



Labour migration policies
Case study series
Finland

Acknowledgements

This case study is based largely on information provided by Pia Marttila from Victim Support Finland ([RIKU](#)) whom we are grateful for her time and expertise. It was written by Lilana Keith, Senior Advocacy Officer, and Carmen Díaz-Bertrana, Junior Advocacy Officer at PICUM. The report was edited by Michele Levoy, Director of PICUM. We'd also like to thank Alma Gallicchio, Advocacy trainee at PICUM, for her support.

© PICUM, 2022

Design: www.chocolatejesus.be

Cover image: Paul Theodor Oja - Pexels



SIGRID RAUSING TRUST



This report has received financial support from the European Union Programme for Employment and Social Innovation "EaSI" (2021-2027). For further information please consult: <http://ec.europa.eu/social/easi>. The information contained in this publication does not necessarily reflect the official position of the European Commission.

This case study is part of a series of summaries by PICUM of specific national labour migration and work permit policies. While each case study focuses on a particular country, they are not comprehensive overviews of all the work permits available in the country. We focus on analysing the particular policies and pathways that are the most relevant across skills and sectors of employment.

This case study examines the following aspects of labour migration policy in Finland¹ as of December 2022:

- 1. The Residence Permit for an Employed Person (TTOL)**
- 2. The Residence Permit or Certificate due to Exploitation by Employer**

We also consider, in particular, where policies include some of the essential characteristics of successful labour migration and work permit policies, as set out in PICUM's [Policy recommendations, Designing labour migration policies to promote decent work](#).²

After describing key aspects related to eligibility, the application process and permit granted under each pathway and the complementary labour market policies, we include a table comparing these aspects to our policy recommendations and related indicators.

1 For a comprehensive overview of the work permits in Finland, please see: Finnish Immigration Service, [Permits and Citizenship](#).

2 For the full report, please see PICUM, 2021, [Designing labour migration policies to promote decent work](#).

Residence Permit for an Employed Person (TTOL)³

In Finland, the Residence Permit for an Employed Person, hereinafter referred as TTOL,⁴ is the residence and work permission that is most broadly relevant across the labour market. This pathway is not restricted to particular nationalities. It is applicable to all jobs which do not require special expertise.⁵

In order to be eligible to apply, workers need to hold a valid passport and have a work contract, or a formal job offer, and the relevant experience or qualifications, as may be required.⁶

Unless the job or the person is exempt,⁷ the TTOL is subject to a labour market test; the employer has

to advertise the vacancy for at least 2 weeks on the website of the relevant regional public employment authority, the [Employment and Economic Development Office \(TE Office\)](#), and indicate in the [application the number of applications received and why no candidate was suitable](#).

The applicant also needs to prove sufficient means to reside in Finland. This means that the worker's salary must be enough to maintain themselves in the country. This is assessed according to national salary standards: the worker's salary needs to correlate with the relevant sector's collective agreement, or the minimum salary for occupations without a collective agreement (as of 2022, 1,283 € per month).⁸

Application process

Applications for the TTOL are submitted by the worker. There are different sections, and the one concerning the employer and employment is completed by the employer. The application can be either completed on [paper](#) or online through the website [EnterFinland](#).

Workers can apply from abroad, through the Finnish Embassy or Consulate, or in Finland, with Migri, the Immigration Service. While not specifically communicated by the government, in practice, people who are not regularly residing in Finland may be able to apply if they meet the criteria (i.e. having a valid passport, a work contract or a formal job offer and the required qualifications if needed). As this is not explicit in the legislation, in practice, the person's

3 Section 70-80, [Aliens Act 301/2004](#).

4 As Employed Person in Finnish is Työntekijän Oleskelulupa.

5 For the whole list of occupations not included in this permit, please see Section 77, [Aliens Act 301/2004](#).

6 Non-EEA citizens moving to Finland to work in the social welfare and health care sectors need to also have the relevant authorisation/ license. Finnish Immigration Service, [Residence permit application for an employed person \(TTOL\)](#).

7 There are some exemptions to the labour market test: some regions in the country can have some work fields exempted due to chronic labour shortage. People who have worked for a year with a temporary (B) or, more commonly, with a continuous (A) permit are also exempted. Ministry of Economic Affairs and Employment of Finland, [Labour market test not applied as of 1 June to the extended permits of those already working in Finland](#).

8 Finnish Immigration Service, [Income requirement for persons who apply for a residence permit on the basis of work](#).

immigration history can be taken into account, and applications might be refused if it is considered that the person has tried to 'evade' regulations on entry and residence. For example, if they have a removal order or it is considered that, after trying to apply several times, previous asylum or immigration applications have been 'ungrounded'.

The application has two different steps. First, the relevant TE Office will check if the application meets the conditions described above. The TE Office also considers if the employer can fulfil the relevant obligations as an employer, by checking tax or social security records. After submitting the application, the worker will also have to go to the Finnish Embassy or Consulate (if applying from abroad) or to the Finnish Immigration Service (if applying in Finland) to prove their identity.

Once the TE Office conducts this assessment, the Finnish Immigration Service makes a decision.⁹ The processing time of a TTOL application¹⁰ is between 2 and 4 months, but it can take longer if any further clarification is needed.¹¹

For electronic applications, the fee is 490€ for the first permit and 160€ for renewals. If the application was submitted on paper, the fee for the first permit is 740€ and 430€ for renewals, normally paid by the worker.

People applying from outside of Finland will get a residence permit card after their TTOL application has been approved, and this will suffice to enter the country (there is no need to apply for an entry visa).

The information on the application requirements and process can be found in Albanian, Arabic, Farsi, Mandarin, Russian, Thai, Ukrainian, Uzbek and Vietnamese, as well as Finnish, Swedish and English. However, the application itself can only be completed in Finnish, Swedish or English.

9 Section 83 (1)(2), [Aliens Act 301/2004](#).

10 Section 82 (1), [Aliens Act 301/2004](#).

11 It exists a fast-track pathway to apply and receive a permit within 2 weeks, however, this does not apply to the TTOL but to the residence permits required to perform special expertise jobs. Finnish Immigration Service, [You can be granted a residence permit in two weeks if you apply via the fast-track service](#).

Permit granted

The length and type of Residence Permit for an Employed Person (TTOL) issued varies depending on the length of the formal job offer or employment contract. There are some differences in the associated rights for the two different types of permits.

If the employment is permanent or open-ended, the TTOL issued is a type A permit, initially granted for 1 year. Most TTOL are type A. This permit is generally extended for a period of 4 years on the first renewal. However, the length of the permit on renewal may be reduced, for example to 1 year, if the TE Office, or less often, the Finnish Immigration Service, have concerns regarding the employer. While the intention is to monitor the employment conditions after 1 year, the instability and precarity of the worker's status can actually put them in a worse situation.

If the employment is a fixed term of less than 2 years, the TTOL issued is a type B permit, for the duration of the employment, and is renewable. These permits are not commonly issued unless the job entitles a very time-limited task. After two years, the worker will get a continuous permit (type A), regardless of the length of the contract as after this period the worker's stay is considered continuous in nature.

Workers with a TTOL can work for more than one employer and more than one sector.¹² They can change employers freely at any time during the validity of the permit, within the same occupational

field or category of work for which the initial permit was issued for. There is no requirement to notify the authorities.¹³ In order to change job sectors, workers need to submit a new TTOL application.¹⁴

It is also possible to be unemployed on the TTOL; each case is assessed on an individual basis considering the reasons for unemployment. Likewise, there is no fixed time during which the person can be unemployed before the permit is discontinued, though only short periods of a couple of months are generally provided. The Finnish Immigration Service (Migri) is normally not notified when a worker becomes unemployed, so in practice, workers can be unemployed for as long their residence permit is valid.

In Finland, holders of a type A permit can access unemployment benefits.¹⁵ In contrast, workers who are residing and working with their first type B permit are not immediately registered with the local municipality as living in Finland, which impacts their access to social protection,¹⁶ long-term residence status, and citizenship. They can register in the municipality after two years of living in the country. In particular, they do not have access to unemployment benefits, but, as any other person in Finland, can access Basic Social Assistance.¹⁷

People applying for the TTOL are eligible to apply for family reunification and can submit both applications at the same time; it is not necessary to wait until they have been granted the permit. The Finnish Immigration Service state on their website

12 Section 74, [Aliens Act 301/2004](#).

13 Note, the immigration authorities may contact the worker to check if they are in employment, if the previous employer contacts them.

14 Finnish Immigration Service, [Changing Jobs](#).

15 In order to be eligible to access unemployment benefits, workers need to meet certain criteria in the same terms as nationals. For a comprehensive overview of these requirements, please see Kela, [How Kela determines if the work requirement is met](#).

16 For more information, see PICUM, 2022, [A snapshot of social protection measures for undocumented migrants by national and local governments](#).

17 Kela, [Types of expenses for which you can get basic social assistance](#).

that they try to process the applications of the workers and their family members at the same time, when possible.¹⁸

After 4 years of continuous residence with a type A residence permit, workers can apply for a permanent residence, a type P permit.

After 5 consecutive years of residence in the country with a type A permit,¹⁹ people can apply for Finnish citizenship. People who have resided in Finland

under type B permit and been able to convert it to a type A permit may also be eligible for citizenship but need to reside for longer. Time residing with a type B permit counts as half the time towards citizenship and will be only considered if the person has held a type A permit for a full year before applying.²⁰ That means that if a worker had a type B permit for two years this will only be counted as one year towards the 5 years required for citizenship.

Analysis of the Residence Permit for an Employed Person (TTOL) in Finland compared to PICUM's key recommendations and indicators²¹

Policy recommendations	Indicators	The Residence Permit for an Employed Person (TTOL)
1. Streamlined and efficient procedures		
<p>Good administration: Procedures to obtain and renew visas and permits should be streamlined with reasonable administrative requirements.</p>	<p>1.1 Number of steps in application procedure</p>	<p>This falls short. The system of granting different types of permits with different rights depending on the length of the contract is complex and discriminatory. The application process could be simplified.</p>
<p>Information about application procedures, requirements, and applicable rules should be provided publicly for potential employers and workers in clear and accessible language.</p>	<p>1.2 Accessibility of information about procedures and applicable rules</p>	<p>This is met to some extent. There is a lot of information about the application procedure and the requirements available online in different languages. However, the information is dispersed in different entries on the website, making it difficult to fully understand the process and requirements.</p>

¹⁸ EnterFinland, [Working in Finland](#).

¹⁹ Finnish Immigration Service, [Period of Residence](#).

²⁰ Finnish Immigration Service, [How to calculate the period of residence](#).

²¹ For the complete list of policy recommendations and suggested indicators, please see PICUM 2021, [Designing labour migration policies to promote decent work. Policy recommendations](#).

Policy recommendations	Indicators	The Residence Permit for an Employed Person (TTOL)
<p>Based on an offer of employment: An offer of employment, with conditions in line with applicable labour law or collective bargaining agreements, should be sufficient across all jobs and sectors.</p> <p>If some level of preferential access is to be provided to resident workers, the mechanism should ensure resident workers are able to apply for the job, but not prevent employers from selecting their preferred candidate through recruitment procedures.</p>	<p>1.3 Eligibility/ non-eligibility requirements to access a permit with a job offer</p>	<p>This is met to some extent as this permit is available for most types of job and sector. However, in most cases, it is subject to a labour market test which represents an additional administrative burden.</p>
<p>Stability for workers and employers: Permits should be of a reasonable duration, of at least two years.</p>	<p>1.4 Length of permit</p>	<p>This falls short. The length of the permit depends on the length on the contract. For open-ended or indeterminate contracts, the initial length of permit is one year, although renewable for four.</p>
<p>Permits should be renewable, without requiring workers to leave the country.</p>	<p>1.5 In-country renewals</p>	<p>This is met.</p>
<p>In-country applications: People should be able to apply for the various residence and work permits provided for by national law from within the country, regardless of their status, including when undocumented.</p>	<p>1.6 In-country applications including when undocumented</p>	<p>This is met to a large extent. People can apply within Finland and from abroad. In practice, undocumented people can apply if they meet the general criteria.</p>
<h2>2. Autonomy for workers</h2>		
<p>Worker-owned procedures: Workers should be able to apply for permits themselves.</p>	<p>2.1 Ownership of application process/ worker or employer-made application</p>	<p>This falls short. Even though the worker submits the application, the employer needs to complete one of the sections in order for the application to be valid. In practice,²² this can lead to dependency and exploitation.</p>

Policy recommendations	Indicators	The Residence Permit for an Employed Person (TTOL)
<p>Labour market mobility: Permits should not be tied to one employer. People should be able to change employer, including the type of job and sector, and work for more than one employer, on the same permit, without permission from the employer or labour intermediary.</p>	<p>2.2 Procedure to change employer</p>	<p>This is met to some extent. People can change employer freely, as long as it is for the same type of work. There is no administrative procedure to do so.</p>
	<p>2.3 Procedure to change type of job</p>	<p>This is not met. Workers can only work in the broad occupational field or sector they were initially granted the permit for (which can be more than one). To change to another type of job or sector, they need to apply for a new permit.</p>
	<p>2.4 Procedure to change sector</p>	
	<p>2.5 Possibility to work for more than one employer</p>	<p>This is met. Workers can work for more than one employer, and as long as it is indicated in the TTOL.</p>
	<p>2.6 Time period before change of employer</p>	<p>This is met. Workers can change employer at any time, they do not need to work for an employer a minimum amount of time.</p>
<p>Independence from employers: Financial and practical support should be accessible during this time, at least on the same terms as nationals. Particular attention should be paid to situations where workers' housing was also provided by their employer.</p>	<p>2.8 Available financial and practical support while unemployed</p>	<p>This is met to some extent. Workers with a permit type A have access to unemployment benefits in the same conditions as nationals. However, workers with a permit type B cannot.</p>
<p>3. Equality and family unity</p>		
<p>Non-discrimination: Access to employment and associated permits should be non-discriminatory across all protected grounds under human rights law.²³</p>	<p>3.1 Restrictions in access to permits on prohibited grounds</p>	<p>This is met in that it is not restricted to any nationality.</p>

23 For more information, see Fundamental Rights Agency and Council of Europe, 2018, [Handbook on European non-discrimination law, 2018 edition](#).

Policy recommendations	Indicators	The Residence Permit for an Employed Person (TTOL)
<p>Family unity: Migrant workers should be able to enjoy their family life as any other person. Restrictions on migrant workers with low income from bringing their families should be lifted.</p>	<p>3.5 Possibilities to and restrictions on access to permits for family members</p>	<p>This is met. Family members can apply at the same time as the worker, and the Immigration Service tries to review the application of all the family members at the same time.</p>
<p>Spouses/ partners should also be provided access to the labour market.</p>	<p>3.6 Access to the labour market for family members</p>	
<p>5. Social Inclusion</p>		
<p>Pathways to settlement: There should also be pathways to settlement after a number of years. All periods of residence should count towards long-term residence status.</p>	<p>5.1 Residence counts towards long-term residence or settled status</p>	<p>This is met to some extent. Not all types of permits (A, B or P) count the same towards citizenship. Only half the time spent in Finland under a type B permit counts towards citizenship and only if the worker has a type A permit for a full year before applying.</p>

Residence Permit or Certificate due to Exploitation by the Employer²⁴

In Finland, non-EEA workers who have experienced labour exploitation or significant negligence in the workplace can apply for a Residence Permit due to Exploitation by the Employer, or, if they have already

found a new job, a Certificate due to Exploitation by the Employer. This legislation came into effect in October 2021.²⁵

Residence Permit due to Exploitation by the Employer

The Residence Permit due to Exploitation by the Employer is a one-year permit for people who have experienced labour rights violations, which aims to enable them to stabilise their situation, be unemployed and find a new job, or take steps to set up a business. It is not restricted to any nationality.²⁶

In order to be eligible to apply, workers need to have worked with a valid residence permit and experienced labour abuse. Workers with a visa or certificate for seasonal work are excluded.²⁷ Unlike other residence permits for work in Finland, applicants do not need to prove any financial means.

The applications are reviewed based on an assessment that there were “reasonable grounds to suspect that [the] employer has significantly neglected their duties as an employer or exploited the worker in some other way”.²⁸ The interpretation by the Finnish Immigration Service of ‘significant negligence’ is quite broad, and can include, for example, when the employer makes a person work

for unreasonably long hours, does not pay the employee’s salary stipulated in the work contract, does not provide days off or makes the person work in dangerous conditions. Exploitation by the employer is also defined quite broadly, including cases of threats to life or health of workers or their family members, threats to cancel permits and report the person to the immigration authorities, or control of important documents such as identity documents.²⁹

Since the legislation came into effect over one year ago, at time of writing, it has been difficult to assess the effects of this permit. Initially, the Finnish Immigration Service workers in charge of processing the applications were notifying people that it was only possible to apply while the previous permit was still valid, though this was never specified in the legislation. This is no longer happening, but clear guidelines on how the legislation should be implemented are still lacking.

24 Section 54b, [Aliens Act 301/2004](#).

25 Finnish Immigration Service, [Residence permit or certificate due to exploitation by employer](#).

26 Ibid.

27 Ibid.

28 Section 54b, [Aliens Act 301/2004](#).

29 For a complete overview of what is considered negligence and exploitation, please see Finnish Immigration Service, [Significant negligence or exploitation by employer](#).

A key challenge in implementation is that the abuse should be linked to the previous employment. This means that if a worker leaves an abusive employment relationship and accepts a new job offer with a different employer and better conditions, they would no longer be eligible for

this permit. As many workers are not aware of the possibility and requirements to apply for this permit, this restriction prevents people for whom the permit is intended from accessing it.³⁰

Application process

In order to apply for this permit, workers need to submit an [application](#) (only available in paper) in person to the Finnish Immigration Service, which costs 180€.

They need to submit a “free-form statement” explaining in detail how their employer has neglected or exploited them. It should also include whether the worker has reported the employer to the authorities,³¹ but it is not necessary to have filed a formal complaint or initiated legal proceedings. In practice, this statement submitted by the worker is considered enough proof to access this permit; no assessment or further investigation needs to be conducted.

Currently, it can take 2-3 months for applications to be processed. There are sometimes delays of up to 2 months in notifying the person that their permit has been issued. If the person’s residence permit expires during the application procedure, the worker will have the same rights as in the previous permit, including the right to work and to access unemployment benefits. When a person applies after the expiration day of their residence permit, they will be considered regularly residing but will not be able to work.

This information on the website is available in Arabic, Bengali, Chinese, Nepali, Russian, Turkish, and Ukrainian, as well as Finnish, Swedish and English.

Permit granted

The Residence Permit due to Exploitation by the Employer is an A type permit, that is valid for one year. Initially, it was issued retroactively to start the day after the previous permit expired. This meant that several months of the one-year permit could have elapse by the time the person actually received the permit. In December 2022, the Finnish Immigration Service stated that the permit will still be issued retroactively, but the one-year-validity will

start only once the permit is issued. This permit is an extension permit, and it cannot be renewed.

Workers who apply for this extension may have a longer validity on their previous permit than the one-year granted with this one. Further, the period granted under this scheme can be insufficient for workers who have experienced labour exploitation and need to seek support and recover.

³⁰ The Finnish Immigration Service has started to suggest applying for this extension permit when they believe people can meet the criteria.

³¹ Finnish Immigration Service, [Residence permit or certificate due to exploitation by employer](#).

People have full access to the labour market and can be unemployed or take steps to start a business during the validity of this permit. Once the person finds employment, they can begin the process to apply for another residence permit.

As a type A permit, permit holders are eligible for family reunification. However, the law does not explicitly state whether the minimum income requirement will be imposed, which can be problematic as it may not be possible for people breaking out of abusive employment relationships

to meet this requirement. Similarly, family members in Finland who have a residence permit based on family ties will continue to have the same residence permit even if the worker is granted this extension permit, however the minimum income requirement could be imposed when they apply for renewals. Due to this ambiguity, some workers choose not to take the risk and stay in abusive employment relationships to avoid their family members falling into irregularity.³²

Certificate due to Exploitation by the Employer

Workers who have been victims of exploitation or significant negligence at the workplace and already have a new job offer with another employer (including for part time jobs), can apply for a Certificate due to Exploitation by the Employer. In such cases, workers are not granted a new residence permit (due to exploitation by the employer) but have the right to change employer on their current permit without any restrictions (e.g. they can work in any field or work sector).³³ The validity of the previous residence permit stands.

In order to be eligible to apply, the worker needs to have a job offer or work contract with a new employer. The rest of the requirements and application process are the same as the Residence Permit due to Exploitation by the Employer, with the addition that the new employer will have to file an appendix to be submitted with the application. The fee for the certificate is 65€ and it also needs to be submitted to the Finnish Immigration Service.³⁴

³² Ibid.

³³ Finnish Immigration Service, [Certificate of expanded right to work for victim of employer negligence or exploitation](#).

³⁴ Ibid

Analysis of the Residence Permit due to Exploitation³⁵ in Finland compared to PICUM's key recommendations and indicators³⁶

Policy recommendations	Indicators	Residence Permit due to Exploitation
1. Streamlined and efficient procedures		
<p>Good administration: Procedures to obtain and renew visas and permits should be streamlined with reasonable administrative requirements.</p>	<p>1.1 Number of steps in application procedure</p>	<p>This is largely met. The administrative requirements to obtain this permit are reasonable.</p>
<p>Information about application procedures, requirements, and applicable rules should be provided publicly for potential employers and workers in clear and accessible language.</p>	<p>1.2 Accessibility of information about procedures and applicable rules</p>	<p>This is met to some extent. The information on the website is available in several languages. In practice, many workers are not aware of the existence of this permit.</p>
<p>Stability for workers and employers: Permits should be of a reasonable duration, of at least two years.</p>	<p>1.4 Length of permit</p>	<p>This falls short. This permit is a one-year extension.</p>
<p>Permits should be renewable, without requiring workers to leave the country.</p>	<p>1.5 In-country renewals</p>	<p>This is not met as this permit is not renewable.</p>
<p>In-country applications: People should be able to apply for the various residence and work permits provided for by national law from within the country, regardless of their status, including when undocumented.</p>	<p>1.6 In-country applications including when undocumented</p>	<p>This is met to some extent. This permit is intended for people who are in the country. However, seasonal workers holding a visa or certificate and undocumented workers who have not had a residence permit with work authorisation are excluded from applying.</p>
<p>Restrictions on people changing from one type of status or permit to another should be lifted.</p>	<p>1.7 Status/ permit can be converted into another</p>	<p>This is met. People on this permit can apply for any other residence permit.</p>

35 Please note this table only analyses the Residence Permit due to Exploitation and not the Certificate due to Exploitation by the Employer also explained above.

36 For the complete list of policy recommendations and suggested indicators, please see PICUM 2021, [Designing labour migration policies to promote decent work. Policy recommendations.](#)

Policy recommendations	Indicators	Residence Permit due to Exploitation
2. Autonomy for workers		
Worker-owned procedures: Workers should be able to apply for permits themselves.	2.1 Ownership of application process/ worker or employer-made application	This is met.
Residence solutions in cases of exploitation: ³⁷ Transitional permits should be made available for situations where workers experience labour violations or other abuses. ³⁸	2.11 Availability of transitional permits	This is met through this pathway.
3. Equality and family unity		
Family unity: Migrant workers should be able to enjoy their family life as any other person. Restrictions on migrant workers with low income from bringing their families should be lifted	3.5 Possibilities to and restrictions on access to permits for family members	This is met.
Spouses/ partners should also be provided access to the labour market.	3.6 Access to the labour market for family members	
5. Social Inclusion		
Pathways to settlement: There should also be pathways to settlement after a number of years. All periods of residence should count towards long-term residence status.	5.1 Residence counts towards long-term residence or settled status	This is met. This pathway, as a type A permit, counts as permanent residence (P) and citizenship.

³⁷ Regarding victims of criminal labour exploitation including trafficking in human beings, see PICUM, 2020, [PICUM Key Messages and Recommendations on Human Trafficking](#); PICUM, 2020, [Insecure Justice? Residence permits for victims of crime in Europe](#).

³⁸ See for example, the [Open work permit for vulnerable workers](#) in Canada and [Reactivation Employment Permit \(REP\) Scheme](#) in Ireland.





PLATFORM FOR INTERNATIONAL COOPERATION ON
UNDOCUMENTED MIGRANTS

Rue du Congrès / Congresstraat 37-41

1000 Brussels

Belgium

Tel: +32 2 883 68 12

info@picum.org

www.picum.org