

# GMS Flash Alert

## Immigration Edition

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# Finland - Temporary Protection for People Fleeing from Ukraine

To help people fleeing Ukraine, the European Union has activated the Temporary Protection Directive to enable immediate and temporary refuge in the European Union to (mainly, but not restricted) those Ukrainian nationals residing in Ukraine who have been displaced on or after 24 February 2022, as a result of the military invasion by Russian armed forces that began on that date. The EU decision entered into force on 4 March, and Finland has adopted a decision on the matter on 7 March.<sup>1</sup> (For related coverage, see [GMS Flash Alert 2022-045](#), 4 March 2022.)

A majority of Ukrainians applying for international protection in Finland have applied for temporary protection made possible by the EU Directive. According to the Finnish Immigration Service, the first decisions concerning temporary protection have already been made.

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## WHY THIS MATTERS

Immigration counsel, global-mobility professionals, and companies with employees (and their families) relocating as they flee danger in Ukraine, will want to be aware of the modified rules intended to address the migrant crisis resulting from the war in Ukraine. The new policies/rules should help facilitate the movement of Ukrainian nationals fleeing the war into other countries and aid in their settlement in those countries.

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## Overview

As an EU country, Finland grants temporary protection for people fleeing from Ukraine, based on the decision regarding the EU Temporary Protection Directive. The activation of the Directive is historic, and its implementation in each EU member state will provide applicants a faster way to get international protection, compared to asylum-seeking processes.

According to the Finnish Immigration Service, thousands of applications from Ukrainian citizens for international protection in Finland have been received since Russia attacked Ukraine, and the figure is increasing daily.

## Temporary Protection for One to Three years

The Finnish government decision entered into force immediately. It will remain in force for as long as the European Council's EU-level decision remains in force, i.e., until 4 March 2023. If necessary, the EU may extend the decision to grant protection by six months at a time, up to a maximum of three years total. If the situation changes and the EU considers that it would be possible to return to Ukraine safely and permanently, the Council could decide to end the protection even in a shorter period.

People who are granted temporary protection have the right to work and study in Finland. The right to work starts only after receiving a decision, unless the person in question already has the right to work on other grounds (i.e., a residence permit or similar).

A majority of Ukrainians applying for international protection in Finland have applied for temporary protection, which is different from applying for asylum. Temporary protection is granted to a limited group of people, and it is not subject to individual consideration of the need for protection, as it would be for an asylum seeker. Similar to asylum applications, temporary protection is sought from either the police or the border authority. Once a positive decision is granted, the Finnish Immigration Service issues a temporary protection residence permit.

Ukrainians who have already applied for asylum can also apply for temporary protection. The processing of an asylum application will be suspended for as long as the temporary protection residence permit is valid.<sup>2</sup>

Temporary protection is granted to:

- 1) Ukrainian citizens unable to return to Ukraine due to the Russian attack;
- 2) citizens of countries that are not in the European Union, citizens of countries not party to the Schengen Agreement, and stateless persons who have resided in Ukraine legally and whose return to the relevant country of origin safely and permanently is not possible;
- 3) the family members of Ukrainian citizens and of those granted international protection or equivalent national protection in Ukraine, if the family ties were established in Ukraine before 24 February 2022.<sup>3</sup>

Beneficiaries of temporary protection have the right to reside in a reception centre and are entitled to its services. The Finnish Immigration Service is monitoring migration at Finland's borders and in Europe in close cooperation with other authorities. If the number of people fleeing from Ukraine increases in Finland, the authorities are prepared to add more places to the reception centres.<sup>4</sup>

## Processing of Permits

The Finnish Immigration Service is processing residence permit applications as normal. It is currently not possible to send residence permit cards to Ukraine. A residence permit card can, however, be provided in Finland, if the applicant has submitted a residence permit application in Ukraine and proved his or her identity. The Immigration Service will be in contact with persons in such situations directly.

The Immigration Service has temporarily suspended issuing negative decisions that would involve removal from Finland to Ukraine.<sup>5</sup>

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## KPMG NOTE

The KPMG International member firm in Finland continues to monitor these matters closely.

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## FOOTNOTES:

- 1 See "[Council Implementing Decision \(EU\) 2022/382 of 4 March 2022](#)" in *Official Journal of the European Union*, 4.3.2022" and "[Government decides on temporary protection category of people fleeing Ukraine - Ministry of the Interior.](#)"
- 2 See (in Finnish) "[Ukrainasta paenneet hakevat tilapäistä suojelua – ensimmäiset päätökset tehty | Maahanmuuttovirasto \(migri.fi\).](#)"
3. See "[Temporary protection | Maahanmuuttovirasto \(migri.fi\).](#)"
4. See "[Government decides on temporary protection category of people fleeing Ukraine - Ministry of the Interior \(intermin.fi\).](#)"
5. See (in Finnish) "[Ukrainasta paenneet hakevat tilapäistä suojelua – ensimmäiset päätökset tehty | Maahanmuuttovirasto \(migri.fi\)](#)" For more information, see "[Frequently asked questions about Russia's attack on Ukraine | Maahanmuuttovirasto \(migri.fi\).](#)"

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## Contact us

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*\* Please note that KPMG LLP (U.S.) does not offer immigration services or labour law services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.*

**The information contained in this newsletter was submitted by the KPMG International member firm in Finland.**

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