



The Organisation of Asylum and Migration Policies

Factsheet: Estonia

1. Introduction

This factsheet provides an overview of how asylum and migration policies are organised in **Estonia**, including the organisation of the institutional and regulatory context and framework for dealing with third-country nationals coming for the purpose of legal immigration or for international protection. It is based on information provided in the Estonia National Report of the EMN Study *The Organisation of Asylum and Migration Policies in EU Member States*¹, as at **February 2012**. The Report was based on desk research: key sources were the Police and Border Guard Board (PBGB), the Ministry of the Interior, the Ministry of Social Affairs, Estonian Unemployment Insurance Fund, and Statistics Estonia. Internet sources from non-profit organisations have also been consulted.

2. Overview of organisation of political, legislative and institutional framework

2.1 The political system and institutional context

Migration and asylum policy is first and foremost developed by the Estonian Ministry of the Interior. The policies are mainly implemented by the Police and Border Guard Board (PBGB) under the Ministry of the Interior, which is involved in processing applications of all aliens (including asylum seekers, persons staying in the country illegally, as well as applicants for residence permits and Estonian citizenship) and citizens of the European Union. Although the decision-making capacity (e.g., granting a residence permit, etc.) lies with the Police and Border Guard Board, the Board cooperates efficiently with the Estonian Ministry of the Interior, Security Police Board, Ministry of Foreign Affairs, Estonian Unemployment Insurance Fund etc. The Ministry of Foreign Affairs is responsible for visa issues. The Ministry of Social Affairs is responsible for accommodation of asylum seekers via the state agency Illuka Reception Centre for Asylum Seekers. The third sector plays a role by supporting the implementation of migration and asylum policies (e.g., the Integration and Migration Foundation Our People and the Tallinn branch of the International Organization for Migration (IOM)).

2.2 The legal framework

The Aliens Act regulates the entry of aliens, their stay, residence and employment as well as the bases for legal liability of aliens. Citizens of the European Union Act regulates the bases for stay and residence of citizens of the European Union. Act of Granting International Protection to Aliens regulates granting international protection, the legal status and basis for stay. Citizenship Act regulates issues related to citizenship. Obligation to Leave the Prohibition on Entry Act provides the basis and procedures regarding obligations to leave, prohibition of entry and the regime for passage through Estonia. State Borders Act defines the state border, the border regime and the liability for violation and illegal crossing. Migration and asylum policies are strongly influenced by the EU *acquis*.

¹ Available on the EMN website

3. Development of migration and international protection systems

The most important changes in the last decade, both legal and administrative have been influenced by the accession of Estonia to the EU in 2004 and the Schengen Agreement in 2007, the latter bringing into effect a new visa regime and border regulations.

4. Organisation of policy

4.1 Overview of migration and international protection policy

The competence for control of persons entering Estonia lies with the PBGB. Border surveillance and checks are carried out to prevent, detect and tackle illegal immigration. Legal entry requires air transport visa (type A), short-stay visa (C) or long-stay visa (D). Asylum applications must be submitted in person to the PBGB. Entry is refused at the border if the asylum application is clearly unfounded.

A Temporary residence permit may be issued: for the purpose of employment, enterprise, study, family reunification, and where sufficient legal income can be demonstrated. Only aliens staying on a legal basis have the right to apply for a long-term residence permit or citizenship. An application for citizenship can be submitted by an alien who has settled in Estonia before 1990 and holds a valid residence permit or by an alien who holds a long-term residence permit or a permanent right of residence. Requirements include, for example, knowledge of the Estonian language and an oath of loyalty to the constitutional order.

An alien is allowed to undertake employment if there are no employees in Estonia or from within the EU who would have the same skills and qualification for the respective position. Settling for employment or enterprise is restricted within an annual quota of 0.1% of the Estonian permanent population. An alien with a residence permit is allowed to work, if the Aliens Act does not foresee otherwise. Aliens with temporary stay may work, if the employment is registered. Following an application for a work permit, an asylum applicant is allowed to work if the PBGB has not made a decision in the asylum case within a year. When granted International Protection a work permit is not then needed.

Upon the discovery of an irregular situation, the alien is issued with a precept to leave. If this is not respected, detention and forced return may be applied. A precept to leave is accompanied by a three-year prohibition on re-entry. When receiving a negative decision, asylum applicants not wishing to appeal the decision are obliged to leave the country, either forced or via the Voluntary Assisted Return and Reintegration Programme from Estonia.

4.2 Links with other policies

The asylum and migration systems policies relate to labour market policies aiming at regulating labour immigration. Integration policies under the Ministry of Culture are a recent development. Education policy is related to migration and asylum mainly in the sense that Estonian language education is emphasised also in Russian language schools.

5. Analysis of asylum and migration systems

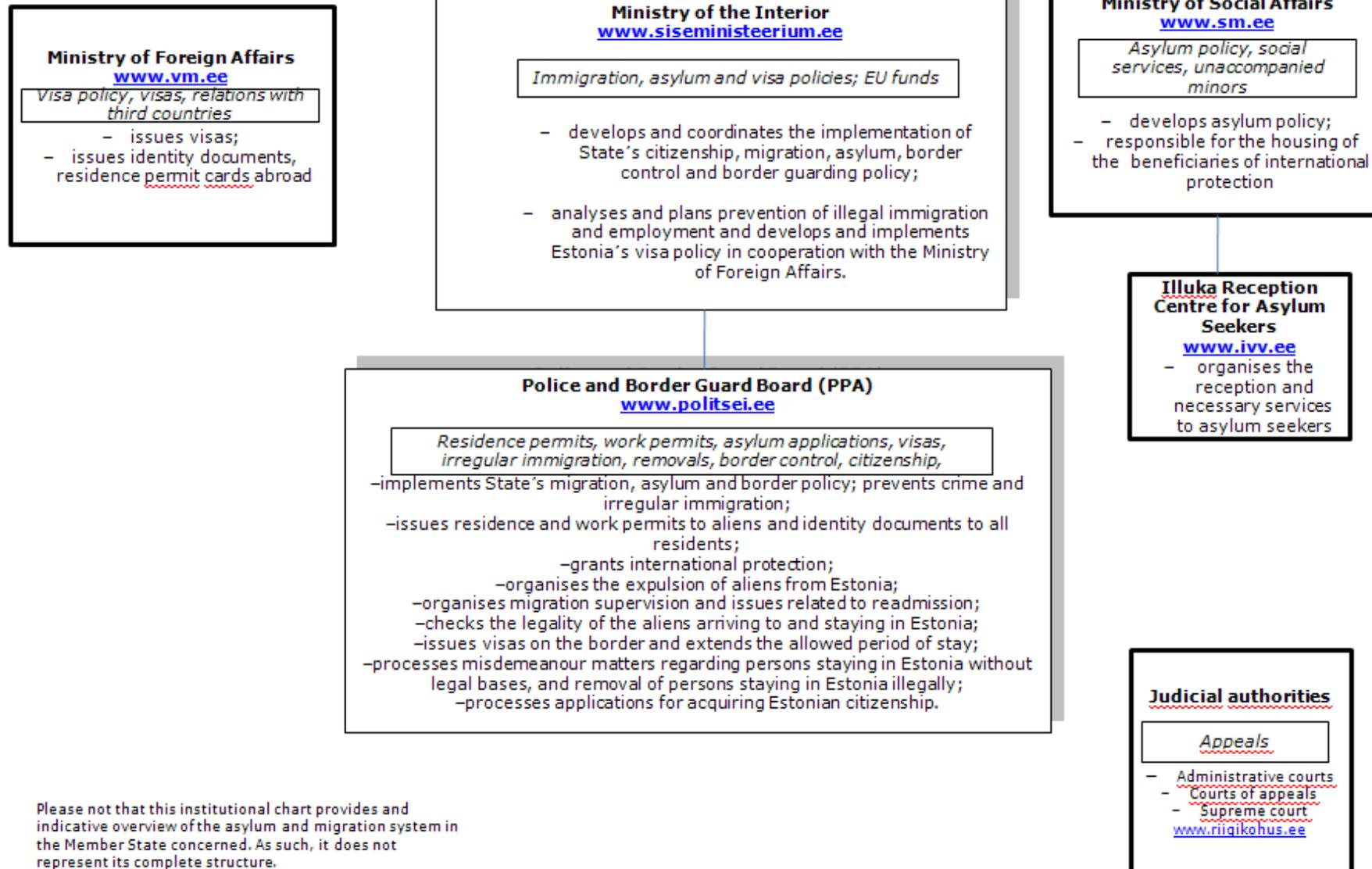
Emphasis has been put on the facilitation of immigration of highly skilled workers, the accession to the EU and the Schengen Area, and increasing the effectiveness of the sector.

The consolidation of the PBGB into one organisation in 2010 was aimed at: promoting quality and uniformity of services; decreasing the number of violations of the public order and other misdemeanours and more efficient pre-trial proceedings; increasing cost-efficiency; and creating clear definitions of aims and a clear sectoral chain of responsibilities..

ANNEX: Organisational Chart: Estonia

ESTONIA

Institutional Framework for Immigration and Asylum Policies*



Please note that this institutional chart provides an indicative overview of the asylum and migration system in the Member State concerned. As such, it does not represent its complete structure.