

Asia: VN/24207/2023

Luonnos hallituksen esitykseksi eduskunnalle ulkomaalaislain muuttamisesta ja eräiksi 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/ The proposed term of protection during which a residence permit of an employee who has become unemployed could not be withdrawn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?

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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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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?

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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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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

Areas of Concern and Recommendations:

Potential Reinforcement of Underemployment Among the African Diaspora

The proposal, while broadening work rights, may inadvertently be of disadvantage to students, - particularly those of African background. Research, including recent studies authored by Quivine Ndomo, indicates that many members of the African diaspora community in Finland initially enter the workforce through the direct services industry including cleaning or delivery services due to factors such as discrimination, artificially limited networks, and language restrictions. The proposed work-based permit system, despite its improvements, may continue to hinder transitioning from these initial jobs to sectors aligned with their education and training, especially if these are not designated shortage sectors.

From Think Africa's mentorship programme, the data indicates that the percentage of people employed in other industries than that of their training/education is critically high. Based on data from the EU's labor force survey from 2017 to 2022, the study shows that almost half of migrants with degrees are working in jobs they are overqualified for. For native workers, this number is less than a third.

This limitation on career mobility can impede individuals from fulfilling their potential, this can potentially lead to diminished mental well-being and underutilisation of skills. This can also result in a smaller tax base and a shrinking of the economy.

Furthermore, this plan has the potential to create a division or a tier system among workers in Finland by tightening people's ability to move from one field to another. It also has the potential to weaken the power of Trade Unions to negotiate on behalf of workers, as what would be the benefit of joining a trade union if one is removed from the country within 3/6 months of losing one's job.

In addition, other government proposals that are coming out such as the reform of the Citizenship Act and the Integration Act need to be considered together (and not separately) on their potential impact on immigrants' lives and well-being. For example: in order to minimise the negative impacts of the 3-6 month unemployment rule, it's vital to support the effort and programmes of re-employment of international talents by civil society, and cutting on integration budget works directly against this.

Recommendation: We propose allowing transitions not just within shortage sectors, but to any sector related to an individual's field of study/training/education. This approach would benefit both the individuals and Finland by ensuring a return on educational investments and enabling skilled professionals to practice in their trained fields.

Lack of African Representation in International Recruitment Efforts

The proposal emphasises attracting talent from specific so called "third world countries", notably India, Brazil, Vietnam, and the Philippines, through new partnership models and expedited permit processes. However, African countries are conspicuously absent from these targeted recruitment efforts.

Recommendation: We urge the inclusion of African countries in Finland's international recruitment strategies. The African diaspora can play a crucial role in facilitating Finland-Africa partnerships, trade, and business relationships vis-a-vis Finland's Africa Strategy.

By incorporating these recommendations, the proposed amendments could more effectively address the needs of the African diaspora in Finland while also capitalizing on the potential contributions of African talent to the Finnish economy and society.

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