for displaced persons coming from Ukraine
	<p>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.’</p> <ul style="list-style-type: none"> ▶ Section 37(3) of the Aliens Act provides for a definition of a child: <p>‘(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 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.’</p>
Third-country nationals and stateless persons beneficiaries of international or equivalent national protection in Ukraine until 24 February 2022	Yes
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	Yes
<p>Other persons who are displaced for the same reasons and from the same country or region 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</p>	<p>Yes</p> <p>In the Government Decision SM/2022/24 from 7 March 2022, 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>

Type of beneficiary	National regime of temporary protection for displaced persons coming from Ukraine
conditions to their country or region of origin (Article 2(3) Council Decision).	No national conditions are foreseen.
Any additional category of beneficiaries (i.e. persons who arrived from Ukraine before 24 February 2022)	<p>Yes</p> <p>In the Government Decision SM/2022/24 from 7 March 2022, 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 who cannot return home as a result of the conflict. The Commission has urged the Member States to be flexible regarding these persons. ▶ Other Ukrainian citizens and their family members who are already living or have arrived in Finland.

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 Section 2)	Police of Finland The Finnish Boarder Guard The Finnish Immigration Service	<i>Poliisi</i> <i>Rajavartiolaitos</i> <i>Maahanmuuttovirasto</i>	https://poliisi.fi/en/frontpage https://raja.fi/en/frontpage https://migri.fi/en/home
Employment rights	Employment and Economic Development Office (TE Office)	<i>TE-Palvelut</i>	https://tyomarkkinatori.fi/
Social welfare and social security rights	Kela The Finnish Immigration	<i>Kela</i> <i>Maahanmuuttovirasto.</i> <i>Vastaanottokeskukset.</i>	https://www.kela.fi/web/en/main-page https://migri.fi/en/home

Scope of work	Name of the authority (in EN)	Name of the authority (in national language)	Hyperlink
	Service, Reception services		

- 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. It should be noted that beneficiaries of temporary protection have an unrestricted right to work without any separate employment-based residence permit.

- 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 '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.

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 as it applies to other workers. Finnish employment law does not only guarantee adequate working conditions to the employees, but it also foresees the principle of equal treatment and non-discrimination. This is regulated in the [Employment Contracts Act](#) (Chapter 2, Section 2).

- 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 as an employee or self-employed person as soon as they have registered the application for temporary protection with the police or the border control authority (see for more information the [website](#) of the Ministry of Economic Affairs and Employment of Finland). During the 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 foreigners 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 residence permits for entrepreneurs is based on the 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 rules apply in such a case. Specific rules for the recognition of qualifications and diplomas or education have not been made with respect to displaced persons coming from Ukraine.

Depending on the recognition's purpose, displaced persons from Ukraine need to apply for the recognition of professional qualifications or education either with the Finnish National Agency for Education, field-specific authorities, private sector employers or with 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 also available 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 [Reception Act](#), the basic rule regarding persons who have been granted temporary protection and 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 800.15 per month in 2023 (EUR 741.75 per month in 2022). 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 what the amount of the allowance will be.

The basic amounts of reception allowance are:

1. EUR 348.50 per month in 2023 for an adult living alone or a single parent, the amount is EUR 102.15 per month in 2023 if food is provided at the reception centre;
2. EUR 294.42 per month in 2023 for an adult other than mentioned in previous section, the amount is EUR 84.12 per month in 2023 if food is provided at the reception centre;
3. EUR 222.32 185 per month in 2023 for a child, the amount is EUR 66.10 per month in 2023 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 30.04 – 54.08 per month in 2023, as provided in the [Reception Act](#), 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 wellbeing service counties as of 1 January 2023:
 - ▷ social work,
 - ▷ social guidance,
 - ▷ social rehabilitation,
 - ▷ family work,
 - ▷ home service,
 - ▷ home care,
 - ▷ housing services,
 - ▷ institutional services,

- ▷ services supporting mobility,
- ▷ substance abuse services,
- ▷ mental health services,
- ▷ educational and family counselling,
- ▷ supervision of appointments between the child and the parent,
- ▷ the freedom of a person caring for relatives and close relatives,
- ▷ services of school social workers in student welfare 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:

The wellbeing service counties are also responsible for organising child and youth welfare, special care for the mentally handicapped, services and support for people with disabilities, rehabilitative work activities, 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, 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 Act](#) 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.

► **Healthcare 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 [Reception Act](#) provides that when a person has been granted temporary protection, they can use healthcare 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.

► **Employment-based social security**

If displaced persons from Ukraine start to work in Finland, they will be subject to normal employment-based social security:

- ▷ Earnings-related pension insurance
- ▷ Unemployment insurance
- ▷ Worker's compensation insurance (accidents at work)
- ▷ Sickness insurance and other Kela benefits.

II. Eligibility conditions

Regarding social benefits, please see above Section 4 I. 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 the [Social Welfare Act](#) apply to displaced persons from Ukraine.

Persons who have been granted temporary protection do not have the right to all general social benefits (Kela social benefits) unless they work in Finland or are considered to be living in Finland permanently (see above Section 4 I).

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 for 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 services. 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 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](#) free of charge. Displaced persons from Ukraine can also benefit from a 95 % discount on net fares for a one-way [Finnair](#) tickets from Warsaw, Krakow, Budapest and Prague to Helsinki until 28 February 2023.

► **Free courses at the universities**

Following *Studyinfo*, a [website](#) maintained by the Finnish National Agency for Education, the universities and the 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.