

GMS Flash Alert

Immigration Edition

2023-045 | March 1, 2023



Finland – Changes to Aliens Act

The Finnish parliament has accepted the amendments to the *Aliens Act* (“the Act”) and the legislative amendments came into force on February 23, 2023. The purpose of the amendments is to clarify certain aspects of the Act as well as enhance and ease the process of applying for work-based residence permits in Finland.¹ Increasing digitalisation and automation in the application process are essential parts of the new amendments.² The most significant changes in the *Aliens Act* concern special experts’ salary requirements and the certification of employers.

Previous efforts regarding the reduction of processing times have included the introduction of fast-track processing (see [GMS Flash Alert 2022-116](#), 16 June 2022). To further accelerate the process of entering Finland, a national long-term visa was introduced in 2022, offering the possibility of getting a residence permit card in Finland, as opposed to waiting for the card in the home country.³ (For more information on the changes regarding the D visa, see [GMS Flash Alert 2023-004](#), 10 January 2023.)

WHY THIS MATTERS

The new amendments to the *Aliens Act* aim to further speed up and ease the process of applying for work-based residence permits in Finland. The government’s objective is to increase work-based immigration to help ensure the availability of skilled labour in future.

The new rules automate and streamline the process for getting work-based residence permits for skilled workers. Employers and globally-mobile employees will want to understand the requirements for getting certified and the salary conditions for the special expert residence permit.

Changes in Special Expert Residence Permits

The new amendments to the *Aliens Act* introduced changes to the “special expert” residence permit process. A special expert permit can be issued to a person who is working as a specialist in a position that requires special knowledge and expertise. The salary requirement will be based on the average gross salary of a wage earner.⁴ The Finnish Immigration Service (*Maahanmuuttovirasto*) has confirmed that the new minimum salary requirement for 2023 is 3473 EUR per month. Fringe benefits are not counted towards this sum.⁵

The *Aliens Act* amendments emphasise that a special expert has special skills that have been obtained with education or other ways (for example with work experience). The employer will consider the skills and expertise when hiring the employee and setting the salary. Therefore, the certificate of higher education will not be a primary requirement in the application; however, the applicant would need to provide it if requested by the Finnish Immigration Service.⁶

Employee's and Employer's Obligations

The amended *Aliens Act* introduces obligations for both the applicant (employee) and the employer. The employee is required to provide the following information in the application:

- Information about the employer
- The key terms of the employment:
 - a) the employee's main duties;
 - b) the basis for determining the salary and other compensation and the salary payment period;
 - c) working hours.

From now on the employer will have more responsibility for the applications. The newly amended *Aliens Act* requires the employer to share information of the key terms of the employment with the authorities to compare with the information employee has shared with them.⁷

Employer Certification Introduced

Certification of employers, which has not previously been available in Finland, is introduced in the *Aliens Act* amendments. The certified employer's background will be verified so that a less onerous procedure can be used in a certified employer's employees' residence permit process.⁸

Employer certification can be granted to companies that have their domicile and place of business in Finland. The certification needs to be applied for, and it is first granted for two years, after which it can be granted for three years at a time if the following conditions are met:

- 1) The employer is and has been financially stable for a sufficient time;
- 2) Residence permits granted based on employment have been granted to the company's employees;
- 3) It fulfils its obligations as an employer;
- 4) The grounds for revocation of certification provided for in § 78 do not prevent the granting of certification.⁹

Use of Automation to Speed Up Processing

The amended *Aliens Act* lays out the general requirements for issuing all work-based residence permits and the provision on the obligations of employers and employees in the residence permit process.

This will allow the (i) automatization of the process and (ii) authorities to obtain part of the needed information from other official registers. Due to automation, less information will be needed from the applicant and employer. To help ensure that the Finnish Immigration Service can process the applications as efficiently as possible, it is emphasised that the applicant and the employer should primarily use the online service. However, it will be still possible to submit paper applications.¹⁰

Changes to the Validity Requirement of the Travel Document

The new law introduces a change to the validity of the travel document. Previously, the *Aliens Act* required that the applicant's travel document must be valid for the entire period for which the first residence permit was issued. The new law allows the applicants to receive the first residence permit with full validity providing that they have a valid document at the time of the decision.¹¹ This will increase flexibility and speed up the processing. This has previously been the practice for residence permit extension applications already.¹²

Right to Work Without a Residence Permit

The new *Aliens Act* introduces some clarifications regarding a person's right to work without a residence permit and the new paragraphs introduced in the law clarify the situations where the applicant can work in Finland without a residence permit. The right to work is still tied to specific tasks. Applicants can perform specific tasks without a residence permit for up to 90 days in a 180-day period if the person has a valid visa or can reside in Finland visa-free. If it's known in advance that the work will last more than 90 days, the employee should apply for a residence permit before arriving in Finland.¹³

For previous issues of *GMS Flash Alert* on this topic, see: [2023-004](#) (10 January 2023) and [2022-116](#) (16 June 2022).

KPMG INSIGHTS

Finland is taking steps to address labour gaps and attract talent to the country, while at the same time modernising and automating its processes and systems and introducing more flexibility, to help make residence permit applications and ultimately entry into the country easier.

Several countries have made efforts to introduce measures that aim to attract qualified professionals through simplified migration processes and/or beneficial tax regimes. Finland is making sure it remains competitive in this area.

As there have been numerous changes to policy and procedures over the past 12 months - and it can be confusing to navigate them - if there are any questions about eligibility and the conditions for applying for residence and work-based residence permits, the employer's obligations or if you need assistance with employees' relocation, it may be prudent to consult a member of the Immigration team with KPMG in Finland (see the Contacts section).

FOOTNOTES:

1 See (in English) Ministry of Economic Affairs and Employment, "[Legislation to ease work-based immigration enters into force.](#)"

2 See id. and (in Finnish) Parliament of Finland "EV 278/2022 vp "Laki ulkomaalaislain muuttamisesta" at: https://www.eduskunta.fi/FI/vaski/EduskunnanVastaus/Sivut/EV_278+2022.aspx .

3 See (in Finnish) Parliament of Finland "EV 278/2022 vp "Laki ulkomaalaislain muuttamisesta" at: https://www.eduskunta.fi/FI/vaski/EduskunnanVastaus/Sivut/EV_278+2022.aspx .

Also, see (in English) Ministry of Foreign Affairs of Finland, Press release, "[Long-term national D visa to expedite entry of foreign labour.](#)"

FOOTNOTES continued:

4 See (in Finnish) Parliament of Finland “EV 278/2022 vp” “Laki ulkomaalaislain muuttamisesta” at: https://www.eduskunta.fi/FI/vaski/EduskunnanVastaus/Sivut/EV_278+2022.aspx .

5 See (in English) Finnish Immigration Service, “Residence permit application for persons employed as a specialist” at: [“Residence permit application for persons employed as a specialist.”](#)

6 See (in Finnish) Parliament of Finland: “HE 114/2022 vp, Hallituksen esitys eduskunnalle laiksi ulkomaalaislain muuttamisesta ja siihen liittyviksi laeiksi” at: https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Documents/HE_114+2022.pdf .

7 See Id.

8 See note 6.

9 See note 4.

10 See (in English) Ministry of Economic Affairs and Employment, [“Legislation to ease work-based immigration enters into force.”](#)

11 See (in Finnish) Parliament of Finland “HE 114/2022 vp, Hallituksen esitys eduskunnalle laiksi ulkomaalaislain muuttamisesta ja siihen liittyviksi laeiksi” at: https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Documents/HE_114+2022.pdf .

12 See (in English) Ministry of Economic Affairs and Employment, [“Legislation to ease work-based immigration enters into force.”](#)

13 See (in Finnish) Parliament of Finland “HE 114/2022 vp, Hallituksen esitys eduskunnalle laiksi ulkomaalaislain muuttamisesta ja siihen liittyviksi laeiksi” at: https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Documents/HE_114+2022.pdf .

* * * *

Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or one of the following professionals with the KPMG International member firm in Finland:



Sallamari Salonen
Tel. +358 20 760 3831
sallamari.salonen@kpmg.fi



Aimi Paasu
Tel. +358 50 472 8471
aimi.paasu@kpmg.fi



Sonja Rusi
Tel +358 44 485 4337
sonja.rusi@kpmg.fi

** Please note the KPMG International member firm in the United States does not provide immigration 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.

© 2023 KPMG Oy Ab, a Finnish limited liability company and a member firm of the KPMG network of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. All rights reserved.

www.kpmg.com

kpmg.com/socialmedia



© 2023 KPMG LLP, a Delaware limited liability partnership and a member firm of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. All rights reserved.

The KPMG name and logo are registered trademarks or trademarks of KPMG International. The KPMG name and logo are trademarks used under license by the independent member firms of the KPMG global organization.

KPMG LLP is the U.S. firm of the KPMG global organization of independent professional services firms providing Audit, Tax and Advisory services. The KPMG global organization operates in 147 countries and territories and has more than 219,000 people working in member firms around the world.

Each KPMG firm is a legally distinct and separate entity and describes itself as such. KPMG International Limited is a private English company limited by guarantee. KPMG International Limited and its related entities do not provide services to clients.

GMS Flash Alert is a publication of the KPMG LLP Washington National Tax practice.