



Sisäministeriö
Inrikesministeriet

Memorandum

4.5.2022

VN/6332/2022
SM011:00/2022

Displaced persons from Ukraine: Residence in Finland

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1 Introduction

This document seeks to serve as a joint memorandum of public authorities concerning issues related to the residence in Finland of displaced persons from Ukraine, and to assist public authorities in drafting internal and municipal guidelines and responding to questions from the public. The collation of information also helps in identifying potential problem situations and finding solutions.

Persons displaced from Ukraine may seek a form of temporary protection that was first introduced on 4 March 2022. This is the first time that residence permits based on temporary protection have been issued in Finland, so practical arrangements and guidance are being developed for registering applications, making decisions and providing services to permit holders. This memorandum discusses procedures for granting temporary protection, and the rights, services and benefits that relate to temporary protection status. Displaced persons from Ukraine will remain eligible to seek other residence permits, and all of those arriving will not necessarily want to request protection. This memorandum accordingly also covers procedures relating to other residence permits.

Residence in Finland without a residence permit is also discussed at the end of the memorandum. People from Ukraine have been arriving in Finland both under visa exemption arrangements and with no valid right of residence. Biometric passport holders from Ukraine may reside in Finland and elsewhere within the Schengen area for 90 days without a visa. However, not all Ukrainians or other foreign nationals displaced from Ukraine necessarily hold a visa or a visa exemption document.

This memorandum has been compiled under the direction of the Ministry of the Interior with the participation of the Ministry of Economic Affairs and Employment, the Ministry of Social Affairs and Health, the Ministry of Education and Culture, the Ministry of Finance, the Ministry for Foreign Affairs, the Ministry of Agriculture and Forestry, the Finnish Immigration Service, the National Police Board, the Border Guard, the Digital and Population Data Services Agency and the Social Insurance Institution (Kela). The memorandum describes operating procedures as of 25 April 2022, and will be updated as public authorities collaborate to issue further guidance. Various public authorities may also prepare further thematic guidelines based on the memorandum.

2 Temporary protection

The Council of the EU has decided to activate the Temporary Protection Directive for the first time. It has been possible to grant temporary protection in Finland to the group covered by this Council decision since it took effect on 4 March. The Council decision specifies the target group of protection and the date from which the protection is granted. Other aspects of the protection are directly indicated in the Directive.

The Temporary Protection Directive is designed to address events of mass influx of third-country nationals to the EU when war, violence or human rights violations prevent them from returning to their home country. It seeks to provide protection swiftly, applying a lighter process than the asylum procedure, for a precisely limited number of persons who suddenly and temporarily have to flee their homeland.

The Council decision requires Finland and all EU Member States to grant temporary protection to members of the specified group during the year when the decision is in force. The decision to grant protection may be prolonged where necessary for periods of up to six months, up to a maximum of three years in total. This protection could also be terminated in a shorter period by Council decision if circumstances changed and the EU found that it was possible to return safely and permanently to Ukraine.

2.1 Beneficiaries of temporary protection

The decision of the EU Council covers the following groups:

1. Ukrainian citizens and their family members
2. Beneficiaries of international protection in Ukraine and their family members
3. Other permanent residents of Ukraine who cannot return to their country of origin

The requirement for all of these groups is that the person must have been resident in Ukraine and fled when Russia's invasion began, i.e. on 24 February or thereafter.

The Council decision leaves a certain amount of discretion for Member States to decide the precise category of persons to be granted protection. The Government in Finland decided on 7 March to enlarge the scope of temporary protection to include the following additional groups:

1. Ukrainian citizens and their family members who fled Ukraine shortly before 24 February and cannot return due to the conflict.
2. Other Ukrainian citizens and their family members who are already living or have arrived in Finland.
3. Third-country nationals who have resided legally (also on a short-term basis) in Ukraine and cannot return to their home countries.

2.2 Procedure for granting temporary protection

An application for temporary protection is submitted to the police or border guard. The police have centralised reception of applications for temporary protection at certain offices. Irrespective of nationality, all applicants from Ukraine who are seeking protection will be presumed to be seeking temporary protection at the time of submitting the application. Applicants may also seek asylum. Unaccompanied minors coming from Ukraine will also be assumed to be seeking temporary protection, even if they are unable to express such a request.

The police or border guard will determine the following information from the applicant: identity details (names, date and place of birth, nationality, place of residence); identity document details; authenticity of identity documents; type of residence permit if the applicant is not a Ukrainian citizen; residence permit card details if the applicant is not a Ukrainian citizen; family ties (personal data of parents, children, siblings and spouse/partner); date of departure from Ukraine; whether the applicant is seeking asylum in addition to temporary protection. The applicant will be advised of the differences between temporary protection and asylum at the time of lodging the application.

The Finnish Immigration Service will process applications swiftly by ensuring that the applicant meets all of the conditions for temporary protection, and that no grounds have emerged for withholding a residence permit on the basis of temporary protection. There is no longer any need in principle for the Finnish Immigration Service to interview applicants, because the police or border guard already examine the conditions for temporary protection when receiving the application. The Finnish Immigration Service will nevertheless interview an applicant if there is any uncertainty concerning the applicant's identity, if the applicant is considered to be a danger to public order or security, or if grounds for excluding the applicant from international protection have come to light (section 87, subsection 2 of the Aliens Act). Examination of an asylum application is automatically suspended if the applicant is granted temporary protection.

A residence permit will be issued until 4 March 2023 to an applicant who meets the conditions for temporary protection. A negative decision will be issued to an applicant who fails to meet the conditions. Residence permit holders with a biometric passport are entitled to visa-exempt travel within the Schengen area for a period of 90 days in any 180-day period. A person holding a residence permit based on temporary protection in Finland may not enjoy temporary protection benefits in another Member State on the basis of the protection granted by Finland. If a person enjoying temporary protection in Finland subsequently moves to another Member State and secures another residence permit for temporary protection, then the residence permit issued by Finland and the rights thereby conferred must be terminated and cancelled. The same applies in circumstances where a person who has received temporary protection in another EU country subsequently seeks temporary protection in Finland. The Commission has advised that the DubliNet network may be used for necessary exchanges of information with other Member States concerning beneficiaries of temporary protection for the purposes of applying the Directive.

2.2.1 Legal aid and right of appeal

A reference provision in section 9, subsection 1 of the Aliens Act indicates that the right of an alien to legal aid is governed by the Legal Aid Act. According to section 1 of the Legal Aid Act, legal aid is provided at the expense of the state to persons who need expert assistance in a legal matter and who are unable to meet the costs of proceedings as a result of their economic situation.

Section 2, subsection 2 of the Legal Aid Act provides that legal aid is provided to a person with no municipality of residence in Finland, or domicile or habitual residence in another Member State of the European Union or a State belonging to the European Economic Area, if the person's case is to be heard before a Finnish court, or if there is a special reason for providing legal aid. Registration of an application for temporary protection does not generally constitute a special reason for legal aid, nor is legal aid required for this.

An applicant for temporary protection who receives a negative decision will be entitled to appeal the decision to an administrative court, and details of the right of appeal will be included with the written decision. An applicant will be eligible for legal aid from public funds for this purpose, pursuant to the foregoing Legal Aid Act. A person seeking both temporary protection and asylum will be similarly entitled to seek and receive legal aid for the asylum claim in the same way as other applicants for international protection.

2.2.2 Extension Permit

The Temporary Protection Directive was activated by a Council Implementing Decision taken on 4 March 2022 in response to the situation in Ukraine. The Council Implementing Decision granting temporary protection has an initial duration of one year, until 4 March 2023, and may be extended for a further period of no longer than two years in total. The protection may end at an earlier date if the Council considers it safe for the target group to return to the country of origin.

If, on the proposal of the Commission, the Council decides to terminate the temporary protection, then a beneficiary of temporary protection may either return to Ukraine or seek a Finnish residence permit on some other grounds. The suitable option for each person will depend on the circumstances of the individual concerned. An asylum request could come into question if a person is still unwilling to return to Ukraine for reasons of safety. Some beneficiaries of temporary protection may also have a pending application for asylum whose examination was suspended on receipt of temporary protection and could be resumed after temporary protection ends if the applicant so wishes. If a beneficiary of temporary protection has requested asylum, then the procedure outlined below under the heading *Seeking international protection* will be applied after the expiry of the residence permit granted on the basis of temporary protection. An application for a residence permit on some other grounds, such as work or family ties, may also be considered if such grounds for residence have arisen for the person while residing in Finland.

2.3 Family reunification

Section 114 of the Aliens Act provides that a residence permit will be issued on the basis of family ties to a family member of an alien who has been granted temporary protection if the sponsor lives in Finland or has been issued with a residence permit for the purpose of moving to Finland, and the applicant is not considered a danger to public order, security or public health. Cases involving facts of the latter kind will include overall consideration that includes the ability of the sponsor to lead a family life with the applicant in a third country. This overall consideration will also accommodate the fact that there is no absolute impediment to the return of the sponsor to his or her home country. Security of the alien's livelihood is a condition for issuing the residence permit.

Section 115 of the Aliens Act further provides that a residence permit is issued to relatives other than family members of an alien who has been granted temporary protection if refusing the residence permit would be unreasonable because the persons concerned intend to resume their close family life in Finland, or because the family relation is fully dependent on the sponsor living in Finland. The overall consideration will accommodate the factors referred to in section 114 of the Act. The income requirement also applies unless the residence permit is granted to a minor sibling abroad of an unaccompanied minor who has

arrived in Finland, provided that the siblings have lived together and their parents are no longer alive or of unknown whereabouts.

It is important to note with regard to family reunification that the target group for temporary protection in Finland also includes family members of Ukrainian citizens. It is nevertheless not possible to seek temporary protection from abroad or through a Finnish mission. Applications for family reunification may also arise in particular in the case of non-Ukrainian nationals who have received temporary protection. Applications for a residence permit based on family ties are filed either at a Finnish mission abroad or at the Finnish Immigration Service in Finland.

Family members must apply for the residence permit in person. It is possible in practice to submit an application for a residence permit based on family ties either through the Enter Finland e-service portal or by completing a paper application. After completing the application, family members must report for identification either at a Finnish mission abroad or at a service point of the Finnish Immigration Service in Finland, depending on whether the residence permit application was filed abroad or in Finland. It should be noted with respect to family members abroad that applications cannot be filed in Ukraine under current circumstances as there is currently no active Finnish mission in Ukraine. The Finnish Ministry for Foreign Affairs will decide and issue guidance with respect to other possible service venues.

2.4 Entry in the Population Information System and registering a municipality of residence

Beneficiaries of temporary protection are generally recorded in the Population Information System when the residence permit is issued, and receive a personal identity code that is entered on the residence permit card. A person who has not received a personal identity code at the time of issuing a residence permit must submit a request for such a code to the Digital and Population Data Services Agency. Persons who receive a residence permit based on temporary protection will nevertheless generally not be assigned a municipality of residence unless they meet the conditions laid down in section 4 of the Municipality of Residence Act. The first temporary residence permit issued to a recipient of temporary protection on this basis will be valid until 4 March 2023, and will accordingly not satisfy the requirement of a temporary residence permit for at least one year laid down in section 4, subsection 1, paragraph 5 of the said Act. The condition may nevertheless be satisfied if the total period of validity of a person's successive temporary residence permits is at least one year. Domicile registration in such cases also requires the intention for the person to remain permanently in Finland, having regard to the circumstances as a whole. Domicile may also be registered in accordance with paragraph 4 of the said subsection if the person is a family member of a person with a municipality of residence in Finland. A beneficiary of temporary protection whose domicile is not registered may notify a temporary address to the Population Information System.

A reception centre will generally arrange the income and care of a beneficiary of temporary protection. A person who falls under the scope 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 (746/2011, hereinafter referred to as the *Reception Act*) will have no domicile in Finland within the meaning of the Municipality of Residence Act. A beneficiary of temporary protection whose domicile is registered under the Municipality of Residence Act is evidently no longer in need of services under the Reception Act. Even though the Act does not specifically provide for the termination of reception services in these circumstances, it must be interpreted on the understanding that the right of a beneficiary of temporary protection to services from the reception system ends on registration of a municipality of residence.

2.4.1 Registration of family relationships in the Population Information System

Details concerning the marital status and family relationships of a person (information on a spouse, children and parents) may be recorded in the Population Information System on the basis of original and legalised certificates. A certificate issued in Ukraine must include an Apostille certificate, and a legalised translation into Finnish, Swedish or English is also required if the certificate is not in English.

Accuracy of family relationship data recorded in the Population Information System is a vitally important interest and the foregoing requirements based on the Act on the Population Information System and the Certificate Services of the Population Register Centre (661/2009, hereinafter referred to as the Population

Information System Act) may only be waived if it is impossible to obtain the said documents and there is some other reliable account of the matter. It is not yet possible to determine with respect to Ukraine whether an inability to obtain documents or legalisations has already arisen at this stage, or whether this inability may still be regarded as transient. Even if the inability arises, some other reliable account should be provided for recording family relationship data. The family relationships of a person who has secured a residence permit on the basis of temporary protection have not been separately investigated during the residence permit process. The personal data entered in the UMA electronic case management system of the Finnish Immigration Service in such circumstances will accordingly be based solely on a personal report from the individual concerned, which cannot be considered to satisfy the standards of some other reliable account. These considerations mean that the family relationship data of persons authorised under the Temporary Protection Directive cannot be recorded in the Population Information System unless reliable documentation can be provided that satisfies the requirements of the Population Information System Act. This means for practical purposes that, for example, a child will be registered in the Population Information System as an independent individual without parents or guardians.

The circumstances may be different if persons who have arrived from Ukraine seek asylum or, for example, a residence permit based on family ties, and these processes involve a more detailed investigation of their family relationships.

2.5 Right to reception services

Beneficiaries of temporary protection fall within the scope of the Reception Act. Ensuring the livelihood and care of beneficiaries of temporary protection is a prescribed purpose of the Reception Act. A beneficiary of temporary protection may enjoy various reception services. Applicants for temporary protection may also enjoy reception services (government proposal HE 266/2010). The reception services status of a beneficiary of temporary protection largely corresponds to that of an asylum seeker. Section 13 of the Reception Act provides that reception services are arranged by the reception centre at which the person is registered as a client. An application for temporary protection is submitted to the police or border guard authorities.

Reception services, including accommodation, reception and spending allowance, health care services and essential social services, interpreting and translation services, and work and study activities, are provided to beneficiaries of temporary protection under and in accordance with the Reception Act. Meals may also be arranged as reception services.

Reception services are arranged in practice at reception centres and by external service providers. Reception centre staff include social services employees, with health care services arranged as care staff work at centres, services outsourced from private service providers, and services supplied by public service providers for which the costs are reimbursed. Arranging of services by public service providers in particular is essential, as these are generally supplied only by public service providers in Finland, and it is virtually impossible to outsource them from private service providers in general or at the same standard.

The work of reception centres also includes practical activities other than reception services, such as guidance and counselling on various matters, provision of information and security functions. Under section 8 of the Reception Act, the Finnish Immigration Service is responsible for guiding, planning and supervising the practical operations of reception centres. Some reception services are discussed below.

The Finnish Immigration Service has prepared an interim operating model enabling compensation payments to municipalities for the costs of arranging accommodation and reception services for beneficiaries of temporary protection. Municipalities may provide reception services to persons enjoying temporary protection without establishing reception centres of their own. Many municipalities already received arrivals from Ukraine immediately after the Russian invasion, and have provided accommodation and other services to these individuals. The new model seeks to enable Ukrainians who have settled in a particular municipality to continue living there if they so wish.

The new operating model is voluntary for municipalities. The model enables a municipality to conclude a fixed-term agreement with a reception centre concerning reception services that the municipality will arrange in-house within its area. These may be limited to accommodation, or broadened to include health

care and essential social services where agreed. Everyone who has sought or secured temporary protection will nevertheless be registered at a reception centre, even if they are living in private housing or in accommodation provided by the municipality.

The Finnish Immigration Service reimburses a municipality through a reception centre. Compensation may be paid from the date of introducing temporary protection on 4 March 2022, including retroactive compensation for March and April where necessary.

2.5.1 Accommodation

Beneficiaries of temporary protection may stay at a reception centre or arrange their own accommodation elsewhere if they so wish. Accommodation may be arranged independently throughout the reception period. A reception centre will register clients who arrange their own housing as *private accommodation clients* on receiving their accounts of private accommodation in accordance with section 18, subsection 1 of the Reception Act. Clients must report their addresses in writing and present a tenancy agreement or other evidence of private accommodation to the reception centre at which they are registered as clients. A client must be actually accommodated at the reported address.

No separate support is granted for clients living in private accommodation. Individuals who arrange their own accommodation receive reception services other than accommodation and any associated meals from the reception centre at which they are registered. Neither the Finnish Immigration Service nor the reception centre pays compensation to persons providing private accommodation.

A client may choose to move from private accommodation to a reception centre. Clients do not decide the reception centre where they are accommodated, and the location is determined according to the state of the reception system. The reception unit situation centre will chart available centre accommodation locations where necessary. The service needs of a client may affect the location of the reception centre.

2.5.2 Healthcare and social welfare services

Reception services are provided by the reception centre where the person seeking international protection or beneficiary of temporary protection is registered as a client. Reception services include and health and social services (section 13 of the Reception Act).

Section 25 of the Reception Act confers entitlement to the social services referred to in section 14 of the Social Welfare Act on beneficiaries of temporary protection if a social welfare professional deems such services necessary during the period for which the beneficiary is entitled to reception services. The social work referred to in section 15 and the service coordination referred to in section 16 of the Social Welfare Act are provided by a social welfare professional at the reception centre. This work includes counselling, guidance, addressing social problems, and other support measures that maintain and promote the safety and life management of individuals and families, and the functioning of communities.

Beneficiaries of temporary protection are entitled on the basis of section 26 of the Reception Act to healthcare services on the same criteria as persons with a municipality of residence in Finland within the meaning of the Municipality of Residence Act. Section 7 of the Reception Act provides for central government reimbursement of the costs of operations referred to in the Act, subject to Budget constraints. Healthcare services are arranged in the form of work for nurses stationed at reception centres, services outsourced from private service providers, and services arranged by public service providers, for which the costs incurred are reimbursed. Arranging of services by public service providers in particular is essential, as these are generally supplied only by public service providers in Finland, and it is virtually impossible to outsource them from private service providers in general or at the same standard. The Finnish Immigration Service and in practice the reception centre will compensate a service provider for arranging reception services.

Social workers and service coordinators work at reception centres. Staffing will depend on the size of the centre. Beneficiaries of temporary protection who are living in private accommodation must also contact the social services staff of the reception centre where they are registered in the first instance when seeking social services.

Public health nurses and registered nurses work at reception centres. Staffing levels again depend on the size of the centre. Clients living in private accommodation must also generally contact the health care staff of the reception centre where they are registered when seeking healthcare services. An opportunity to report for a voluntary health check is arranged for new clients after arriving in Finland. The timetable and content of the health check will depend on circumstances at the reception centre and in the reception system (available resources, number of clients, manner of accommodating clients and client contact with centres, urgent client care needs, availability of external reception centre services). Some health and social services enjoyed by beneficiaries of temporary protection are provided by the municipality: see section 2.6.3.

2.5.3 Reception allowance

Section 14 of the Reception Act provides that a reception allowance will be granted to a beneficiary of temporary protection in order to ensure the income that is essential for dignified living and to promote independent living if the beneficiary is in need of support and cannot secure an income through gainful employment, from other income or assets, through the care provided by a person who is liable for the beneficiary's maintenance, or in some other way. The basic element of the reception allowance covers clothing expenses, minimal health care expenditure (including the cost of essential medicines), expenses incurred in using local transport and a telephone, and corresponding other daily subsistence expenditure of the individual and family, together with food costs when no meals service is arranged at the reception centre. A supplementary reception allowance covers expenditure that is considered necessary due to the special needs or circumstances of the individual or family.

The size of a reception allowance is laid down in section 20 of the Reception Act. The reception allowance will be the difference between expenditure covered by the basic element of the reception allowance and greater than minimal health care expenditure, and the available income and assets. The income and assets of reception allowance applicants and their families are taken into account when granting the reception allowance, as provided in the Social Assistance Act (1412/1997). Further details concerning the size of a reception allowance are available on the website of the Finnish Immigration Service. A reception allowance may be paid in cash, to a prepaid payment card received through the reception centre, or to a personal Finnish bank account of the client or the client's spouse. A reception allowance must be requested.

Banks may choose to provide basic banking services to any third-country national, having regard to such aspects as regulations to prevent money laundering and terrorist financing, including a duty to identify the customer. Chapter 15 of the Credit Institutions Act requires banks to provide basic banking services (a basic payment account, related payment services and electronic identification services) to legal residents of an EEA State. Section 40 of the Aliens Act stipulates that legal residence means residence under a residence permit issued by Finnish authorities. Banks generally require a third-country national to present a valid passport issued by a foreign authority as a means of identification for opening basic banking services. The right of residence may be demonstrated with a residence permit card.

2.6 Entitlement to other central and local government services and benefits

2.6.1 Integration-related services

The Act on the Promotion of Immigrant Integration applies to individuals holding a valid residence permit in Finland within the meaning of the Aliens Act. The initial assessment referred to in section 9 of the Integration Act may be conducted for an immigrant, providing a preliminary assessment of the immigrant's capacities with respect to employment, study and other aspects of integration, and the need for language training and other measures and services to promote integration. To the extent necessary for this purpose, this initial assessment will examine the immigrant's previous education, employment history, language skills, and other necessary factors affecting employment and integration.

Sections 10-12 of the Integration Act provide that a municipality will commence the initial assessment and prepare an integration plan for an immigrant receiving non-temporary income support under the Social Assistance Act. As a beneficiary of temporary protection receives a reception and spending allowance and not income support, a municipality is under no obligation to commence the initial assessment for such

beneficiaries. An Employment and Economic Development Office or municipality may nevertheless also commence an initial assessment of other immigrants who so request where these individuals are deemed to require such an assessment. The initial assessment will begin within two months of the start of the client relationship or of a request for initial assessment. As beneficiaries of temporary protection fall within the scope of the Reception Act, the circumstances of individuals outside the labour market will be reviewed primarily at a reception centre. A formula-based reimbursement may be paid to a municipality in accordance with section 50 of the Integration Act for the costs incurred in arranging an initial assessment for some other immigrant who is not registering as a jobseeker at an Employment and Economic Development Office, for example due to age. As beneficiaries of temporary protection fall outside the scope of the Integration Act provisions governing the assignment of municipalities, they are accordingly assigned to municipalities in the manner provided in chapter 5 of the Act with no state reimbursement of costs paid to a municipality under chapter 6 of the Act, other than compensation for initial assessments that it conducts.

2.6.2 Right to work and employment-related services

An applicant for temporary protection is entitled to work when the application for temporary protection has been registered. Applicants do not need to wait for a residence permit or residence permit card to be issued in order to work. A certificate of registration of the application suffices. Work may begin with no tax document, but the employer will need a tax document by no later than when paying wages. The employer withholds tax on wages on the basis of the tax document. A beneficiary of temporary protection may register as a jobseeker at an Employment and Economic Development Office, but may not be referred to a municipal employment trial without a registered municipality of residence.

Beneficiaries of temporary protection are accordingly entitled as unemployed jobseekers to an initial assessment arranged by an Employment and Economic Development Office and to an integration plan drawn up as necessary on the basis of the assessment, and may participate in integration training and in services under the Act on Public Employment and Business Service, such as employment services, information and counselling services, surveys of abilities and skills, working capacity assessments, assessments of entrepreneurial capacity, vocational selection and career guidance, work trials and pay subsidies.

Chapter 2, section 2 of the Unemployment Security Act provides that a person who is not a Finnish citizen is not entitled to labour market support if he or she is entitled to gainful employment on the basis of a temporary residence permit. A residence permit based on temporary protection accordingly confers no right to labour market support.

The abilities of a beneficiary of temporary protection may be reviewed at reception centres by entering a competencies review in the UMA electronic case management system of the Finnish Immigration Service, examining the education, work experience, general skills, voluntary activity, work and studies at the reception centre, and future plans of the individual. Work and study certificates may also be recorded in the system.

2.6.2.1 Practising a means of livelihood as a sole trader

Under the Freedom of Enterprise Act (122/1919), a means of livelihood may be practised by a natural person (hereinafter referred to as a sole trader) who is domiciled in the European Economic Area. Domicile in Finland refers, for practical purposes, to the municipality of residence determined in accordance with the Municipality of Residence Act (201/1994). Beneficiaries of temporary protection typically do not secure a municipality of residence under section 4 of the said Act. Under the Freedom of Enterprise Act, the Finnish Patent and Registration Office may nevertheless also grant permission to practise a means of livelihood to a sole trader residing outside the European Economic Area. Granting of such permission has been conditional in practice on habitual residence of the individual in a State party to the Lugano Convention. Switzerland is the only non-EEA State party.

Article 12 of the Temporary Protection Directive requires Member States to authorise persons enjoying temporary protection to engage in employed or self-employed activities, subject to rules applicable to the profession, and for a period not exceeding that of the temporary protection. Neither the Aliens Act nor the

Freedom of Enterprise Act provide any exception with respect to temporary protection to the domicile requirement for practising a means of livelihood. The domicile requirement for a sole trader nevertheless does not apply under the Freedom of Enterprise Act where otherwise provided in an international treaty that is binding on Finland. The Temporary Protection Directive and its Article are deemed a treaty binding on Finland within the meaning of the Freedom of Enterprise Act, meaning that persons who have fled Ukraine and are entitled to temporary protection are accordingly not subject to the domicile requirement. Nor would such a person be required to obtain the permit issued by the Finnish Patent and Registration Office that is referred to in the said Act in order to practice a means of livelihood as a sole trader.

The Act requires a sole trader domiciled outside the European Economic Area to have a representative residing in Finland, who should also be notified for entry in the Trade Register. This representative is entitled to receive communications. The representative is also liable under the Taxation Procedure Act for taxes levied on a private trader who is domiciled outside the European Economic Area. The wording of Article 12 of the Temporary Protection Directive suggests that it must be interpreted to mean that a natural person enjoying temporary protection must be treated like a resident of the European Economic Area. A sole trader could accordingly not be required to appoint a representative under these circumstances.

The right to practise a means of livelihood would begin when the person has submitted an application for temporary protection and the application has been registered. There are practical difficulties involved in practising an unregistered means of livelihood. For example, registering as a sole trader requires a personal identity number, which a person only receives when a decision on temporary protection is issued. This means that no registration is possible before the decision has been made on temporary protection. The Freedom of Enterprise Act prescribes the conditions under which a sole trader must report for entry in the Trade Register. It is nevertheless possible in practice for a sole trader to report only for registers maintained by the Tax Administration, in which case the person will also receive a business ID code. Further details of registration are available from the Finnish Patent and Registration Office and the Tax Administration.

In accordance with the scope of Article 12 of the Temporary Protection Directive, the exception herein described only applies to a natural person enjoying temporary protection who is practising a means of livelihood and has fled Ukraine, meaning a sole trader. The exception does not apply to other circumstances of international protection. The exception also does not apply in any respect to forms of business other than that of a sole trader, such as the domicile requirement for a member of the board of a limited liability company or of a partner in a partnership.

2.6.3 Healthcare and social welfare services

Healthcare services for beneficiaries of temporary protection are generally provided by the reception system and, in practice, by reception centres and private service providers. It is nevertheless generally necessary in practice for specialised medical care, 24-hour emergency health care, maternity and child health clinic services, family planning services, school and student health care, and generally also oral health care, to be arranged through the public health service. The Finnish Immigration Service and in practice also the reception centre will compensate the service provider for arranging these services. Like other reception centre clients, beneficiaries of temporary protection are vaccinated against Covid-19 at municipal vaccination points.

Social services for beneficiaries of temporary protection are generally provided by the reception system and, in practice, by reception centres and private service providers. In the field of social welfare, a municipality is responsible for urgent functions, including child welfare. Further details of child welfare are set out in section 2.8.5. The Social Welfare Act also requires arrangements for emergency social services, meaning essential and urgent social services and other support measures ensuring the provision of immediate protection and care needed by a person in various social emergencies and crises where required at any time. The Finnish Immigration Service and, in practice, the reception centre also compensate service providers for these services.

A person who has not applied for temporary protection or initiated an asylum application process is entitled to urgent health care and social services that the municipality is responsible for arranging. See section 5.3.1 below.

2.6.4 Residence-based benefits of the Social Insurance Institution (Kela)

A residence permit granted on the basis of temporary protection does not directly constitute grounds for receiving residence-based benefits of the Social Insurance Institution (Kela), such as housing allowance, child benefit or health insurance benefits. On the other hand, temporary protection does not preclude entitlement to these benefits when the claimant is deemed resident in Finland on a permanent basis. Under the Act on Residence-Based Social Security in Cross-Border Situations, the permanent character of the relocation to Finland and residence of a person is determined by comprehensive consideration when the person applies for some benefit. In the case of a person coming from Ukraine, the aspects set out in section 4 of the Municipality of Residence Act are considered (see the section on entry in the population register and municipality of residence). The Social Insurance Institution is not bound by any decision of the Digital and Population Data Services Agency concerning municipality of residence.

Employees are entitled to certain Social Insurance Institution benefits from the start of work, even when not deemed to be permanent residents in Finland. Monthly earnings of at least EUR 741.75 are a condition of eligibility for social security benefits based on work. A worker who satisfies this condition is entitled to sickness insurance benefits and disability benefits. The residence period conferring eligibility for the national pension also accrues. For example, there is no right to housing benefit. A temporary residence permit does not enable payment of labour market support when a worker becomes unemployed.

Chapter 2, section 2 of the Unemployment Security Act provides that a person who is not a Finnish citizen is not entitled to labour market support if he or she is entitled to gainful employment on the basis of a temporary residence permit. No restriction on earnings-related and basic daily allowance corresponds to the foregoing restriction on labour market support. One aspect to be nevertheless decided by an unemployment fund or the Social Insurance Institution (Kela) where necessary will be whether the jobseeker satisfies the conditions concerning residence in Finland referred to in chapter 1, section 8 of the Unemployment Security Act or the employment condition for receiving unemployment benefit.

2.7 Studying

Article 14 of the Temporary Protection Directive requires Member States to allow persons under 18 years of age enjoying temporary protection to access the education system under the same conditions as nationals of the host Member State. Member States may stipulate that access to education applies only to the state education system. Member States may allow adults enjoying temporary protection access to the general education system. Member States must authorise beneficiaries of temporary protection to engage in employment or self-employment for a period not exceeding that of the temporary protection, subject to the rules governing the profession, and to participate in adult education, vocational training and practical workplace experience.

2.7.1 Basic education for adults and liberal education

Beneficiaries of temporary protection may choose to apply for basic adult education and liberal education. A person may seek and accept a place of study on satisfying the student admission criteria for the educational course concerned. Students will be admitted to the course in the manner decided by the education provider or educational institution administrator. A fee is usually payable for instruction in liberal education. Student voucher grants intended to reduce student fees for liberal education are limited to individuals who are domiciled in Finland.

Liberal education institutes in the education system may arrange Finnish or Swedish language instruction for students over the age of 17 years and for adults. Fees are normally charged for this instruction if no integration plan approving the course in question has been drawn up for the student. The fee for language instruction required in individual cases may be paid through a supplementary reception allowance if necessary.

An integration plan will be prepared for a person who registers as an unemployed jobseeker. The municipality or the Employment and Economic Development Office may commence an initial assessment at the request of an individual who has not registered as an unemployed jobseeker where the individual is considered to require such an assessment. Based on the initial assessment, the Employment and Economic Development Office or the municipality will assess whether the immigrant needs an integration plan.

2.7.2 General upper secondary school and vocational education and training

The right to seek vocational education and general upper secondary school education is also unrestricted. This means that beneficiaries of temporary protection are free to seek vocational and general upper secondary school education under the same conditions as Finnish citizens. One exception to this is the provision to immigrants and foreign-language speakers of preparatory education for general upper secondary school studies (LUVA), which is governed by separately prescribed admission conditions. The LUVA education programme will end on 31 July 2022, after which this form of education will be incorporated into a new scheme of preparatory education for an upper secondary qualification (TUVA). No corresponding special conditions have been laid down for admission to the TUVA education programme.

Vocational education and training may also be arranged at a workplace as on-the-job training based on a training agreement, or as apprenticeship training. Training based on a training agreement enables the student to acquire competence in the context of practical duties at a workplace without formal employment. Apprenticeship training, on the other hand, is based on a written temporary employment contract between an employer and a student aged 15 years or older. A beneficiary of temporary protection seeking vocational training may also complete this as training based on a training agreement or apprenticeship on otherwise satisfying the conditions for these forms of training.

Instruction in general upper secondary and vocational education is mainly free of charge. Reasonable fees may nevertheless be charged for upper secondary general education in a language other than Finnish, Swedish, Sámi, Roma or Sign Language. While basic vocational education and training is free of charge, an education provider may collect reasonable study fees from students in vocational and special vocational qualification training, and in other vocational education. Students in general upper secondary education and full-time basic qualification training for young people are entitled to a free meal on days when the student's personal competence development plan requires attendance in person at the training venue designated by the education provider. There are no restrictions of nationality governing access to pupil welfare services for secondary school students.

The learning materials and working tools, clothing and materials required for instruction are free of charge to students subject to compulsory education. Other students must defray the costs of these supplies. An education provider may nevertheless also provide free learning materials on a voluntary basis to students with no statutory right to them.

Further details of enrolment for studies are available from such sources as the Opintopolku.fi website or the websites of education providers. Information and advice on education and training are also available from Ohjaamo One-Stop Guidance Centres (ohjaamot.fi) and more generally on the infofinland.fi website.

2.7.3 Higher education

Ukrainians may use the same access paths to higher education as other applicants, i.e. the joint application system, individual application, preparatory training for immigrants and open higher education. Tuition fees apply to foreign-language degree programmes for non-EU/EEA students, and fees are charged for open university education. Individuals displaced from Ukraine will probably seek admission in the first instance to English-language programmes offered by Finnish higher education institutions. A comprehensive range of such education is available throughout Finland, comprising a total of some 500 English-language programmes. Universities are able to subsidise the fees payable by Ukrainian students through various scholarships and other solutions.

Applications may be submitted freely to higher education institutions, which all provide further information on studying opportunities. Each university determines admissions according to its own admission criteria.

Ten universities in Finland provide specialised SIMHE services (Supporting Immigrants in Higher Education in Finland) to guide and counsel people of immigrant background: Arcada University of Applied Sciences, Karelia University of Applied Sciences, Metropolia University of Applied Sciences, Oulu University of Applied Sciences, Savonia University of Applied Sciences, Tampere University Community, the University of Helsinki, the University of Jyväskylä, the University of Turku, and the University of Vaasa.

2.7.4 Financial aid for students

The right of a non-Finnish citizen to financial aid for studies pursued in Finland depends on the residence permit. The Act on Financial Aid for Students provides that financial aid may be granted to an alien living permanently in Finland on grounds of residence other than studying if the beneficiary holds a continuous (type A) or permanent (type P) residence permit within the meaning of the Aliens Act, or an EU residence permit for a long-term resident third-country national (type P-EU). The grounds of residence in Finland of an alien holding a residence permit issued on the basis of temporary protection are not studying. Students enjoying temporary protection are nevertheless granted a temporary (type B) residence permit, and are accordingly not entitled to financial aid for studying.

A student residing and studying full-time in Finland is entitled to a school travel allowance under the School Travel Allowance Act (48/1997). Residence in Finland refers to a municipality of residence in Finland in accordance with the Municipality of Residence Act. The holder of a temporary residence permit has no municipality of residence in Finland, and is accordingly not entitled to a school travel allowance. Further details of student financial aid are available on the website of the Social Insurance Institution (Kela).

2.8 Children enjoying temporary protection

Section 5 of the Reception Act requires special attention to be paid to the best interests of the child and to circumstances related to the child's development and health when applying the Act to a person under the age of eighteen years. Attention must be paid to the provisions of the Child Welfare Act governing assessment of the best interests of a child when assessing such interests. The wishes and views of the child must be investigated and considered in accordance with the age and level of development of the child when implementing measures prescribed in the Reception Act. The investigation of the views of the child may only be waived if such an investigation would jeopardise the health or development of the child or is otherwise manifestly unnecessary. A child aged 12 years or more must be given an opportunity to be heard in matters that concern the child, as prescribed in section 34 of the Administrative Procedure Act. Matters concerning a child must be processed as a matter of urgency. As a child enjoying temporary protection is entitled to essentially the same reception services as an adult (see above), only services specifically for children are specified in this section.

2.8.1 Unaccompanied children

Section 17 of the Reception Act provides for the accommodation of children enjoying temporary protection who have arrived in Finland unaccompanied. A child will be accommodated in a group home, in supported living units (where at least 16 years of age), or in some other accommodation intended for children. A child may also be accommodated with relatives at a reception centre for adults and families where warranted. An unaccompanied child may also live in private accommodation, subject to the conditions prescribed in section 18, subsection 2 of the Reception Act. The director of the reception centre will decide on the transfer of an unaccompanied child to private accommodation after consulting the child and his or her representative, and a reception centre social worker. The reception centre will report the information and submit the accounts required by law to the municipal executive body responsible for social welfare in the district of residence.

Chapter 5 of the Reception Act provides for representation of an unaccompanied child. A representative will be appointed without delay for a beneficiary of temporary protection in Finland who is a child with no guardian or other legal representative. An application for the appointment of a representative will be lodged by the reception centre or hotspot at which the child is registered as a client. Pursuant to section 5, subsection 2 of the Reception Act, the child must be heard in the manner described above before lodging the application. The director of the reception centre or hotspot will act on the child's behalf in matters concerning the person and property of the child until a representative has been appointed for the child.

An unaccompanied child is granted a spending allowance instead of a reception allowance if the reception centre arranges full maintenance for the child.

2.8.2 Tracing of parents or other caregivers

Under section 105b of the Aliens Act, to further the interests of an unaccompanied minor applying for international protection, the Finnish Immigration Service must take measures without delay to trace his or her parents or some other person responsible for his or her actual custody. Tracing shall be continued where necessary after the minor has been granted international protection. The foregoing also applies to unaccompanied child victims of trafficking in human beings and their parents or other persons who are actually responsible for their care in an assistance system for victims of trafficking in human beings. Information concerning a person to be traced must be collected, processed and exchanged in a confidential manner in accordance with the Act on the Openness of Government Activities (621/1999).

The *travaux préparatoires* to the Aliens Act (government proposal HE 31/2006) note that the purpose of tracing is to re-establish the connection between a minor asylum seeker who has arrived in Finland and a parent or other person residing in the home country of the said minor or in some third country, who is actually responsible for the care of the said minor. Tracing may also disclose information that is important for decision-making, which may enable family reunification at a later stage in Finland, in the child's home country or in some third country where the parents are resident. Family reunification outside Finland could be considered if the child is not considered to be in need of international protection and return is judged to be safe and in the best interests of the child. The Finnish Immigration Service has been designated as competent authority, because tracing provides information that is crucial to its decision-making and promotes objective decisions.

Tracing in the context of temporary protection has not been viewed as wholly comparable to circumstances in which a minor seeks asylum or is a client of the assistance system for victims of human trafficking. Having regard to the best interests of the child, the authority must nevertheless determine whether the child is in contact with a parent, and must assist in restoring contact wherever possible.

Granting of temporary protection is not tied to traceability operations or to any information obtained in tracing. Granting of protection may also be considered to serve the best interests of the child when a minor satisfies the associated conditions, while acknowledging that family reunification is possible as described in section 2.3.

The role of the representative is emphasised in determining traceability needs, as a minor is not heard in the temporary protection process. The Finnish Immigration Service guides representatives in investigating whether a child is in contact with a parent. If no such contact is found, then the representative can apply alternative means proposed by the Finnish Immigration Service for restoring contact. Cooperation with the Embassy of Ukraine is one approach that is currently being investigated. Guidance concerning tracing will form part of more general guidance for representatives that is under preparation. Questions from representatives regarding tracing will be directed to the Finnish Immigration Service. Efforts to restore contact are not always successful.

2.8.3 Early childhood education

Section 6 of the Act on Early Childhood Education and Care requires a municipality to arrange early childhood education and care for a child when that municipality is the child's municipality of residence within the meaning of the Municipality of Residence Act (201/1994). The municipality must also arrange early childhood education and care for children who live in the municipality due to the work, study, illness or comparable reasons of their caregivers, even when the child has no municipality of residence in Finland or another municipality is the child's municipality of residence under the said Act. In urgent cases, or if circumstances otherwise so require, a municipality must ensure that early childhood education and care are arranged for children who are staying in the municipality otherwise than as residents of the municipality.

Beneficiaries of temporary protection are not generally assigned a municipality of residence. A municipality must nevertheless arrange early childhood education and care for a child enjoying temporary protection, for example, if the child's caregiver is working or studying there. Early childhood education and care may

also be arranged for children enjoying temporary protection if this is considered to support the wellbeing and learning of the child.

Some children falling within the scope of temporary protection secure a municipality of residence in Finland directly if a member of the child's family has a municipality of residence in Finland. These children have a directly enforceable right to early childhood education and care arranged by the municipality.

Children falling within the scope of temporary protection or seeking asylum are entitled to early childhood education and care arranged by a municipality, for example in cases where the child's caregiver is working, enrolled in studies, or there is some other similar reason. Early childhood education and care must also be arranged in urgent cases or when the circumstances otherwise so require. The best interests of the child should nevertheless always be a primary consideration when arranging early childhood education and care, and the provision of early childhood education and care should be based on an individual assessment of the child's needs.

Early childhood education and care has a significant impact on the learning abilities and linguistic capacities of children, and on fostering security in daily life. Early childhood education and care is effective for learning the Finnish and Swedish languages. Municipalities are accordingly also urged to provide early childhood education and care to children falling within the scope of temporary protection.

Municipalities have a duty to provide advice and guidance on their available early childhood education and care services.

After asylum has been granted to a family and a child, the child has the same right to early childhood education and care arranged by a municipality as other children domiciled in Finland.

2.8.4 Compulsory education, basic and preschool education

The scope of the Compulsory Education Act (1214/2020) makes all children living permanently in Finland subject to compulsory education. A child with a municipality of residence within the meaning of the Municipality of Residence Act (201/1994) is deemed permanently resident in Finland. Section 4 of the Basic Education Act requires a municipality to arrange basic education and preschool education in the year preceding the age of compulsory school education for children of compulsory education age referred to in section 26, subsection 1 of the said Act who live within the municipality. Beneficiaries of temporary protection are not subject to compulsory education, as they have no municipality of residence under the Municipality of Residence Act. The opportunity to participate in basic and preschool education required by the Basic Education Act must nevertheless be arranged for beneficiaries of temporary protection in the same way as for asylum seeker children of compulsory education age.

Education for beneficiaries of temporary protection is arranged as preschool or basic education or, for example, as instruction preparing for basic education intended for immigrants.

Pupils have a right to education in accordance with the Basic Education Act, to guidance counselling, and to adequate support for learning and school attendance as soon as the need for support arises. Additional basic education, such as Finnish or Swedish as a second language and mother tongue instruction may also be arranged for pupils, as provided in a Decree of the Ministry of Education (1777/2009).

Instruction preparing for basic education is guided by the national core curriculum for instruction preparing for basic education (2015) drawn up by the Finnish National Agency for Education, and by curricula drawn up on this basis. The key objectives of preparatory instruction are to give the student the necessary skills in Finnish or Swedish and the other skills that are required for transitioning to preschool or basic education, and to promote the balanced development of pupils and their integration into Finnish society. The aim from the perspective of the language of instruction at school is to achieve elementary language competence.

No national division of hours or syllabus has been specified for preparatory instruction, so an individual programme of studies is prepared for each pupil. This specifies the objectives of the learning, the subjects to be studied, the number of hours and content, integration of the pupil into age-appropriate preschool or

basic education teaching groups, and the organisation of any counselling and support measures that the pupil may require. There are no eligibility criteria for teachers in preparatory instruction, so these are decided by the education provider.

As children enjoying temporary protection are not liable for compulsory education, they are not subject to the compulsory education options of section 4 of the Compulsory Education Act after discharging the obligation to complete basic education. Under Article 14 of the Temporary Protection Directive, the Member States must nevertheless allow beneficiaries of temporary protection under 18 years of age to access the education system under the same conditions as their own nationals. Access to post-basic education and training is discussed in greater detail in the section of this memorandum concerning studies.

2.8.5 Child welfare

Section 25 of the Child Welfare Act imposes a duty to notify the municipal social welfare department forthwith of any child whose need for care and maintenance, circumstances endangering development or own behaviour require potential investigation of the need for child welfare measures. Under section 26 of the said Act, a child welfare case will be initiated on application, or when a social worker or other child welfare worker has otherwise become aware of a child who may be in need of child welfare measures. A social worker or other child welfare worker must assess the possible urgent need of the child for child welfare measures immediately after a child welfare case has been initiated. An assessment of the need for services in accordance with section 36 of the Social Welfare Act must also be conducted unless such an assessment is manifestly unnecessary. The service needs assessment will coincide with an investigation of the need for child welfare measures unless the nature of the matter clearly indicates that there is no need for child welfare service support measures. An asylum seeker child who has been found to have a need for child welfare measures will be entitled to receive services under the Child Welfare Act. The adequacy of the services provided by the reception centre will be assessed when assessing the need for child welfare measures. Section 7, subsection 2 of the Reception Act empowers a municipality to invoice the Finnish Immigration Service for the costs of child welfare services. The municipality will in practice invoice the reception centre at which the asylum seeker is registered as a client.

Both Ukraine and Finland are parties to the Hague Convention on the Protection of Children. The States Parties accordingly recognise decisions falling within the scope of the Convention. A decision on taking into care that has been made with respect to a child arriving from Ukraine, for example, will be recognised in Finland as such with no further confirmation required in Finland. The child will fall within the scope of the Child Welfare Act because the child had already been taken into care in Ukraine. Matters of child welfare and custody are regulated by the Child Welfare Act in Finland, and not elsewhere. The Child Welfare Act constitutes *lex specialis* in relation to the Reception Act and the Social Welfare Act.

While municipalities are responsible for arranging child welfare and liable for the associated costs, the City of Helsinki is responsible for arranging child welfare with respect to unaccompanied children from a Ukrainian institution under section 17, subsection 1 of the Child Welfare Act. All services under the Child Welfare Act are available when a child is a client of child welfare, including support measures for non-institutional care (chapter 7 of the Act) and placement of the child (chapters 8-9). A social worker responsible for the affairs of the child must be appointed (section 13b) and a client plan must be drawn up for the child (section 30, subsection 1).

A child in Finland cannot be kept in care and placed elsewhere than at a place of substitute care referred to in the Child Welfare Act. The group homes and supported living units referred to in the Reception Act are not places of substitute care under the Child Welfare Act.

If a child's situation and status cannot be recognised on the basis of a decision on taking into care or another corresponding written document, then recognition due to a state of war (*force majeure*) must be based on other factors, such as the factual situation at hand and safeguarding the best interests of the child (Article 3.1 of the UN Convention on the Rights of the Child), and the right of the child to special protection. Where there is reasonable cause to presume that a child has been taken into care in Ukraine, the child will be a client under the Child Welfare Act for the "duration of the verification" and services must be arranged in accordance with the Child Welfare Act.

Children and young adults enjoying temporary protection may normally use student welfare services provided in the context of preschool, basic and secondary education. School and student health care, social worker and psychologist services are an integral part of school operations that municipalities are responsible for arranging. School health care is a preventative measure, and it is not the responsibility of school health care to treat diseases. The reception centre will be responsible for health care services if a child does not participate in basic and preschool education for any reason.

3 Seeking international protection

Some displaced persons from Ukraine were able to seek asylum before the Temporary Protection Directive was activated, or have submitted a request for asylum since the Directive took effect. The Finnish Immigration Service will inform these applicants of the possibility to seek temporary protection. A person in the temporary protection target group who has previously requested asylum may submit an application for temporary protection to the police or border authority. Persons in the temporary protection target group who requested asylum after the Temporary Protection Directive had been activated but before applications for temporary protection could be registered in Finland may activate an application for temporary protection by submitting a form. Processing of an asylum application will be deferred for the duration of temporary protection.

On expiry of a residence permit based on temporary protection issued to a beneficiary of temporary protection who has also requested asylum, the Finnish Immigration Service will ask in writing whether the individual wishes processing of the asylum application to continue. If the person declares a wish for the asylum request to be processed, then the Finnish Immigration Service will process the request in accordance with a normal asylum examination. If the person does not wish the processing to proceed or fails to respond to the letter from the Finnish Immigration Service within the specified deadline, then the Finnish Immigration Service will issue a decision on the expiry of the asylum request. A decision on expiry is not open to appeal. The Finnish Immigration Service will also issue a decision on the expiry of an asylum request if a beneficiary of temporary protection withdraws the asylum request or the Finnish Immigration Service is informed that the said beneficiary has left Finland.

An asylum request from a beneficiary of temporary protection may be processed during the period of temporary protection if there are reasonable grounds for doing so. The Finnish Immigration Service will also process an asylum request if a matter is initiated concerning removal of a beneficiary of temporary protection who has also requested asylum.

4 Applying for a residence permit

4.1 General conditions and application for a residence permit

Persons displaced from Ukraine may also choose to apply for another residence permit, regardless of whether they have also sought temporary protection. With the exception of a student residence permit, which cannot currently be issued to a beneficiary of temporary protection (section 2, subsection 2, paragraph 1 of the Student and Researcher Act, 719/2018), granting of temporary protection does not affect the granting of other residence permits. It is nevertheless also possible to study with a residence permit issued on the basis of temporary protection. Applicants must satisfy the normal general and permit-specific or grounds-specific conditions for granting another kind of residence permit. No material exceptions to the normal procedure currently apply to these conditions on account of the situation in Ukraine. An application fee is payable for other residence permits and a valid travel document is generally required before they can be issued. Further details on applying for other residence permits are available from the website of the Finnish Immigration Service.

A municipality of residence will be allocated on request to a person who has been granted a residence permit based on work or studies if the residence permit is of continuous or permanent character. On the other hand, a municipality of residence may also be allocated to a person who has been granted a temporary residence permit entitling residence for at least one year where the purpose is to settle permanently in Finland, having regard to the circumstances as a whole. An individual may present such

evidence as an account of work or studies lasting for at least two years as an indication of the permanent character of residence.

4.2 Withdrawal of temporary permit on receiving another permit

A residence permit issued on the basis of temporary protection will generally be withdrawn if a residence permit is granted on application to a client on other primary grounds of the applicant's own choosing. It is a basic principle of the residence permit system that an individual may only hold one valid residence permit. A permit issued on the basis of temporary protection will be withdrawn if it would otherwise remain valid for longer than three months. A residence permit applicant will be asked at the time of application to consent to withdrawal of a residence permit issued on the basis of temporary protection if a stronger residence permit were to be granted, and the permit issued for temporary protection will be withdrawn on issuing the said stronger residence permit pursuant to section 58, subsection 5 of the Aliens Act (on the interpretation that the conditions for a residence permit issued on the basis of temporary protection no longer apply, as the principal purpose of residence has changed).

A municipality of residence will be allocated on request to a person who has been granted a residence permit based on work or studies if the residence permit is of continuous or permanent character. On the other hand, a municipality of residence may also be allocated to a person who has been granted a temporary residence permit entitling residence for at least one year where the purpose is to settle permanently in Finland, having regard to the circumstances as a whole. An individual may present such evidence as an account of work or studies lasting for at least two years as an indication of the permanent character of residence.

4.3 Residence permit for an employed person

A third-country national may request a residence permit on the basis of work if the applicant has an employer and an employment contract. The permit issued in such cases may be a residence permit for an employed person or some other residence permit for gainful employment, depending on the work. The residence permit application may be filed in Finland and the permit may be issued if the conditions are satisfied. A residence permit for an employed person is subject to assessment of labour availability, meaning that the employer must investigate whether labour for the duties in question is available within a reasonable time from Finland or elsewhere in the European Union or European Economic Area. Further details on requesting a residence permit for an employed person and on the associated conditions are available on the website of the Finnish Immigration Service.

A residence permit will be issued on a temporary basis (type B) for temporary work and on a continuous basis (type A) where the employment is for a period of at least two years or open-ended. A permanent residence permit may be issued after an applicant has resided in Finland for four years as a holder of a continuous residence permit. Most residence permits issued to employees are of continuous type. A permit will be granted on a temporary basis, for example, if a partial decision of the employment authority indicates that the work is temporary, or if no such partial decision is required for the work and the employment contract is of short duration or temporary character. The permit will also be temporary in certain circumstances specified in section 77 of the Aliens Act.

A residence permit based on temporary protection confers the right to work. Individuals in the temporary protection target group with a known job may in practice initially seek temporary protection and subsequently choose to apply for a residence permit for an employed person or some other residence permit based on work.

A third-country national may request a residence permit for an entrepreneur if engaged in business operations in Finland. The residence permit application may be filed in Finland and the permit may be issued if the conditions are satisfied. The decision to issue the residence permit will involve partial decision-making consideration concerning such aspects as whether the business operation is conducted in an undertaking registered in Finland and whether conditions exist for profitable business operations. The residence permit will be issued on a temporary basis (type B) for temporary business operations and on a continuous basis (type A) for permanent business operations. Further details on applying for a residence

permit for an entrepreneur and on the associated conditions are available from the website of the Finnish Immigration Service.

This means that a residence permit for an employed person or some other residence permit based on work or other grounds does not automatically confer the right to social security and access to municipal health services if the individual does not have a municipality of residence, and that this right must instead be requested separately from the Social Insurance Institution (Kela). European Union immigration directives generally regard employees (including seasonal workers) as equivalent to residents of a municipality with respect to health services (see section 14 of the Primary Health Care Act (66/1972) and section 3 of the Act on Specialised Medical Care (1062/1989)). Activation of this right requires the Social Insurance Institution (Kela) to investigate the right to treatment (see section 16 of the Act on Cross-Border Health Care (1201/2013)) and the individual to hold a certificate of entitlement to treatment benefits in Finland. Both the individual concerned and the public health service may request a Kela investigation of the right to treatment. The extended right applies only to the employee, and not to accompanying family members, including children. The right to many residence-based benefits paid by the Social Insurance Institution (Kela) arises if the monthly pay for the work is not less than EUR 741.75. All work in Finland is covered by earnings-related pension and accident insurance.

4.4 Residence based on seasonal work

Seasonal work is regulated under the Seasonal Work Act (907/2017). Seasonal work refers to work done in agriculture and tourism at certain times of year. The maximum duration of seasonal work is 9 months over a 12-month period. Examples of seasonal work under the Seasonal Work Act include work in the agricultural and horticultural sectors, forestry work and work in the tourism sector. The Seasonal Work Act also governs agency work. No seasonal work permit is required for picking forest berries over a period of less than three months without a relationship of employment. The picker must request a residence permit for an employed person if picking is arranged as employment. Forest berry picking falls outside the scope of the Seasonal Work Act, so no permit can be issued for seasonal work in harvesting forest berries.

The permit required for seasonal work depends on how long the work lasts. Persons coming from a country subject to visa requirements may request a seasonal work visa for seasonal work lasting for less than three months. Persons coming from visa-exempt countries (including Ukraine in the case of holders of a biometric passport) may request a seasonal work certificate from the Finnish Immigration Service. A request for a seasonal work certificate may also be filed in Finland. A seasonal work certificate enables individuals to demonstrate their right to work in the service of the employer specified on the certificate, which a person residing in Finland under visa exemption generally does not enjoy. A seasonal work certificate does not prolong the period of visa-exempt residence in Finland and the right to work under such a certificate ends when the certificate expires or the right to visa-exempt residence ends.

Work lasting for longer than three months requires a residence permit for seasonal work, which is requested from the Finnish Immigration Service from abroad. A first residence permit for seasonal work cannot be requested in Finland unless the applicant holds a valid seasonal work visa or a seasonal work certificate, after which the applicant intends to continue seasonal work in Finland. If seasonal work lasts for longer than six months, then the residence permit decision will also include a partial decision of the Employment and Economic Development Office. The duration of a residence permit for seasonal work will depend on the duration of the employment. A residence permit for seasonal work is a temporary residence permit that does not generally determine a municipality of residence. A family member of the holder of a residence permit for seasonal work cannot secure a residence permit in Finland based on family ties.

In the same way as a residence permit for an employed person, a residence permit for seasonal work does not automatically confer the right to social security and access to municipal health services, and this right must instead be requested separately from the Social Insurance Institution (Kela).

A residence permit based on temporary protection confers the right to work. Individuals in the temporary protection target group who wish to find employment in seasonal work should apply in practice for temporary protection unless they intend to reside in Finland only for the duration of the seasonal work.

5 Residence without a residence permit

5.1 Visa-exempt residence or residence with no right of residence

Holders of Ukrainian biometric passports enjoy visa-exempt access to the Schengen Area and may reside there for 90 days in a 180-day period. Such a person must request a residence permit from the Finnish Immigration Service within the 90-day visa-exempt period if necessary. The authorities of European Union Member States have not required a valid travel document on entering the Schengen area at the Ukrainian border, so some individuals have also arrived in Finland via the internal frontier with no valid right of residence in Finland unless they have requested asylum or temporary protection in Finland. Some Ukrainians hold a “domestic passport” or an old passport (with no biometric data) that similarly confer no right to visa-exempt residence in Finland.

A humanitarian admission criterion under the Schengen Borders Code may be applied in individual cases concerning persons displaced from Ukraine, and a visa may also be issued for crossing the external border (on arrival at the eastern border of Finland) if necessary. There is no need to issue a visa when seeking temporary protection at the time of crossing the border.

Finland only applies the Schengen visa, issuing of which requires an applicant to satisfy the “return condition” under the directly applicable Regulation (EC) 810/ 2009 (the Schengen Visa Code).

5.2 *Working without a residence permit*

Section 79 of the Aliens Act provides for the right to work without a residence permit during a period of visa exemption or visa validity. This right applies only in certain professions and circumstances that are strictly limited by law, and only for the duration of the visa or visa exemption. If the work takes longer, then a residence permit must be requested on the basis of work. There is no right to work in Finland without a valid right of residence or residence permit.

5.3 Right to municipal and central government services and benefits without a residence permit

5.3.1 Healthcare and social welfare services

A person residing in Finland without a residence permit or right of residence is also entitled to urgent health care services that are the responsibility of the municipality or hospital district. The status of such an individual resembles that of the undocumented, with the right to healthcare services only covering urgent treatment (section 50 of the Health Care Act). Emergency treatment refers to the immediate evaluation and treatment required for a sudden onset of illness, injury, childbirth, an exacerbation of long-term illness or a deterioration of functional ability. Initiation of treatment cannot be postponed in these cases without worsening the condition or further injury. Urgent oral health care, mental health care, substance abuse treatment and psychosocial support should also be provided.

A person living in Finland without a residence permit or right of residence who urgently needs essential assistance should primarily be referred for a needs assessment to the authority responsible for social welfare in the municipality. Section 12 of the Social Welfare Act provides for the right of every person residing in the municipality to emergency social care. This provision entitles every person residing in a municipality to receive social services based on individual need in an emergency without jeopardising their right to essential care and livelihood. Emergency social services under the Social Welfare Act are requested from the municipality where the claimant is residing. The Social Insurance Institution (Kela) grants emergency support for food and essential prescription medicines from basic social assistance to ensure at least essential financial support if a person cannot otherwise secure his or her livelihood. Kela will also direct the claimant to a municipality for assessment of the need for temporary accommodation. The municipality will also assess the need for possible health and social services.

Individuals are generally personally liable for all health care costs. Central government has a secondary reimbursement liability for the excess under the Act on Client Charges in Healthcare and Social Welfare (734/1992), unless the costs can be recovered (section 20, subsection 3 of the Act on Cross-Border Health Care (1201/2013)). The reimbursement is claimed from Kela. The costs of social welfare are borne by the municipality.

5.3.2 Primary and preschool education, early childhood education and care

A child residing under visa exemption, meaning lawfully but with tourist-like status, will not primarily be deemed to live in the district, and no basic or preschool education or early childhood education will accordingly be arranged for the child. Having regard to the best interests of the child, a municipality may nevertheless arrange early childhood education and care based on individual discretion under the concrete circumstances if, regardless of right of residence, the child is nevertheless actually residing in the municipality. Even though the Basic Education Act does not require a child to be residing permanently in a municipality, a brief stay cannot be viewed as residence that gives rise to an obligation. It may nevertheless be difficult to forecast the duration of residence. The municipality must assess these matters in the individual case and resolve them in the best interests of the child. Efforts must be made in the first instance to refer them to temporary protection arrangements.

Central government is required to pay a municipality of residence allowance to the education provider if a pupil aged between 6 and 15 years who is enrolled in preschool or basic education or otherwise falls within the scope of the municipality of residence allowance has no municipality of residence in Finland under the Municipality of Residence Act. Early childhood education and care may be arranged in a means-tested manner for children without the right of residence in Finland.

6 Recognising trafficking in human beings and other forms of exploitation

There is a heightened risk of vulnerable people being trafficked or otherwise exploited in the current circumstances. Both European Union and Finnish public authorities are aware of the seriousness of the situation and of the risks associated with the conditions of people who have fled Ukraine. The key public authorities have discussed how to address and avoid the risks of exploitation.

Trafficking in human beings is a serious form of crime against individual freedom. Perpetrators of this offence subjugate and abuse their victims for financial or other gain. The freedom of the victims to make independent decisions about their own lives and activities is restricted. Trafficking in human beings can take many forms. For example, it may involve sexual or labour exploitation, or coercion into marriage. Minors can be subject to the same forms of trafficking in human beings as adults.

In return for accommodation or other assistance, a person who has fled Ukraine may be pressured or blackmailed into working under very poor employment conditions, selling sex, begging or committing criminal offences such as petty theft unwillingly. Such cases may also constitute the offence of trafficking in human beings. Trafficking in human beings may also arise if those who have fled the war have been transported or transport has been arranged for them, and have been subsequently subjected to abuse, such as labour exploitation. The abuse may also occur in transit, and before arriving in Finland.

It is important to seek to identify cases of trafficking in human beings, so that victims receive the help and services that they need, and to enable them to break free of exploitation and secure legal remedies if they so wish. Joutseno Reception Centre is responsible for operating the national system of assistance for victims of human trafficking. The benefits of the assistance system include safe accommodation, shelter, health services, counselling and assistance in legalising residence or reporting criminal offences.

The assistance system may be consulted for assistance on encountering a potential victim of human trafficking. Victims may access assistance system services. The consent of the individual concerned must always be sought before contacting the assistance system in relation to the individual's case or introducing the individual to the assistance system. Assistance system consultations may also be requested anonymously via a 24/7 helpline on +358 29 546 3177. The public emergency number nevertheless remains the first point of contact in an emergency. Cases involving minors must also heed the provisions of section 25 of the Child Welfare Act.

7 For further details

On the website of the Ministry of the Interior:

[Activities of the Ministry of the Interior's branch of government in the Ukraine crisis - Ministry of the Interior \(intermin.fi\)](#)

On the website of the Finnish Immigration Service:

[Frequently asked questions about Russia's attack on Ukraine | Finnish Immigration Service \(migri.fi\)](#)

[Temporary protection for those fleeing Ukraine | Finnish Immigration Service \(migri.fi\)](#)

[Residence permit | Finnish Immigration Service \(migri.fi\)](#)

On the website of the Ministry of Economic Affairs and Employment:

[Russian attack on Ukraine – Ministry of Economic Affairs and Employment \(tem.fi\)](#)

[Current information on residence, temporary protection, work and services for people arriving in Finland from Ukraine – Centre of Expertise in Immigrant Integration, Ministry of Economic Affairs and Employment \(kotoutuminen.fi\)](#)

[Information on the situation in Ukraine for those involved in integration work – Centre of Expertise in Immigrant Integration, Ministry of Economic Affairs and Employment \(kotoutuminen.fi\)](#)

On the website of the Ministry of Education and Culture:

[Russia's invasion of Ukraine and its effects in the administrative branch of the Ministry of Education and Culture - OKM - Ministry of Education and Culture](#)

Police contact details for the registration of those applying for a residence permit on the basis of need for temporary protection and for asylum seekers

[Police contact details for the registration of those applying for residence permit on the basis of need for temporary protection and for asylum seekers | Police](#)

On the website of the Finnish Government:

[Russian invasion of Ukraine | Finnish Government \(valtioneuvosto.fi\)](#)

On the website of the Ministry for Foreign Affairs:

[Russian invasion of Ukraine - Ministry for Foreign Affairs \(um.fi\)](#)

From the Municipal Information column of the Ministry of Social Affairs and Health website (in Finnish):

[Health and social welfare services for people arriving from Ukraine](#)

On the website of the Finnish Institute for Health and Welfare (in Finnish):

<https://thl.fi/fi/web/maahanmuutto-ja-kulttuurinen-moninaisuus/ajankohtaista/ukrainan-sota-terveys-ja-hyvinvointi> (Supporting the health and welfare of persons feeling Ukraine)

On the website of the Social Insurance Institution (Kela – in Finnish):

[Information on the impacts of the war in Ukraine on Kela benefits - kela.fi](#)

On the website of the Border Guard:

[Impact of the war in Ukraine on border traffic | Border Guard](#)

On the website of the Finnish Tax Administration (in Finnish and Ukrainian):

[Beneficiaries of temporary protection - arrivals from Ukraine - vero.fi](#)

On the website of the National System of Assistance for Victims of Human Trafficking:

[Front page - Human trafficking.](#)

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