

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The proposed term of protection during which a residence permit of an employee who has become unemployed could not be withdrawn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

According to the Ministry, the goal of the proposal to add Section 58a to the Aliens Act is that the foreign workforce would stay in Finland by finding a new job after becoming unemployed. It is also mentioned that this goal is important so that an employee who has settled in Finland and is part of society does not have to leave the country. SYL does not see how implementing the so-called three- or six-month rule aligns with this goal.

According to Statistics Finland's most recent data, the average job search duration for unemployed jobseekers between 25-49 is 51 weeks [1], and that duration increases to 60 weeks when all age groups are taken into account [2]. In addition, according to a 2023 report by Specialists in Finland, 61% of all respondents who had a work-based residence permit and had experienced a period of unemployment would not have found new employment within the proposed 3-month time limit [3]. Putting this data together shows that the vast majority of skilled employees with a work-based residence permit would have to leave Finland when facing unemployment. SYL believes that this is a strong deterrent to coming to Finland for studies or work, and that those who once having been forced to leave Finland due to these proposals would not return, if they even found a job in Finland without being able to be in the country. Therefore, SYL suggests that the time limit to find new

employment after becoming unemployed be raised to at least one year, but preferably 18 to 24 months, to account for the actual time it takes to find new employment.

It has also been shown that more than 40% of respondents to a survey by Academic Engineers and Architects in Finland TEK and the Union of Professional Engineers in Finland have experienced discrimination in the job-seeking process [4], and we believe similar or even higher numbers may be found in other fields as well. Competition for the small number of jobs accessible to foreigners is fierce, and the expected level of Finnish proficiency is too high [5]. In order for foreign job-seekers to sustainably find work in Finland and stay in the country, including recent international graduates from Finnish universities, SYL finds that other solutions must be investigated and invested in. These solutions include but are not limited to: expanding anonymous recruitment and positive action, incentivising employers to provide language training as part of employment, incentivising employers to lower the threshold of language requirements in the domestic languages, incentivising employers to have students write their Master's thesis for their company [6], and having anti-racist strategies in place on the work floor.

We would also like to add that knowing that one only has 3 months to find a new job after unemployment strikes, or else face deportation, will not incentivise non-EU/EEA international students to come to Finland to study, and thereafter potentially stay to work and settle permanently. Especially considering these students are paying high tuition fees in order to receive their education in Finland. Even if these students do choose to pursue a degree in Finland, it is likely that they will make plans to move somewhere else after completing studies, where conditions of being able to stay in the country are more favourable. This does not align with Finland's need for foreign experts to contribute to the workforce.

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**

SYL is concerned that having such strict requirements for employers to notify Immigration Services will disincentivise them in hiring employees requiring a work-based residence permit. Such employees include recently graduated tuition-fee paying international students. We worry that this requirement further diminishes the chances of aforementioned foreign employees requiring a work-based permit being hired.

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?

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Perustelut vastaukselle ja muut mahdolliset huomiot sääntelyehdotuksesta

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

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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

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Muuta lausuttavaa esityksestä / Other comments on the proposal

Mahdolliset muut huomiot esityksestä

Possible other comments on the proposal

SYL would like to add the following suggestions to the proposal:

The current proposal for the addition of Section 58a (2) to the Aliens Act states that specialists, top or middle management workers and startup entrepreneurs can have a six-month period of unemployment before their residence permit is investigated (sections 73, 74 and 80, respectively). We strongly suggest that permits issued to those who have completed a qualification or degree or conducted research in Finland, as provided for in section 75 of the Aliens Act, are added to the proposed section 58.a (2). We believe that when international graduates from Finnish universities find jobs in their field they will perform expert duties that require special expertise, or at the very least are on the career path to performing those. They deserve the same protections as those who are already counted to be specialists do.

Furthermore, SYL suggests amending the proposed section 58a (3) to the Aliens Act to state that “If the holder of a residence permit issued based on employment is unemployed, section 58, subsection 5 does not apply if the period of unemployment has lasted for a maximum of: 3) six months and the alien has been employed for at least two years on residence permits other than the residence permit referred to in paragraph 2.” In the current proposed section 58a (3) to the Aliens Act, foreigners will have 6 months before their residence permit is revoked even if they don’t fall under the categories mentioned in section 58a (2), if they have “had a residence permit issued based on employment for

at least two years other than the residence permit referred to in paragraph 2.” However, residence permits for studies, research, an internship, and one to look for work or to start a business for those who have graduated from a Finnish higher education institution also allow for being employed. SYL finds the requirement that the residence permit should specifically be based on employment to be unfair towards students, interns, and recent graduates who have been employed in Finland for those two or more years, just under another kind of residence permit. As it is very common for tuition-fee paying international students to be employed or work as an entrepreneur during their studies, we would like to see that their employment or work time under other residence permits contributes to their building up employment time to qualify for increased protection time, if the event they were to become unemployed while on an employment-based residence permit. We also find it important that recently graduated students from a Finnish higher education institution, who have found employment while having a residence permit to look for work or start a business and now have a work-based residence permit, are not in an unequal position to those who have similar employment or work histories but just performed those with having a work-based residence permit all along.

In raising the above two suggestions, SYL still maintains that the period of unemployment must be raised to longer than six months: at least to 12 months but preferably 18 to 24 months, as mentioned earlier in this statement.

SYL would also like to respectfully submit that, while assurances have been made that these changes to the Aliens Act and the three-month rule do not affect those living in Finland with the two year job seeking permit for those having graduated from Finnish higher education institutions, situations can be imagined where consequences are unclear for recently graduated international students. For example, in the current proposal, a recent graduate staying in Finland under a residence permit to look for work, who finds employment in the first year of that residence permit, might like to change their permit to one based on employment, despite the significant costs they incur by changing their residence permit. The recent graduate would do so in order to start building up towards the two years that would qualify them for the 6 months protection period of proposed section 58a (3) instead of the 3 months of proposed section 58a (1). However, if that same graduate would then become unemployed, through no fault of their own such as financial difficulties of their employer, suddenly they would have 3 months to find a new job or have to leave. Unless the graduate changed their residence permit back to a job-seeking residence permit, again incurring significant costs and not knowing whether that application would be successful. This situation - and many such similar situations could be imagined - detracts significantly from the safety the two year job seeking permit provides for recent graduates from Finnish institutions. This is another reason why SYL would like the proposed section 58a (3) to the Aliens Act to include all employment done to count towards the two year threshold, regardless of under what residence permit the employment was done.

Finally, SYL would like to emphasise our deep concern for tuition-fee paying international students and recent graduates, and how their overall wellbeing and sense of feeling welcome and appreciated in Finland is affected by the consequences of these legislative changes. We see that tuition-fee paying international students are increasingly worried about whether they have a safe future in Finland, and a survey by Academic Engineers and Architects in Finland TEK and the Union of Professional Engineers in Finland shows that Finland is not seen as a place where migrants will thrive

[7]. We hope that the Ministry considers that tuition-fee paying international students and recent graduates are an essential and irreplaceable part of the future of Finland, who deserve to create their futures without the constant worry of unemployment causing swift deportation and an undoing of their carefully built up lives in Finland.

Sillanpää Jani

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