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ORGANISATION OF MIGRATION AND ASYLUM SYSTEM IN ESTONIA OVERVIEW

LAST UPDATED ON FEBRUARY 2023



INTRODUCTION

This document 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 migration or for international protection. It is based on the information provided by Estonia in February 2023.



OVERVIEW OF ORGANISATION OF LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

THE INSTITUTIONAL CONTEXT

The primary institution responsible for migration and asylum policy-making is the Estonian Ministry of the Interior. These policies are mainly implemented by the Police and Border Guard Board (PBGB), subordinate to the ministry, which is involved in processing applications of all third-country nationals (including asylum seekers, persons staying in the country without legal basis to stay, as well as applicants for residence permits) and citizens of the European Union. The decision-making capacity (e.g., granting international protection, issuing residence permits) lies with the PBGB. The Estonian Internal Security Service can be consulted in the decision-making process. The Ministry of Social Affairs is responsible for policy-making regarding services for the applicants and beneficiaries of international protection (including temporary protection) as well as victims of trafficking in human beings. Its subordinate organisation Social

Insurance Board coordinates these services. The Ministry of Justice coordinates policy-making in relation to victims of human trafficking and non-discrimination. In close cooperation with the Ministry of the Interior, the Ministry of Economic Affairs and Communications develops policies in relation to skilled migration and the Ministry of Education and Research collaborates in policy-making concerning international student mobility and researcher's mobility. Their respective subordinate agencies responsible for executing these policies are Estonian Business and Innovation Agency (responsible for talent attraction and retention and Work in Estonia programme) and Education and Youth Board of Estonia (responsible for academic recognition of foreign qualifications and Study in Estonia programme).

The Ministry of Foreign Affairs is responsible for issuing C-visas, development cooperation and humanitarian aid policy, and via the diplomatic corps, advances relations with third countries. The Ministry of Culture is the main institution responsible for developing integration policies and manages the Settle in Estonia programme. Its subordinate institution Integration Foundation offers various language learning possibilities, runs Estonian Language Houses and provides training and information to third-country nationals on Estonian citizenship and culture.

In addition, various NGOs play a role by supporting the implementation of migration and asylum policies. For example, The Estonian Refugee Council is responsible for providing the support person service to the beneficiaries of international protection.

The Tallinn branch of the International Organization for Migration (IOM) is responsible for providing the assisted voluntary return service for third-country nationals with no legal basis for stay.

THE LEGAL SYSTEM

The Aliens Act regulates the entry of third-country nationals, their stay, residence and employment in Estonia as well as the bases for legal liability of third-country nationals. Act on Granting International Protection to Aliens regulates the bases for granting international and temporary protection, the legal status of the applicants and beneficiaries of international protection as well as their legal basis for stay. Citizens of the European Union Act regulates the bases for stay and residence of citizens of the European Union. Citizenship Act regulates issues related to citizenship. Obligation to Leave and Prohibition on Entry Act provides the basis and procedures regarding the 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. All of the abovementioned laws are passed by the Estonian Parliament and signed into law by the President.

Migration and asylum policies are strongly influenced by the EU acquis. According to the Aliens Act in some instances it is possible to file a challenge to the PBGB before making appeal to the court. As Estonia's court system consists of three instances, the appeals against administrative decisions can firstly be made to administrative courts. Appeals against the rulings of the administrative court can be brought before the circuit courts. The final court instance is the Supreme Court.

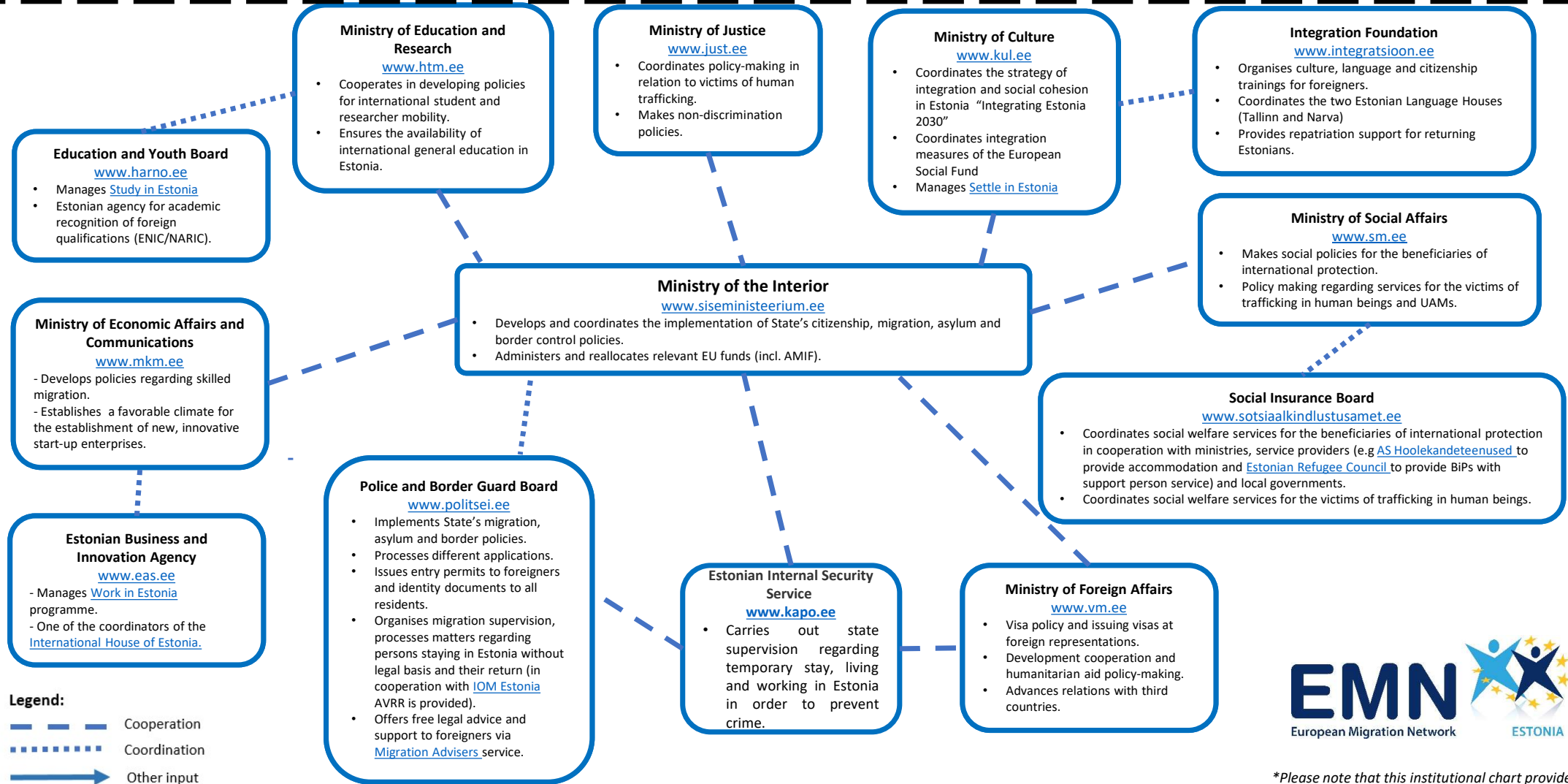


INSTITUTIONAL CHART

The most up to date Institutional Chart will be added in as an Annex.

Estonia

Institutional Framework for migration and asylum*



*Please note that this institutional chart provides an indicative overview of the migration and asylum system in Estonia in February 2023