

Asia: VN/24207/2023

Luonnos hallituksen esitykseksi eduskunnalle ulkomaalaislain muuttamisesta ja eräksi siihen liittyviksi laeiksi

Ehdotuksen suoja-aika, jona aikana oleskelulupaa ei saisi peruuttaa, kun työntekijä jää työttömäksi / The proposed term of protection during which a residence permit of an employee who has become unemployed could not be withdrawn

Antaako sääntelyehdotus riittävän pitkän suoja-ajan etsiä uusi työpaikka?

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

Ei / No

Perustelut vastaukselle ja muut mahdolliset huomiot sääntelyehdotuksesta

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

Many survey and industry reports have pointed out that 3 - 6 months to seek for re-employment is unrealistic regardless of professions in Finland, especially in the current economic climate. We believe that this protection period should be checked against the relevant average job seeking lead time statistics from government agencies such as TE and universities.

To stand out from other countries in terms of attracting international talents to move to Finland on a work-based basis, we believe that the protection period could be extended until the end of the work-based residence permit validity (if such a period is longer than 3 - 6 months). During this protection period, migrants should be eligible for their rightful employment seeking support as they have all contributed to the national unemployment fund (as part of their compulsory salary reductions) in addition to optional other unemployment fund contributions.

The possibility of being deported after 3 or 6 months of unemployment regardless of reasons coupled with a prolonged path to permanent residency and citizenship (that are also currently being planned) puts foreign talents at a disproportionately disadvantaged position with employers (risk of

being abused, weaker negotiation power in terms of salary and other benefits) and hampers their professional development (fear of job change). Furthermore, this prolonged period of uncertainty will certainly deter many foreign talents from relocating to Finland on a working basis - the exact target group that Finland would like to attract.

Työnantajan ilmoittamisvelvollisuus, kun työntekijän työt loppuvat, ja siihen liitettävä sanktion uhka / Employer's obligation to notify when the employee's work ends and the related threat of sanction

**Onko esitys ilmoittamisen määräajoista 7/10 päivää riittävä?
Is the proposed time limit of 7/10 days for notifications sufficient?**

Ei / No

**Perustelut vastaukselle ja muut mahdolliset huomiot sääntelyehdotuksesta
Statement of reasons for the response and other possible comments on the proposed regulation**

Based on companies' current practices, 7-10 days are too short and would incur more admin burdens. A natural reporting cycle could be 1-3 months.

**Onko voimassa olevan sanktiosääntelyn (esim. ulkomaalaislain 186-189 §, rikoslaki) soveltaminen riittävää ilmoittamisvelvollisuuden laiminlyönnistä?
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?**

Kyllä / Yes

**Perustelut vastaukselle ja muut mahdolliset huomiot sääntelyehdotuksesta
Statement of reasons for the response and other possible comments on the proposed regulation**

-

Työnteko-oikeuden laajentaminen työvoimapula-aloille ja asetuksenantovaltuutus / Extension of the right to work to sectors suffering from labour shortages and the authorisation to issue decrees

**Mahdolliset huomiot sääntelyehdotuksesta
Possible comments on the proposed regulation**

-

Muuta lausuttavaa esityksestä / Other comments on the proposal

**Mahdolliset muut huomiot esityksestä
Possible other comments on the proposal**

What we worry about the most is that, this amendment alone might sound to provide "certainty" of protection period for work-based immigrants. However, coupled with other changes in permanent residency and citizenship requirements as well as taking into consideration the reality of job seeking lead time in Finland, this change will further deter potential international talents to migrate to

Finland based on work - the exact opposite of what Finland would like to achieve - attract more work-based migrants.

We also believe that the concern about the supervision of work-based permit could be achieved in a different way than using the 3-6 month period as a deadline. In any case, the end of employment can be monitored through employers' own reports (with more stringent fine if needed) as well as information from TE and KELA as the unemployed migrant registers as job seekers. So, a better supervision of work-based permit can be achieved through better data integration between Migri, TE and KELA.

In addition, giving the unemployed migrant the time until their work-based residence permit ends (if such a period is longer than 3-6 months) also allows the migrant the time to use employment seeking support from TE and KELA, which they have already contributed to during their employment. Forcing them to leave after 3-6 months is unfair for them as it is most likely that they will not have the time to use this benefit. This is in contrast with the fairness value that is embedded in many Finnish policies. TE and KELA should monitor the job seekers' job seeking efforts during this time as with any other job seekers, regardless of permit or citizenship status.

Vietnamese Professionals in Finland (VPF) (a 200+ registered members and 2000+ member community) was founded in 2020 with a mission to promote professional and personal growth of Vietnamese speaking professionals in Finland. Since we started this community in 2020, it is inspiring to see more and more Vietnamese professionals having successfully integrated in the local working life, being present in many sectors, positions and companies with different sizes (as seen in our recent survey). It has also been equally exciting to see the Finnish labor market gradually open doors to foreign talents. We believe that this development is essential to the Finnish economy in the coming years. Therefore, we hope that the incoming Finnish government will listen to these concerns from various organisations, think-tanks, and residents in the past days to clarify the scope of changes as soon as possible. A swift clarification will avoid sending the wrong signals to foreign talents who would like to come to Finland to work and become integrated and contributing members of the society from the start. Otherwise, our efforts in the past years to promote Finland as an attractive and stable destination for foreign talents might be a waste.

Meanwhile, VPF will continue our mission to grow and support our community in professional development and integration into local working life. That is how we can play our part in maintaining Finland as a society that values equality, rationality and merit (that we came to love and choose as our second home) over phobia, panic and exclusion.

Vietnamese Professionals in Finland Ry