

EUROPEAN MIGRATION NETWORK

Annual Report On Migration And Asylum 2020

NATIONAL REPORT PART 2

ESTONIA



European Migration Network
**ANNUAL POLICY REPORT
ON MIGRATION AND ASYLUM
ESTONIA 2020**

April 2021

Author: **Maarja Vollmer**,
European Migration Network

Photos: Brand Estonia (Karl Ander Adami, Sven Začek, Rasmus Jurkatam)

Estonian National Contact Point for the European Migration Network
The Academy of Security Sciences
Kase 61, 12012 Tallinn, Estonia
emn@sisekaitse.ee <http://emn.ee>

ISSN: 2733-0974

The European Migration Network (EMN), established by the Council of the European Union in 2008 and co-ordinated by the European Commission, is a network for information collection and exchange on migration and asylum issues, comprised of National Contact Points (EMN NCPs) and national networks of relevant stakeholder organisations. The EMN plays a key role in providing up-to-date, objective, reliable and comparable information on migration and asylum topics to policy makers (at EU and Member State level) and the general public.



Table of contents

ABBREVIATIONS	6
EXECUTIVE SUMMARY	7
INTRODUCTION.....	9
METHODOLOGY	9
TERMINOLOGY	10
THE STRUCTURE OF MIGRATION RELATED ORGANISATIONS, LEGAL AND POLITICAL SYSTEM	11
The institutional framework	11
The legal system.....	12
The political changes in 2020.....	13
LEGAL MIGRATION	14
1.1 Work-related migration.....	17
1.1.1 Seasonal workers	17
1.1.2 Low and medium skilled workers (other than seasonal workers).....	18
1.1.3 Entrepreneurs, start-ups, and investors	19
1.1.4 Satisfying labour market needs	20
1.2 Students and researchers	20
1.3 Information on routes to and conditions of legal migration.....	21
1.4 Social dumping.....	23
1.5 Other aspects of legal migration	24
INTERNATIONAL PROTECTION	26
2.1 Implementation of the Common European Asylum System and related policy developments	27
2.2 Reception of applicants of international protection	27
2.3 Asylum procedures	28
2.4 Other developments	29
MINORS AND OTHER VULNERABLE GROUPS	31
3.1 Identification, registration and reception of unaccompanied minors.....	32
3.2 Voluntary and forced return.....	32
3.3 Statelessness	32
INTEGRATION	33
4.1 National integration strategy.....	33
4.2 Education of adults: language training.....	34
4.3 Pre-departure/arrival programmes.....	35
4.4 Labour market and skills.....	35
4.5 Basic services: Access to healthcare	36
4.6 Active participation	36
4.7 Fighting racism and discrimination.....	36
CITIZENSHIP AND STATELESSNESS	37

BORDERS, VISA AND SCHENGEN	39
6.1 Border management at the external border	40
6.1.1 Improving the effectiveness of controls at external borders	41
6.1.2 ENTRY/EXIT system.....	42
6.1.3 The European Travel Information and Authorisation System (ETIAS).....	42
6.1.4 The European Interoperability Framework (EIF).....	43
6.1.5 The European integrated border management (IBM)	43
6.1.6 Reinforced cooperation with third countries in the area of border management	43
6.2 Visa policy.....	43
6.2.1 Visa reciprocity mechanism	44
6.2.2 Other visa related developments	44
6.3 Schengen governance	46
 IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING	 47
7.1 Preventing and tackling of misuse of legal migration channels	47
7.1.1 Developments to monitor the effects of visa free regimes	48
7.1.2 Misuse of legal migration channels by Third country national workers	49
7.1.3 False travel documents	49
7.2 Fight against facilitation of irregular migration (‘smuggling’) and prevention of irregular stay	49
7.2.1 Prevention of irregular stay	50
7.2.2 Cooperation with third countries to prevent irregular migration	52
 TRAFFICKING IN HUMAN BEINGS	 53
8.1 Improving identification of and provision of information to third-country national victims of human trafficking	53
8.2 Identification of victims of trafficking in human beings	54
 RETURN AND READMISSION	 55
9.1 Main national developments in the field of return, including return decision, (assisted) voluntary return), (alternatives for) detention, etc.	55
9.2 General policy developments in the area of return	56
9.3 Assisted voluntary return	58
9.4 Forced return and detention	58
9.4.1 Forced Return.....	58
9.4.2 Detention.....	58
9.4.3 Alternatives to detention.....	59
9.5 Cooperation with third countries of origin and transit on return and reintegration management.....	59
9.6 Cross-cutting developments in return and reintegration related to other thematic chapters of the ARM (Borders, irregular migration and trafficking)...	59
 MIGRATION AND DEVELOPMENT COOPERATION	 60
 Annex A: References.....	 61
Reference to legislation.....	61
Reference to other sources and publications.....	62

ABBREVIATIONS AND ACRONYMS

ABIS	Automatic Biometric Identification System
AGIPA	Act on Granting International Protection to Aliens
AMIF	Asylum, Migration and Integration Fund
CBSS	Central Baltic Sea States
CoE	Council of Europe
EASO	European Asylum Support Office
EU	European Union
EU MS	European Union Member State
HEI	Higher education institution
HEUNI	European Institute for Crime Prevention and Control
IOM	International Organisation for Migration
MIS	Police Procedural Information System
NGO	Non-governmental organisation
OLPEA	Obligation to Leave and Prohibition on Entry Act
PBGB	Police and Border Guard Board
SIB	Social Insurance Board
STAR	Social Services and Benefits Data Register
TCN	Third country national
THB	Trafficking in human beings
TRP	Temporary residence permit
UAM	Unaccompanied minor
UNHCR	United Nations High Commissioner for Refugees

EXECUTIVE SUMMARY

This report summarises the most significant developments in 2020 in 10 key areas of migration and asylum in Estonia: legal migration, international protection, minors and other vulnerable groups, integration, citizenship and statelessness, borders, visa and Schengen, irregular migration (incl. migrant smuggling), trafficking in human beings, return and readmission, and migration and development cooperation. It includes an overview of legislative and policy changes, changes in practice, brings out most relevant statistical information and provides an overview on third sector initiatives.

According to the statistics of Statistics Estonia, as of 1 January 2021, the population of Estonia was 1 329 460, which is 484 persons (0,04%) more compared to the year before. Due to negative natural population decrease (the number of deaths exceeded the number of births), the population decreased by 2590 persons; however, **due to the positive migration rate, the population increased by 3074 persons** (more people immigrated to than emigrated from Estonia).

2020 was mostly characterised by living in the COVID-19 pandemic, which had a significant impact also on the migration and asylum field. As of 17th March 2020, the Government decided to **temporarily restrict the crossing of the Schengen internal and external border and reintroduce border controls**. An emergency situation was declared in Estonia on March 12th to contain the spread of coronavirus, and it lasted until 18th May 2020. Due to COVID-19 pandemic, **Estonia witnessed a decrease in immigration of third country nationals within all migration categories:**

- **The number of first-time temporary resident permits (TRP) issued by PBGB reduced by 21%**, incl. the number of TRP for studying decreased 60%, for family migration 14%, and for employment 6%.
- **There was a 31% decrease in registrations of short-term employment** compared to the previous year – 22 110 in 2020 compared to 32 245 in 2019. TCN, whose short-term employment was registered in 2020, were most often nationals of Ukraine, Belarus and Russian Federation.
- **The number of beneficiaries of international protection decreased by 48% – 26 in 2020 compared to 50 in 2019.** Protection was most often granted to citizens of Russian Federation.
- **The number of return decisions decreased by 2%** - in 2020, 1097 return decisions were made, of which 93% were voluntary return decisions.

After several years without registering any unaccompanied minors, **Estonia registered one unaccompanied minor** from Central Asia, who was returned voluntarily to home country.

While there was a decrease in the numbers of migrants entering Estonia, **there were no major changes in the legislation and policy related to migration and asylum.** However, there were some developments which can be pointed out as relevant:

- In June, **Estonia transposed the Article 18 of the EU Return Directive** into national legislation; with the amendments to the Obligation to Leave and Prohibition on Entry Act (OLPEA) and Act on Granting International Protection to Aliens (AGIPA), it is specified where, in which conditions and timeframe asylum seekers can be accommodated or detained in emergency situations, i.e. when a large number of TCN-s enter the country.

- Amendments were made to the Aliens Act as Estonia introduced a **Digital Nomad Visa**, which allows remote workers to live in Estonia and legally work for their employer or their own company registered abroad.
- The **PBGB established a separate border guard component**, which is responsible for border surveillance, protection and controls, preventing illegal immigration and transit, sea and inland water rescue, air rescue searches over land, detection and elimination of marine pollution, and further development of the sector.

In 2020, **the development and review process of new national strategies and action plans** (“Cohesive Estonia development plan 2030”, “Internal security development plan 2020-2030”) in the field of migration, asylum and integration continued. The new strategies and action plans are expected to be adopted in 2021.

INTRODUCTION

In accordance with **Article 9 (1) of Council Decision 2008/381/EC establishing the EMN**, each National Contact Point is required to provide an annual report describing the migration and asylum situation in the Member State, which includes policy developments and statistical data.

The EMN Annual Report on Migration (ARM) consists of two parts and a statistical annex. Part I and the **statistical annex** are intended to inform policymakers within the European Commission about national developments. The current document - **Part II** - however, is aimed at a wider audience interested in an overview of the asylum and immigration situation in Estonia.

This report is structured to provide an overview of migration and asylum in Estonia in ten key areas: legal migration, international protection, minors and other vulnerable groups, integration, citizenship and statelessness, borders, visa and Schengen, irregular migration (incl. migrant smuggling), trafficking in human beings, return and readmission, and migration and development cooperation. The report covers the period from **1 January to 31 December 2020**. However, in some instances, it will also refer to some developments that are planned to come into force in 2021. This is the **fifteenth** annual report by the Estonian National Contact Point.

METHODOLOGY

This report has been produced in accordance with the European Migration Network's general research guidelines. The structure and headings of the report are based on a model jointly agreed by the EMN. The division into topics follows the structure used by the European Commission, which has also been adopted by the EMN.

This report is based on **both primary and secondary data** obtained via desk research or from the key stakeholders in the field of migration and asylum. Where necessary, publicly available information was used, such as policy papers, statistics, reports, news and public websites. The majority of information has been collected from the stakeholders through formal inquiries and expert interviews.

The key stakeholders involved in the making of this report include:

- **The Estonian Police and Border Guard Board (PBGB)** who is responsible for migration and border management and thus one of the main sources of information and statistical data.
- **Relevant ministries:** Ministry of the Interior, Ministry of Social Affairs, Ministry of Foreign Affairs, Ministry of Cultural Affairs, Ministry of Justice and Ministry of Education & Research.
- **Non-governmental organisations (NGO-s):** Estonian Refugee Council, Johannes Mihkelson Centre, Mondo, Living for Tomorrow, Estonian Human Rights Centre.
- **Other contributing agencies and organisations** are Estonian Unemployment Insurance Fund, Social Insurance Board, Estonian Tax and Customs Board, Enterprise Estonia's "Work in Estonia" program, IOM, UNHCR, Integration Foundation, Red Cross Estonian Office, AS Hoolekandeteenused, Education and Youth Board.

The information and data presented in this report were obtained from these organisations unless specified otherwise. The data collection and desk research were carried out in **December 2020 – April 2021**.

TERMINOLOGY

The terminology used in the report is based on the **EMN Glossary**¹ published and maintained by the EMN. The list of abbreviations used in the report is brought out in the beginning of the report (see Section “Abbreviations”).

¹ EMN Glossary: https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en.

THE STRUCTURE OF MIGRATION RELATED ORGANISATIONS, LEGAL AND POLITICAL SYSTEM

The institutional and legal framework of migration and asylum related ministries and organisations in Estonia remained overall the same in 2020 as in 2019. In 2020, there were two changes in the institutional framework which impact the migration field:

- In the beginning of 2020, the reception system of unaccompanied minors (UAM) changed. With the new regulation, the Social Insurance Board (SIB) has a case-based approach for each case of UAM in Estonia. The minor is placed in a safe home or accommodation centre for applicants of international protection. During the temporary placement, the SIB works toward finding a long-term solution. The SIB is also working towards implementing family-based substitute care service (foster home, care home) instead of institutional substitute care service in the case of UAM.
- In August, the new governmental body the Education and Youth Board (Harno) was established under the administration of the Ministry of Education and Research. The joint organisation gathers the services of Foundation Innove, Foundation Archimedes, Information Technology Foundation for Education and Estonian Youth Work Centre. i.e. organisations whose activity is in the field of education and youth. Among other activities, Harno coordinates international cooperation programs in the field of education and youth, carries out marketing activities of Study in Estonia programme, and coordinates scholarship programs or studying abroad.

The institutional framework

The primary institution responsible for policy-making in the area of migration and asylum is the **Estonian Ministry of the Interior**. These policies are mainly implemented by the **Police and Border Guard Board (PBGB)**, subordinated under the Ministry. The PBGB is involved in processing of all applications of TCNs (including asylum seekers, persons staying in the country illegally, as well as applicants for residence permits and applying for Estonian citizenship) as well as the applications of the citizens of the European Union. Although the decision-making capacity (e.g. granting a residence permit, etc.) lies with the PBGB, the decisions are taken in close cooperation with the **Estonian Ministry of the Interior, the Estonian Internal Security Service, Ministry of Foreign Affairs, Estonian Unemployment Insurance Fund** etc.

The Ministry of Social Affairs is responsible for policy-making regarding services for the beneficiaries of international protection, unaccompanied minors as well as victims of trafficking in human beings. Its subordinate organisation, the **Social Insurance Board** coordinates organisation of those 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. The subordinate

agencies responsible for executing these policies are **Enterprise Estonia** (responsible for talent attraction and retention), which also coordinates the **Work in Estonia programme** and the **International House of Estonia**.

The Ministry of Education and Research gives its input to Ministry of the Interior concerning study migration and researchers' mobility. In August, the **new governmental body the Education and Youth Board (Harno) was established** under the administration of the Ministry of Education and Research.

The Ministry of Foreign Affairs is responsible for visa issues, 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. Its subordinate institution **Integration Foundation** offers for example various language learning possibilities, and coordinates the activity of **Tallinn and Narva Estonian Language Houses**.

In addition, **several NGO-s** and other organisations play a role in supporting the implementation of migration and asylum policies. **Two NGO-s, the Estonian Refugee Council** and **Johannes Mihkelson Centre**, are responsible for providing the support person service to the beneficiaries of international protection. The **Estonian branch of the International Organization for Migration (IOM)** is responsible for providing the assisted voluntary return service for persons with no legal basis to stay. **AS Hoolekandeteenus** is responsible for the **Vao and Vägeva reception centres** of applicants of international protection.

The legal system

- **The Aliens Act** regulates the entry of third country nationals, their stay, residence and employment as well as the bases for legal liability of aliens.
- **Citizen of the European Union Act** regulates the bases for stay and residence of citizens of the European Union and their family members.
- **Act of Granting International Protection to Aliens (AGIPA)** regulates the granting international protection to person, the legal status and basis for stay.
- **Citizenship Act** regulates issues related to citizenship.
- **Obligation to Leave and Prohibition on Entry Act (OLPEA)** provides the basis and procedures regarding obligations to leave, prohibition of entry and the assistance for travel through Estonia.
- **State Borders Act** defines the state border, the border regime and the liability for violation and illegal crossing.
- **Administrative Procedure Act** provides the general principles of administrative procedures.

All of the above-mentioned legislation is passed by the Estonian Parliament and signed into law by the president. There are also numerous regulations of the ministers responsible for the area (e.g. the Welcoming Programme regulation, the Establishment of state register of granting international protection and statutes for maintenance of register, etc.).

The political changes in 2020

In 2020, the Government consisted of the coalition formed by **Centre Party** (Keskerakond), **Pro Patria** (Isamaa) and the **Conservative People's Party of Estonia** (EKRE). On 18 November, Estonia's new Minister of Interior **Mr. Alar Laneman** (EKRE) took office after the previous minister Mr. Mart Helme (EKRE) stepped down earlier in the same month.

Looking already to 2021, the former coalition resigned, and the **Reform Party** (Reformierakond) and the **Centre Party** (Keskerakond) **formed the new Government in January 2021**. On 25th January, Estonia's new Minister of Interior **Mr. Kristian Jaani** took office. With the decision of the new coalition, the position of the Minister of Population was terminated and the population-related themes became the responsibility of Ministry of Social Affairs. The adaption policy (of newly-arrived immigrants) became the responsibility of Ministry of Culture, who already coordinates the integration policy. The development of the new integration strategy "Cohesive Estonia development plan 2030" will be finalised in collaboration between the Ministry of Interior, the Ministry of Culture and the Ministry of Foreign Affairs.

LEGAL MIGRATION

Due to COVID-19 pandemic, **Estonia witnessed a decrease in immigration of TCN-s within all migration categories.**

The total number of first-time issued TRP (temporary residence permit) issued by PBGB reduced by 21%. The number of TRP for studying decreased 60%, for family migration 14%, and for employment 6% (see also Figure 1 below).

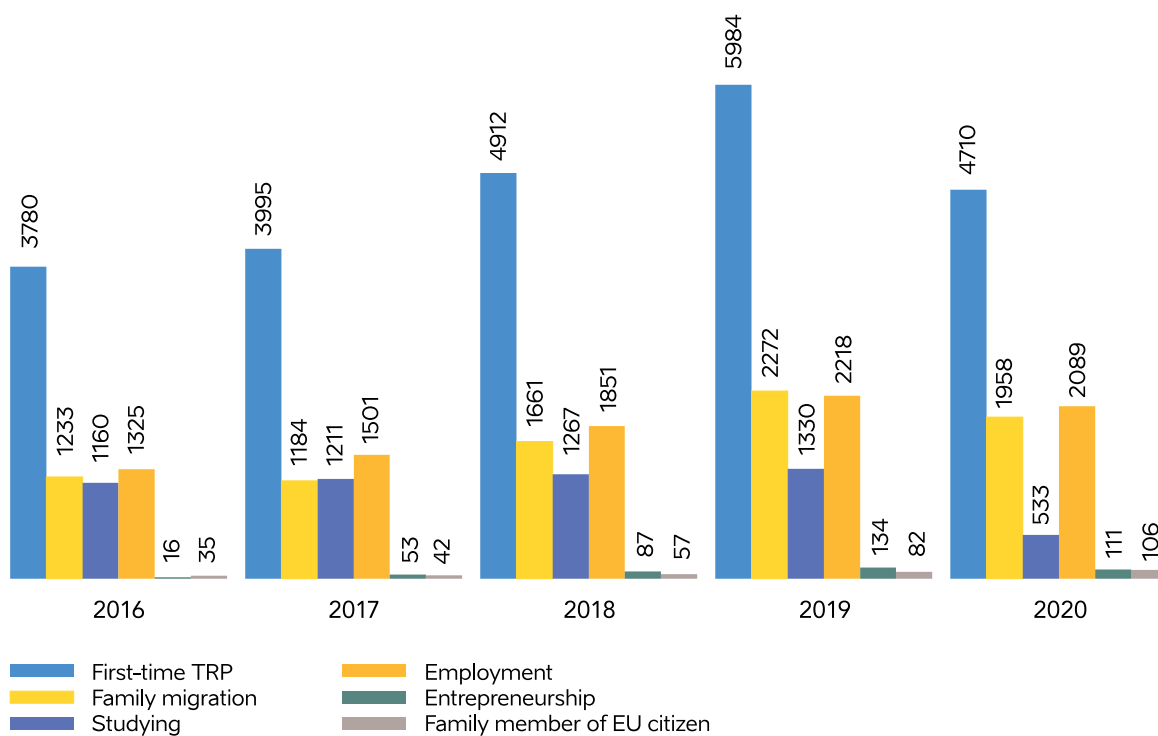


Figure 1. First-time TRP by type of migration, 2016-2020 (Source: PBGB)



The **Top 5 nationalities** to whom first-time TRP was issued, were Ukraine (1791), Russian Federation (1135), Belarus (273), India (222) and Iran (101). The table below shows the Top 5 countries by first-time TRP **by type of migration**.

Table 1. First-time residence permits by type of migration and by TOP5 nationality, 2020 (Source: PBGB)

	1	2	3	4	5
First-time TRP	Ukraine	Russian Federation	Belarus	India	Iran
Family migration	Ukraine	Russian Federation	Belarus	India	USA
Studying	Russian Federation	Ukraine	Azerbaijan	Pakistan	India
Employment	Ukraine	Russian Federation	Belarus	India	Brazil
Entrepreneurship	Russian Federation	Iran	Turkey	India	Ukraine

There was a **31% decrease in registrations of short-term employment** compared to the previous year – 22 110 in 2020 compared to 32 245 in 2019 (see Figure 2). Third country nationals whose short-term employment was registered in 2020 **were most often citizens of Ukraine (71%), Belarus (6%), the Russian Federation (5%), Moldova (4%) and Uzbekistan (4%)**. Top 5 areas of occupation for registration of short-term employment were **construction, processing industry, agriculture and forestry, transport sector and service sector**.

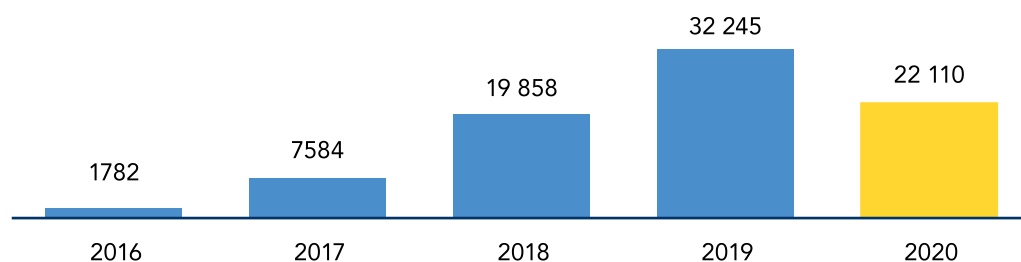


Figure 2. Number of short-term employment registrations 2016-2020 (Source: PBGB)

The number of people who hold long-term resident’s residence permit, decreased by 1,5% (see Figure 3). Long-term resident’s residence permit is issued to TCN who:

- have been legally residing in Estonia for at least 5 years;
- hold valid temporary residence permit;
- have knowledge of the Estonian language at least at B1 level;
- have permanent legal income for subsistence in Estonia;
- are covered with health insurance (Estonian Health Insurance Fund);
- and whose place of residence has been entered into the population register of Estonia.

Persons with undetermined citizenship are also regarded in the statistics (see more in the sub-section “Citizenship and statelessness”).

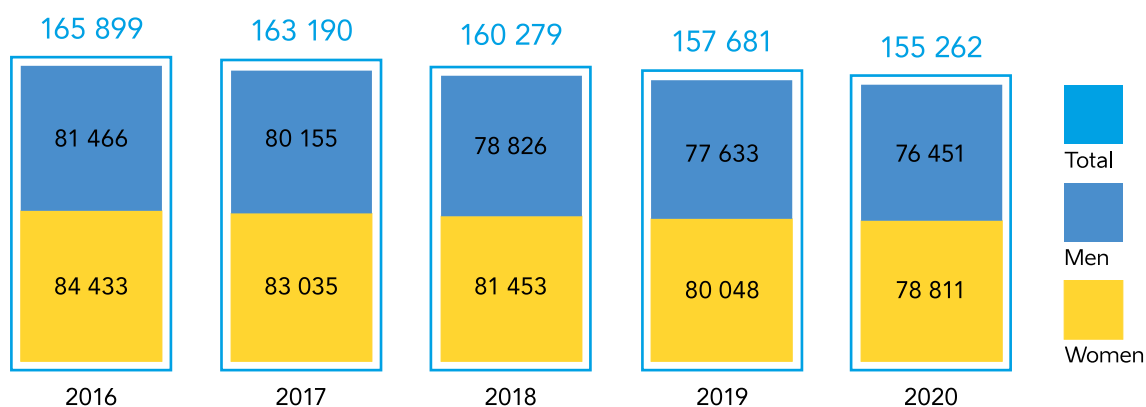


Figure 3. Long-term residence permits, men & women and total, 2016-2020 (Source: PBGB)

Lastly, the number of issued e-resident’s digital IDs also decreased by 22%. The TOP 5 countries where e-residents are from, are Russian Federation, Germany, China, Ukraine and Spain. The total number of e-residents as of 31 December 2020 is 76 070. 13% are female, and 87% male. TOP 5 citizenships are Finnish, Russian, Ukrainian, German and Chinese. The e-Residency digital ID card provides access to e-services, but it is not a valid form of physical identification and cannot be used as a travel document. It also does not grant permission to travel to Estonia or within the EU without a visa, should one be needed.

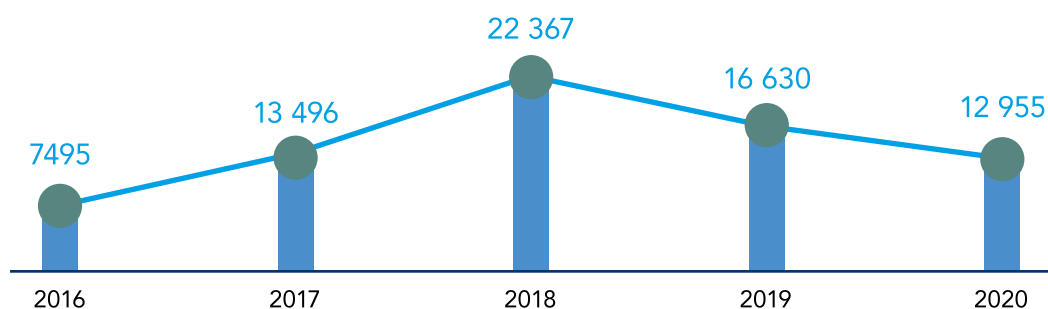


Figure 4. The number of issued e-resident’s digital ID-s, 2016-2020 (Source: PBGB)

1.1 Work-related migration

In 2020, the **Aliens Act** was amended several times.² The amendments were made due to various reasons:

- Amendments were made regarding **assessment of reliability of the sponsor** within the procedural acts of the PBGB.
- Amendments were made deriving from **Directive 2014/66/EU on the conditions of entry and residence of TCN in the framework of an intra-corporate transfer**.³ With the amendments, the remuneration may be paid also by a company located outside EU (i.e. it does not have to be the Estonian branch that pays the remuneration). Secondly, it was specified a TRP for an intra-corporate transferee may be issued without the permission of the Estonian Unemployment Insurance Fund.
- Amendments were made regarding **TRP for enterprise** as the requirements for business activity and requirements for issuing a **TRP to large investor** for enterprise were specified.

Several changes were made due to the COVID-19 lockdown, e.g. the legal basis to stay in Estonia could be prolonged.

Amendments⁴ were made to the Alien's Act, Income Tax Act and Taxation Act in order to **prevent the misuse of employment regulations**, as well as to ensure that **enterprises do not avoid paying taxes** and **pay foreigners the required Estonian average monthly wage**.

1.1.1 Seasonal workers

The number of seasonal workers decreased by 30% in 2020 due to the COVID-19 restrictions.

Several laws were amended due to the COVID-19 pandemic, which had an impact on seasonal workers. As a **response to the changes in the labour market due to COVID-19**, the short-term foreign workers, who became unemployed during the pandemic (but had the right to continue working in Estonia) had the possibility to **receive job mediation service via the Unemployment Insurance Fund** starting from June in case they find a job. According to the Ministry of Social Affairs, this change in practice aimed to bring together the potential workers with employers during labour shortages in agriculture and other sectors related to seasonal work.⁵

In June, **Aliens Act was amended due to the COVID-19 lockdown**.⁶ With the amendment, the **foreigners who were staying legally in Estonia**, worked in the area of crop and plant production, hunting and related service activities and were in Estonia as of 17 March (beginning of the lockdown in Estonia), **could continue working in Estonia without the time limit** (365 days within 455 consecutive days) **and remuneration requi-**

² Aliens Act, www.riigiteataja.ee/akt/110072020072?leiaKehtiv.

³ Aliens Act, Articles 178 (2¹) and 181 (2); www.riigiteataja.ee/akt/110072020004.

⁴ Act to amend the Alien's Act, Income Tax Act and Taxation Act (Reducing the misuse of working rules in Estonia); www.riigiteataja.ee/akt/110072020004.

⁵ <https://www.sm.ee/en/news/provision-job-mediation-helps-reduce-seasonal-labour-shortages>.

⁶ Aliens Act, Article 309¹²; <https://www.riigiteataja.ee/akt/106052020001>.

rement (equal to at least the annual average gross monthly salary last published by Statistics Estonia) otherwise required with such type of visa, until 31 July 2020. With the authorisation by the Minister of Interior or the Director General of the PBGB, the stay could be prolonged **until 31 August 2020**.

The shortage of seasonal workers and the restrictions started a debate on labour crisis in the Spring and later in July and October. In the Spring, the seasonal workers were not able to enter Estonia due to worldwide COVID-19 restrictions. As unemployment grew in several sectors affected by COVID-19 restrictions (e.g. tourism, entertainment), the Government suggested that the workplaces aimed for seasonal workers could be filled with local nationals or foreigners already residing in Estonia. This idea was criticised by, among others, the Chamber of Commerce⁷, Estonian Employers' Confederation, the Chamber of Agriculture and Commerce, and the Estonian Farmers Federation.^{8,9,10,11} **Second round** of debate appeared in July as the visas of the foreign workers who were in Estonia as of 17 March 2020 (i.e. the beginning of emergency situation) and who given possibility to continue working in Estonia without time limit and remuneration requirement (see in more detail in previous paragraph) were set to expire on July 31, but sectors such as construction and agriculture (especially strawberry growers) were looking at an impending shortage of workers for high times in August.^{12,13,14} In July, the coalition amended the Government order¹⁵, thus permitting third country nationals entry to Estonia for working.

1.1.2 Low and medium skilled workers (other than seasonal workers)

The number of **short-term employment registrations** were high, but did not increase to the expected level. In 2018, the PBGB registered 19 858 short-term employment registrations (in 2019 the number was 32 255). While the expected number of registrations in 2020 was 36 000, then due to COVID-19, the **number reached to 26 140 registrations** which is approx. **27% less than expected**. One reason behind the continuous high number of short-term employment registrations is the fulfilment of the immigration quota due to which it was not possible to issue residence permit for employment and the option of short-term employment is used instead.

7 <https://news.err.ee/1158048/commerce-chamber-bill-restricting-foreign-labor-will-harm-economy>.

8 <https://news.err.ee/1085555/farmers-ask-unemployment-fund-not-to-send-them-long-term-unemployed>.

9 <https://news.err.ee/1068954/employers-demand-foreign-labor-be-allowed-into-estonia>.

10 <https://news.err.ee/1068459/agricultural-lobby-groups-appeal-for-foreign-labor-to-be-admitted>.

11 <https://news.err.ee/1085345/government-has-not-requested-foreign-workers-from-ukraine>.

12 <https://news.err.ee/1146707/committee-sends-bill-amending-foreigner-workers-rights-to-riigikogu>.

13 www.employers.ee/seisukohad/poordumine-riigikogu-poole-seoses-valismaalaste-ja-korghariduseadusega.

14 <https://news.err.ee/1158048/commerce-chamber-bill-restricting-foreign-labor-will-harm-economy>.

15 Government order no 169 "Imposition of temporary restrictions on crossing the state border in order to prevent a new outbreak of the coronavirus SARS-CoV-2 causing the COVID-19 disease", available at: www.riigiteataja.ee/en/eli/522022021005/consolide.

In May, the Aliens Act was amended due to the COVID-19 pandemic.¹⁶ **In case of an emergency situation**, and taking account of the needs of the economy and labour market, the Government may establish by a ruling according to which **the period of short-term employment of a foreigner is a maximum of 730 days within 913 consecutive days** (compared to 365 days within 455 consecutive days).

In June, amendments¹⁷ were made to the Aliens Act, Income Tax Act and Taxation Act in order to **prevent the misuse of employment regulations, as well as to ensure that enterprises do not avoid paying taxes and pay foreigners the required Estonian average monthly wage**. Pursuant to the amendment, the lawfulness of the employment of a foreigner is the responsibility of the company in Estonia that gains actual benefit from the foreigner's work, e.g. a company using temporary agency staff. This means that if the principal of a job or any other company responsible for the performance of work does not prove that it has the right to use a more favourable EU scheme, i.e. to pay a TCN working in Estonia on a short-term basis a lower salary than stipulated by law, the foreigner has to discontinue his or her employment. The foreigner has to discontinue the employment until the employer has registered his or her employment on the right basis, which means the payment of the Estonian average salary to the foreigner. Upon violating the requirements for employment in Estonia and paying a salary lower than prescribed or failing to pay a salary, tax obligations to the Estonian state are also not fulfilled.¹⁸ In addition, the enterprise who has hired the foreigner is required to pay the income tax in Estonia.

In December, **the Government approved 1315 as the immigration quota for 2021**.¹⁹ The Minister of Interior established a **division of the immigration quota for 2021**.²⁰ The quota is partly divided depending on the ground of the residence permit: 25 residence permits for employment in a performing arts institution as person engaged in creative activities; 24 residence permits for employment in the professional activities in the capacity of a sportsman, coach, referee or sports official by summons of a respective sports federation; 5 residence permits on the basis of a treaty; 1261 residence permits on general grounds for employment and entrepreneurship.

1.1.3 Entrepreneurs, start-ups, and investors

In June, the Aliens Act was amended regarding **temporary residence permit for enterprise**.²¹

With the first amendment, **requirements for business activity were specified** — the foreigner who has a holding in a company has to have invested minimum 65 000 EUR in the share capital of an Estonian company for which either real estate, machinery or equipment has been acquired and registered as fixed assets in Estonia.

¹⁶ Aliens Act, Article 106¹⁶; www.riigiteataja.ee/akt/106052020001.

¹⁷ Aliens Act, Articles 106 (19), 268 (1¹), 286 (6), 293 (6), 296², 306¹; Income Tax Act, Articles 13 (1), 13 (3¹), 29 (1³), 29 (1⁴), 40 (3²); Taxation Act, Articles 18 (1), 18 (2), 21¹ (1), 22 (1), 24 (1), 24 (2), 27 (1) www.riigiteataja.ee/akt/110072020004.

¹⁸ www.siseministerium.ee/en/news/adopted-amendments-law-prevent-disregard-rules-employment-estonia.

¹⁹ www.siseministerium.ee/en/news/minister-interior-endorsed-distribution-2021-immigration-quota.

²⁰ Distribution of the immigration quota of 2021 according to the grounds for application and the basis for the issue of a residence permit; www.riigiteataja.ee/akt/129122020050.

²¹ Aliens Act, Article 192 (2); www.riigiteataja.ee/akt/110072020072?leiaKehtiv.

With the second amendment²², **requirements for issuing a TRP to large investor for enterprise were specified** — while Article 197³ subsection 1 specifies who is considered a large investor, subsection 11 was added to give a specification to the term “direct investment”. According to the amendment a direct investment is an investment in the share capital for which real estate, machinery or equipment has been acquired and registered as fixed assets or for which investments have been made in other companies entered in the Estonian commercial register which have actual economic activities in Estonia or in an investment fund created or founded on the basis of the Investment Funds Act.

1.1.4 Satisfying labour market needs

In May, Estonian Qualifications Authority (OSKA) published an **updated quantitative labour force demand and supply forecast until 2028**.²³ The forecast provides a policy view on the developments of the labour market, including the need for a replacement of the persons that are leaving and an overview of the persons entering the job market. This forecast provides relevant input for decision-makers (both at the policy level and educational institutions level).

The main findings showed that the number of jobs for specialists doing more complex work will increase and the number of routine jobs will decrease, and the number of young people who graduate from a vocational education and training or a higher educational institution is not sufficient to fill the jobs in the future.

1.2 Students and researchers

The number of international students from third countries decreased approx. 50% in Estonia in 2020 compared to the previous years. The reason can be tied to the COVID-19 pandemic.

In June, the Aliens Act²⁴ was amended — **a student or researcher** who is staying temporarily in Estonia based on a short-term visa may apply for a long-stay visa at the PBGB on the basis of the Directive 2016/801/EU.

In July, **the Government established conditions on accepting international students** who arrive from countries, where the number of new COVID-19 infections per 100 000 inhabitants in the last 14 days was above 16 cases. The higher education institutions were required to organize testing upon arrival and 14 days after arrival, transport and accommodation of the international student. Because of this, **several higher education institutions (HEI) decided to not accept international students who were from third countries for the 2020/2021 school year**.

To maintain the higher education institutions' workflow (as normal as possible) in the context of COVID-19 pandemic, universities and research institutions **took measures to consult their foreign researchers living in Estonia about their possibilities to stay/work in Estonia in the context of COVID-19 pandemic**. Secondly, solutions needed to

22 Aliens Act, Article 197³ (1¹); www.riigiteataja.ee/akt/110072020072?leiaKehtiv.

23 <https://oska.kutsekoda.ee/2020/05/avalikustati-toojuuproгноos-eesi-tooturg-ta-na-ja-homme-2019-2027>.

24 Aliens Act, Article 91¹ (1); www.riigiteataja.ee/akt/117062020002.

be found for **necessary travelling**, both for the current employees and for new arrivals (recruitment was somewhat affected). New ways of working were also used (e.g. working from another country, using telecommunication solutions).

Throughout 2020, **there was a public debate on the proposed amendments to the Aliens Act, Higher Education Act and the Study Allowances and Study Loans Act.**²⁵²⁶²⁷ The amendments' explanatory memorandum²⁸ indicates that the **aim** of the changes is **firstly** to organise the rules for working in Estonia, taking into account the development trends of the economy and the labour market; and **secondly** to organise the granting of a D-visa, application for a residence permit for study purposes and the rules for living in Estonia after the studies. With the proposed amendments, the opportunities for an international student's family members to come to Estonia would be limited. The draft law has received some disapproval from various stakeholders (incl. the Federation of Estonian Student Unions, the Estonian Chamber of Commerce and Industry, the Estonian Employers' Confederation, the Estonian Association of Information Technology and Telecommunications, the Estonian Service Industry Association) saying that these changes may influence to the competitiveness of Estonia's economy and higher education, decreases ensuring equal opportunities, and prevent foreigners from integrating into Estonian society.²⁹³⁰³¹ With the beginning of 2021 and the change of the government, the amendments are still under discussion, and as of April 2021, it is still in stage of draft proposal.

In August, the new governmental body the **Education and Youth Board (Harno)** was established under the administration of the Ministry of Education and Research. The joint organisation gathers the services of Foundation Innove, Foundation Archimedes, Information Technology Foundation for Education and Estonian Youth Work Centre. i.e. organisations whose activity is in the field of education and youth. Among other activities, Harno coordinates international cooperation programs in the field of education and youth, carries out marketing activities of Study in Estonia programme, and coordinates scholarship programs or studying abroad.

1.3 Information on routes to and conditions of legal migration

Starting with the COVID-19 lockdown and travel restrictions related to it, the Ministry of Foreign Affairs started to publish weekly overview on information on countries and travel restrictions for foreigners, as well as exceptions established for specific professions. The weekly overview also includes information on testing requi-

25 <https://news.err.ee/1016265/interior-ministry-plan-would-complicate-foreign-students-studies>

26 <https://news.err.ee/1133195/government-approves-stricter-third-country-national-residence-bill>

27 <https://news.err.ee/1140839/opinion-why-on-earth-are-they-coming-to-study-here>

28 Parliament draft law, Act to amend Alien's Act, Higher Education Act and Study Allowances and Study Loans Act, 241 SE; www.riigikogu.ee/tegevus/eelnoud/eelnou/3ce82c85-3124-428f-85bd-a17106aa9e5e/V%C3%A4lismaalaste%20seaduse,%20k%C3%B5rgharidusseaduse%20ning%20%C3%B5ppetootuste%20ja%20%C3%B5ppelaenu%20seaduse%20muutmise%20seadus.

29 <https://news.err.ee/1023891/opinion-interior-ministry-bill-restricts-foreign-students-rights>

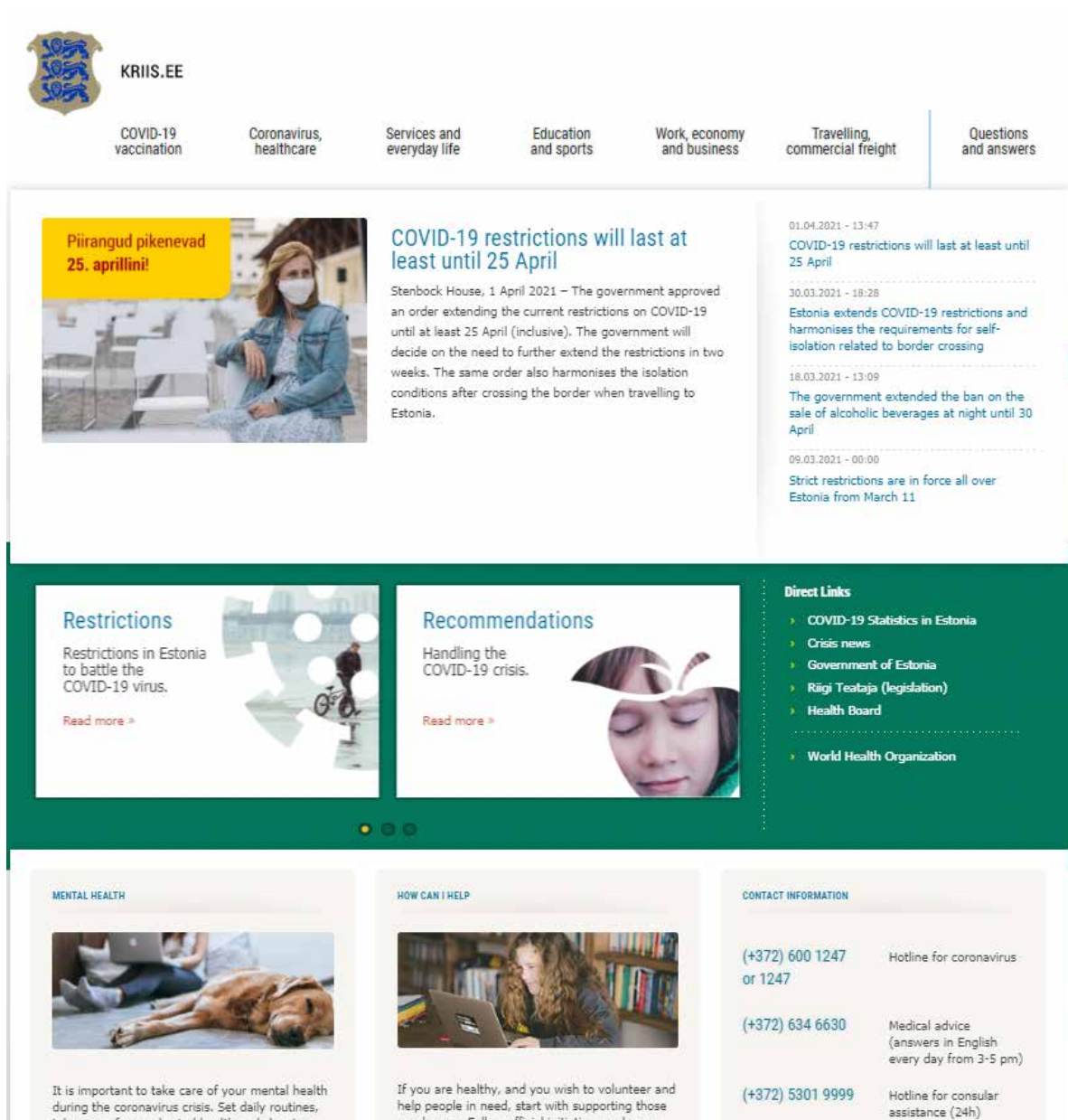
30 <https://news.err.ee/1024213/employers-critical-of-interior-minister-s-restrictions-on-foreign-students>

31 <https://news.err.ee/1157656/university-of-tartu-changing-aliens-act-harms-higher-education>

rements and period of self-isolation after arrival in Estonia (in case entry to Estonia is allowed). The information is based on Government orders related to emergency situation (in Spring 2020) as well as measures and restrictions needed to prevent the spread of COVID-19.³²

In addition, due to the COVID-19 pandemic, **the Estonian Government allocated a website kriis.ee to gather all up-to-date information on the virus and the restrictions**, incl. on travelling and border-crossing, put in place due to the pandemic. The information is available in Estonian, English and Russian. Information regarding the COVID-19 related restrictions can be inquired also from a free info line 1247.

Screenshot 1. Kriis.ee website that gathers up-to-date information on the virus and the restrictions (May 2021)



³² Measures and restrictions necessary for preventing the spread of COVID-19; www.riigiteataja.ee/viitedLeht.html?id=7.

1.4 Social dumping

While there is no definition of the concept of “social dumping” in EU law, the term is generally used to **point to unfair competition due to the application of different wages and social protection rules to different categories of workers.**³³ The EMN Glossary defines social dumping as “**The practice whereby workers are given pay and / or working and living conditions which are sub-standard compared to those specified by law or collective agreements in the relevant labour market, or otherwise prevalent there.**”³⁴

The Social Insurance Board (SIB) continued counselling service and close cooperation with the PBGB and the Labour Inspectorate. In cooperation with other organisations, **awareness raising trips were carried out.** Approximately 90% of foreigners turned to the human trafficking counselling service themselves. **In 2020, the counselling had a total of 608 clients from 15 countries in 2020.** Most of them were citizens of Ukraine, Belarus, Russian Federation, Uzbekistan, Kazakhstan and Moldova. COVID-19 pandemic had no other effect on the work, but that **the face-to-face counselling was restricted** and client work was carried out using other means of communication.

There were several new initiatives regarding prevention. The SIB started a **podcast series “Jutus on iva”**, where the focus has also been on human trafficking, the helpline and help provided to victims of THB. The experts of SIB have also introduced their work in Radio 4³⁵, which is a radio station for Russian-speaking people in Estonia. **The SIB experts also visited several Ukrainian organisations in Estonia** and held a lecture on labour exploitation to Ukrainian citizens. In addition, **information material aimed to foreign workers was published.** The material is available in Estonian, Russian and English and provides info on three categories:

- 1) If you came to work in Estonia
- 2) If you have any problems while working in Estonia
- 3) If you want to come to work in Estonia.

Information material on prevention of THB, information line in SIB and info on help provided for victims was distributed to the **embassies** of Moldova, Belarus, Georgia and Ukraine in Estonia. A lecture was held for Russian-speaking students on “Why does human trafficking impact me?”³⁶.

To increase the presence in social media, **a Facebook page**³⁷ was created in March which distributes information on human trafficking in Estonian, Russian and English.

As a result of collaboration between the European Institute for Crime Prevention and Control (HEUNI), Tartu University and Estonian Social Insurance Board, **two handbooks were published.** These publications are valuable, as they give grounds for prevention work, awareness raising among employers, and tools to identify labour exploitation.

³³ Parliamentary questions, 27 May 2015, E-008441-15.

³⁴ See also: https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_search/social-dumping_en

³⁵ https://r4.err.ee/1123206/podrobnosti/1088470?fbclid=IwAR1sc94OLM2xBgOZyfvHo57IKXP_TaPBU-JTM9F53nx9-Gy431Ed_GVHt2zY

³⁶ www.youtube.com/watch?v=zN9IDhbNYSA&feature=youtu.be&fbclid=IwAR24CzRKZeHCyV1FB271tbXvEWc-qnjLL_YvB4o8g2sE7BGEEnSle4DZ7KT8

³⁷ www.facebook.com/inimkaubandus

- **“Uncovering labour trafficking. Investigation tool for law enforcement and checklist for labour inspectors”³⁸**, authored by Pekka Ylinen, Anniina Jokinen, Anna-Greta Pekkarinen, Natalia Ollus, Katja-Pia Jenu (Heslink 2020). The investigation tool describes labour trafficking and exploitation in general. It also follows the progress of police investigations from start to finish. Moreover, it works as a concrete aid for coordinated and well-planned actions in effective labour trafficking investigations. The tool is available in English, Bulgarian, Estonian, Finnish and Latvian and has been tailored to the local context in close cooperation with national authorities. Labour inspectors can use the checklist specifically designed for them to assess whether the workers they encounter might be victims of labour exploitation or trafficking.
- **“Navigating through your supply chain. Toolkit for prevention of labour exploitation and trafficking”³⁹**, authored by Anni Lietonen, Anniina Jokinen, Natalia Ollus (HEUNI 2020). This risk management toolkit was developed with the purpose to give companies an overview of what labour exploitation and trafficking are, as well as to demonstrate the risks for businesses, and how involvement in such scenarios can be effectively avoided.

The national authorities have taken steps to improve cooperation. In 2020, **four trainings were carried out for the victim support and child protection specialists.** The trainings took place in all districts of Estonia and focused also on services provided to victims of THB. The hotline website gathers information about THB and assistance measures.⁴⁰ Also, **special awareness raising seminars about labour exploitation and interactions with foreign labour** were held in East-Harju police station and in the Paide municipality together with the PBGB.

1.5 Other aspects of legal migration

There were also several other developments in the field of legal migration.

Due to the COVID-19 lockdown, an amendment was made to the Aliens Act, according to which **a foreigner who could not return to his or her country due to the lockdown, can be given a legal basis to stay in Estonia** based on an administrative act given by the Minister of Interior or the Director General of the PBGB.⁴¹

Estonia introduced the Digital Nomad Visa, which allows remote workers to live in Estonia and legally work for their employer or their own company registered abroad. **In 2020, 37 Digital Nomad Visas were issued.** The recipients were mainly citizens of USA, Canada, Australia, South-Africa and Japan. Due to creating a new type of visa, amendments were made to the Aliens Act in June.⁴² Digital nomads and remote workers have long faced ambiguity when working while they travel, often skirting the law by working while visiting a country with a tourist visa. As of August 1, 2020, eligible location-independent workers can apply for the chance to come to Estonia to live for

³⁸ <http://old.heuni.fi/en/index/publications/heunireports/reportseriesno.95auncoveringlabourtrafficking.html>

³⁹ <https://heuni.fi/-/report-93a>

⁴⁰ <https://sotsiaalkindlustusamet.ee/et/ohvriabi-ennetustoo/inimkaubanduse-ennetamise-nouandeliin>.

⁴¹ Aliens Act, Article 309¹²; www.riigiteataja.ee/akt/106052020001.

⁴² Aliens Act, Articles 62⁵, 64¹ (2), 101 (6), 105 (4)(7); www.riigiteataja.ee/akt/117062020002.

up to a year with peace of mind that they can legally work. This is a major development as Digital Nomad Visa allows remote workers to live in Estonia and legally work for their employer or their own company registered abroad.

The International House of Estonia (Work in Estonia) – a common service centre for international talent relocation to Estonia, **moved its services nearly fully online** due to COVID-19 pandemic. In addition, the marketing focus with the aim to promote Estonia as a great work destination shifted to promote rather remote work due to closed borders. That raised a discussion about remote work-related possibilities and obstacles in Estonia.

In June, amendments were made to the Aliens Act regarding **assessment of reliability of the sponsor** within the procedural acts of the PBGB.⁴³ The sponsor can be for example an employer, educational institution or internship provider. When the PBGB provides an assessment of the reliability of the sponsor, it takes into account whether the sponsor has previously committed violations of obligations imposed on the basis of the Aliens Act or other type of violations which give grounds to doubt the sponsor's reliability. Such an assessment is valid up to one year. A consular officer or the PBGB considers this assessment when performing an administrative act related to a future long-stay visa application, application for extension of stay, application for registration of short-term employment, application for residence permit or application for extension of residence permit.

⁴³ Aliens Act, Articles 40², 97, 107², 219; www.riigiteataja.ee/akt/110072020072?leiaKehtiv.

2

INTERNATIONAL PROTECTION

Since 1997, 1248 foreigners have applied for international protection in Estonia. Protection (i.e. refugee status and subsidiary protection status) has been granted to **554 foreigners**, including 213 persons who received protection and came to Estonia as a part of the EU migration agenda. Out of these 213 persons refugee status has been granted to 86 applicants and the subsidiary protection status to 127 persons. In 96 cases family member residence permits have been granted for family members of individuals who had been granted international protection.

In 2020, Estonia received **46 first-time applications for asylum, marking a 54% drop in the number of applications compared to 2019**. The number of beneficiaries of international protection **decreased by 48%**. In 2020, protection was most often granted to **citizens of Russian Federation**.

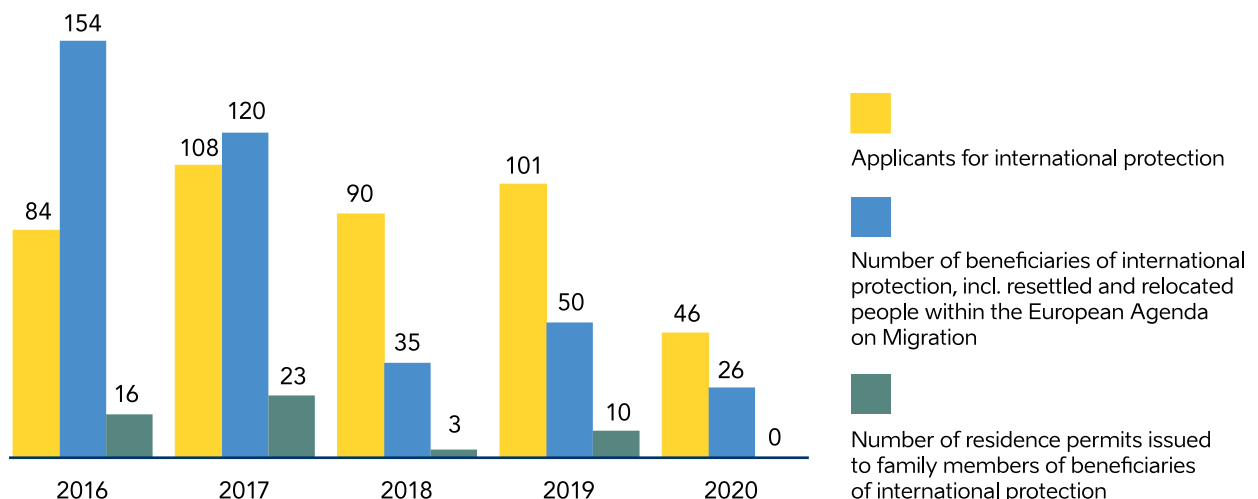


Figure 5. Number of applicants and beneficiaries of international protection and number of their family members 2016-2020 (Source: PBGB)

In 2019 Estonia decided not to continue with resettlement and relocation activities. Therefore there were no persons resettled or relocated to Estonia within the framework of European Agenda on Migration in 2020.

2.1 Implementation of the Common European Asylum System and related policy developments

In June, Estonia transposed the **Article 18 of the EU Return Directive into national legislation**.⁴⁴ As a result, amendments were made to the Obligation to Leave and Prohibition on Entry Act (OLPEA) and Act on Granting International Protection to Aliens (AGIPA). With the amendments, it is specified where, in which conditions and timeframe asylum seekers can be accommodated or detained and in which timeframes procedural acts can be carried out in emergency situations, i.e. when a large number of TCN-s enter the country (see more in the following sub-chapters).

In June, amendments were made to the AGIPA regarding revising the **safe country of origin lists**.⁴⁵ With the amendment, the PBGB reviews and, where necessary, updates the list of safe countries of origin at least once a year. Such information is obtained in particular from other EU MSs, the European Asylum Support Office, the Office of the United Nations High Commissioner for Refugees, the Council of Europe and other relevant international human rights organisations. In addition, the Ministry of the Interior notifies the European Commission of the designation of countries as safe third countries and safe countries of origin at least once a year.

2.2 Reception of applicants of international protection

There were several changes to the **reception of applicants of international protection during lockdown in March–May due to COVID-19 pandemic**. Estonia adopted suspension of various on-site services during the asylum procedure, including interviews. After 5 weeks, interviewing returned via online tools.

Due to the reduced number of applicants of international protection, **one of the two accommodation centres was temporarily closed in the end of the year**. Depending on the need, the centre can be opened again.

In August, the PBGB started using an **additional assessment tool for assessing vulnerabilities and informing the reception centre**. The tool contains a checklist for basic aspects necessary to identify whether the person is in a vulnerable situation. It is an important development as this tool will potentially have high impact on applicants as the specialists involved in the asylum processes and reception are better informed and equipped with relevant data for continuously determining the vulnerability of the person.

Several changes carried out in 2020 were related to **detention**. In June, Estonia transposed the **Article 18 of the EU Return Directive** into national legislation.⁴⁶ As a result, amendments were made to the OLPEA and AGIPA. With the amendments, it is specified **where, in which conditions and timeframe asylum seekers can be accommodated in emergency situations**, i.e. when a large number of TCN-s enter the country. For example, the applicant may be detained up to 48 hours without the permission of an administrative court, the applicant may be detained outside the detention centre but will

44 Act to amend the Obligation to Leave and Prohibition on Entry Act and the Act on Granting International Protection to Aliens (combating mass immigration); www.riigiteataja.ee/akt/117062020001.

45 Act to amend the Obligation to Leave and Prohibition on Entry Act and the Act on Granting International Protection to Aliens (combating mass immigration); www.riigiteataja.ee/akt/117062020001.

46 AGIPA, Article 36; OLPEA, Article 15⁴⁶; www.riigiteataja.ee/akt/117062020001.

not be placed in a prison. In addition, the family members will be placed together at the earliest possibility and family privacy is guaranteed as much as possible.

In May, the AGIPA was amended regarding the **review of application for detention**.⁴⁷ The detention of an applicant for international protection is decided by an administrative court. In case the court has received an exceptionally high number of applications for detention and the court is unable to review the applications for detention, the court may make the ruling on the detention without the descriptive and reasoning part. If an applicant for international protection wishes to contest the detention which the court formalised by a ruling without a descriptive and reasoning part, the court shall submit the descriptive and reasoning part to the applicant for international protection at the first opportunity.

The **conditions in the detention centre improved with the funding from AMIF**. There are now better possibilities for computer use and gym instruments, e.g. exercise machines.

The PBGB continues **cooperation with UNHCR** to improve the detention condition to meet the recommendations of the Higher Commissioner.

2.3 Asylum procedures

Several developments in 2020 were related to **asylum procedures**.

During lockdown **in March–May due to COVID-19 pandemic Estonia suspended Dublin transfers**. Estonia responded to requests but there were no transfers as the flight traffic was suspended between MS-s. The extension of deadlines was agreed bilaterally between respective countries.

During lockdown **legal counselling** was provided via alternative channels, i.e. via online tools.

The **information on rights and duties** for the applicant of international protection was **translated** to additional 2 languages: French and Turkish. Now this info is available in 20 different languages.

Provision of interpretation is provided with the funding of AMIF. The funding was prolonged for another two years (until the end of 2022). In addition, the availability of a Russian-speaking interpreter was improved, as now there is a person focusing fully on Russian-speaking applicants in PBGB. This will shorten the time of the proceedings and the Russian-speaking applicants get the interpretation faster.

There was also an internal agreement made regarding timeframes. While there is a set timeframe of maximum 6 months for proceedings in the field of international protection, there is an **internal agreement to shorten the time to 2 months**.

The AGIPA was amended⁴⁸ regarding an emergency situation or a large number of applications for international protection — in such situation, **the application can be registered within 10 working days** (compared to 3).

⁴⁷ AGIPA, Article 36⁵; OLPEA, Article 15⁴; www.riigiteataja.ee/akt/117062020003.

⁴⁸ AGIPA, Article 14 (4¹); www.riigiteataja.ee/akt/106052020001.

A development took place also related to appeals/judicial reviews. The PBGB and judges on different court instances (i.e. administrative courts, circuit courts, and the Supreme Court) have organised **roundtables to discuss the procedures, court cases and legislation interpretation within the field of international protection**. The roundtables will be organised also in the future.

In 2020, work continued on the developments to launch of a new proceedings infosystem – **the State Register of Granting International Protection**. The information system on a new platform is expected to be launched in September 2021.

2.4 Other developments

There were also several other developments regarding the field of international protection.

Firstly, in June, amendments were made to the AGIPA.⁴⁹ With the amendments, **co-operation with international organisations, institutions of the EU and other MS-s was specified – the Estonian Social Insurance Board was added to the list of authorities** (i.e. the Ministry of the Interior, the Ministry of Social Affairs, and the PBGB) who, when resolving problems related to beneficiaries of international protection, shall co-operate with the Office of the UNHCR and provide them with information and statistical data regarding:

- a) the condition of beneficiaries of international protection;
- b) the application of legislation;
- c) the legislation which is, or may hereafter be, in force relating to beneficiaries of international protection.

In addition, the Ministry of the Interior shall **notify the European Commission** of the designation of countries as safe third countries and safe countries of origin at least once a year.

It is also specified, that the **PBGB may request assistance from the European Asylum Support Office (EASO)** and, on the basis of an international agreement or an act of the EU, the PBGB may be involved in the processing of an application for international protection in the territory of another state.

Secondly, in June, amendments were made to the AGIPA.⁵⁰ In case of the national emergency and when the **location of a foreigner is not known to the PBGB, the administrative authority may publish the number of an application for international protection and the title of the decision** and not apply other methods of service of either an administrative act or notification of procedural documents. Upon publication on the website, the administrative act or the notification of procedural documents is deemed to have been served on the foreigner and entered into force.

Thirdly, with additional amendments made to the AGIPA⁵¹, **if the application for international protection is rejected, the asylum seeker will receive the rejection decision**

49 AGIPA, Article 76; www.riigiteataja.ee/akt/117062020001.

50 AGIPA, Article 31; www.riigiteataja.ee/akt/117062020001.

51 AGIPA, Article 25; www.riigiteataja.ee/akt/117062020001.

together with the return decision and prohibition on entry (for a period of 3 years). The validity of the prohibition on entry may be limited to the territory of Estonia if the applicant has a legal basis for residence or temporary stay in another MS of the Schengen Convention. The execution of a return decision is automatically suspended and the applicant has the right to stay in Estonia until a decision becomes final either by the expiration of the deadline for appeal or by the decision of the Administrative Court. Upon contestation of the decision, the applicant has the rights and obligations specified in the AGIPA

Lastly, with amendments made to the AGIPA⁵² in June, **a new surveillance measure – appearing for counselling** – was adopted into legislation.⁵³ The measure is applied by PBGB to both applicants for international protection and irregular migrants.

⁵² AGIPA, Article 29 (1); www.riigiteataja.ee/akt/117062020001.

⁵³ AGIPA, www.riigiteataja.ee/en/eli/530062020004/consolide.

3

MINORS AND OTHER VULNERABLE GROUPS

In 2020, there were several developments which impact minors and other vulnerable groups.

In August, the PBGB started using an **additional assessment tool for assessing vulnerabilities** and informing the reception centre. The tool contains a checklist for basic aspects necessary to identify whether the person is in a vulnerable situation. This tool will potentially have high impact on applicants as the specialists involved in the asylum processes and reception are better informed and equipped with relevant data for continuously determining the vulnerability of the person. This tool impacts also minors and other vulnerable groups.

In April, a **new information and data sharing system**⁵⁴ was introduced, with which the information on children and adults in need of assistance is exchanged faster. The system operates via the X-Road data exchange service. Information about a person in need of assistance or at risk, is automatically transferred from the Police Procedural Information System (MIS) into the Social Services and Benefits Data Register (STAR). Through the new system, the police can immediately send information about a person who is in need of assistance or is at risk, to the local governments. Information about victims of domestic violence will be forwarded to the victim support workers of the Social Insurance Board (SIB). The system was established in co-operation with the Ministry of the Interior, the PBGB and the Social Insurance Board.

In addition, the PBGB is creating a **new information database ABIS** which will be partly launched in 2021 (full launch is planned in second half of 2022). The new database will hold all biometric data, which in Estonia is gathered from at least 6-year-old children. It is a major development as the new information database will hold all biometric data, which will help to identify persons faster.

⁵⁴ <https://www.sotsiaalkindlustusamet.ee/et/uudised/asutuste-vahel-muutub-infovahetus-abivajavate-laste-ja-taiskasvanute-kohta-kiiremaks>

3.1 Identification, registration and reception of unaccompanied minors

With the beginning of 2020 the reception system of unaccompanied minors (UAM) changed. With the new regulation, the Social Insurance Board (SIB) has a **case-based approach** for each case of UAM in Estonia. The minor is placed in a safe home or accommodation centre for applicants of international protection. During the temporary placement, the SIB works toward finding a long-term solution. The SIB is also working towards implementing family-based substitute care service (foster home, care home) instead of institutional substitute care service in the case of UAM.

This is a significant change in the procedure of reception of unaccompanied minors compared to the procedure which was in place until the end of 2019. The new reception system also serves as an alternative to detention for minors.

There were no UAM in Estonia in 2017–2019, and **in 2020 Estonia witnessed one UAM who was voluntarily returned to home country.** Therefore, the practice regarding reception system of UAM has been scarce.

3.2 Voluntary and forced return

In July, an amendment to the OLPEA came into force **regarding the issuance of return decision to a minor.** As the issuance of the return decision requires an individual assessment, therefore, every person who has no legal basis to stay in Estonia, will be issued an independent administrative act by the PBGB. Compliance with a return decision issued to a minor or an adult foreigner with limited active legal capacity will be organised by a parent, guardian or other responsible adult person who is staying together with him or her in Estonia.⁵⁵

3.3 Statelessness

The number of persons with undetermined citizenship has been decreasing year by year. However, there are minors with this status in Estonia. Changes in legislations are made to **simplify the application for Estonian citizenship and this will reduce the number of minors with undetermined citizenship in Estonia.**

Following an amendment to the Citizenship Act in January⁵⁶, a minor who was born in Estonia and has permanent residence in Estonia, and whose parent or grandparent with undetermined citizenship lived in Estonia before 20 August 1991 and whose other parent is a national of another country, **can apply for Estonia citizenship in a simplified manner.** To acquire Estonian citizenship, the statutory representative has to submit a request. The decision of the Government concerning the grant of Estonian citizenship to a minor who is a citizen of another country takes effect as of the day that follows the day on which a certificate showing that the minor has been released from the citizenship of the other country is presented to an authorized agency of the Government.

⁵⁵ OLPEA, Article 12 p 1; www.riigiteataja.ee/en/eli/502072020001/consolide.

⁵⁶ Citizenship Act, Article 13 (4¹) and Article 13 (4²); www.riigiteataja.ee/akt/103122020004.

4

INTEGRATION

The developments in the field of integration centred around drafting new development plan until year 2030, shifting the role from the state towards local governments and transferring adaption and integration activities to online format due to COVID-19 pandemic.

4.1 National integration strategy

In November 2020, the **Estonian Government approved the proposal for the preparation of the “Cohesive Estonia development plan 2030”**.⁵⁷ This document replaces the previous development plan “Integrating Estonia 2020” and sets the vision, aims and indicators for, among others, the adaption and integration policy for the next 10 years. As a development, **adaption and integration policy are brought together in one strategic document**, thus providing a holistic approach in the area of coherent society, successful adaption and integration policy. The new development plan is expected to be introduced to the Parliament in Spring 2021.

Another significant development is related to a change in approach regarding who is responsible for the adaption of newly-arrived immigrants. **The Ministry of Interior initiated collaboration with the Tallinn City Centre** (local municipality) with the funding from European Social Fund. The aim is to develop a local level approach towards newcomers’ adaption, and change the implementation of adaption policy, meaning mainly that bringing the service providing to the local level and raise the role of municipalities in the process of adaption.

In December 2020, the Ministry of Cultural Affairs published **guidelines for local governments on how the adaption and integration services are organised in Estonia**.⁵⁸ The publication will be followed by meetings in 2021 between the ministry and the local governments to introduce the guidelines and discuss cooperation opportunities.

⁵⁷ With the new coalition agreement, the Document will be finalised in cooperation of Ministry of the Interior, Ministry of Cultural Affairs and the Ministry of Foreign Affairs.

⁵⁸ www.kul.ee/sites/kulminn/files/ulevaade_loimumis-ja_kohenemisteenustest_eestis_kohalikele_omavalitsustele.pdf

Integration Foundation has developed an **integration and adaption services tool Linda**.⁵⁹ The e-tool is aimed at officials who work in the field of integration. The information gathered in the e-tool is related language learning, citizenship acquisition, finding work, finding place in kindergarten or school for a child, knowledge on Estonian culture, etc. The tool can be used in daily client work. It has four parts:

- 1) **Services and opportunities** — the counselor can look for available integration-related services if there raises a need to refer the client to another specific service.
- 2) **Services' roadmap** — the client can print it out or have it sent to his/her email so that the service providers can be contacted upon need.
- 3) **Competences' test** — allows the counselor to test his/her competence with the aim to find out training needs among the following topics: general skills of counselling, cultural competence, knowledge about available integration services.
- 4) **Learning materials** — collection of handbooks, guidelines, training materials etc.

4.2 Education of adults: language training

The Estonian Language Houses in Tallinn and Narva were established in 2019 with the aim of offering language-learners a supportive Estonian-language environment in which to practise the language, boost their confidence in speaking and introduce Estonian culture. It is possible to get counselling on language training or take part in language and culture courses. **In 2020, 6200 persons were counselled in the Language House and 5870 people participated in language courses (932 participated in the Language House course).** The courses are held on A1-C1 levels. **3907 people** took part in activities which support language learning, e.g. movie night, board-game evenings or talk nights. In addition, in September, a new form of language learning — **a rap opera "Karma"**— premiered. The actors and dancers of the opera were the participants of the language learning courses of Narva Estonian Language House. The rap-opera was awarded the "Language Act of 2020" prize in a national competition organised by the Ministry of Education and Research.

In 2020, there were several language training initiatives which were created during the COVID-19 pandemic from a **need to carry out language learning online.**

Firstly, in the Spring of 2020, the Integration Foundation launched a **Language Friends Program**.⁶⁰ The first phase lasted from 20 March to 19 May united 885 people around the world for the purpose of learning and practising Estonian. As part of the project, **410 volunteer mentors helped 475 Estonian language learners** to practise the spoken language, talking to them a few times a week via e-channels in Estonian on various vital topics. Some mentors helped several language learners to practise the language. The teachers of the Estonian Language Houses of the Integration Foundation and the Estonian language methodologists involved in the project instructed the mentors by offering them short trainings and recommending study materials. The mentors actively exchanged information and their experiences in assisting language learners.

⁵⁹ The e-tool will be available online: <http://loimumisnoustaja.dev.imago.ee>.

⁶⁰ www.integratsioon.ee/keelesobra-programm

Secondly, several national stakeholders (incl. Integration Foundation, Ministry of Culture, Ministry of Interior, Ministry of Education and Science, Unemployment Fund, Ministry of Social Affairs, etc.) collaborated in an innovation programme aimed at public sector organisations with an idea “**Need-based Estonian language learning and counselling for foreigners**”. The **aim of the project** is to improve the accessibility of language learning, improve the understanding of available options of the for both long-term residents as well as newly-arrived immigrants, and improve the cooperation of organisations who carry out language classes.

Within the project, a **digital gate conception** was prepared. It aims to:

- 1) Consolidate the free Estonian language (as a second language) learning services offered by the state (if possible, including the language learning services offered by private companies) and existing e-solutions for Estonian language learning, including registration for courses.
- 2) Provide the student with an environment where s/he can move easily between different language learning opportunities, find suitable opportunities and monitor the learning progress, including assessing his/her language skills and finding comfortable language learning information.
- 3) Collect feedback on the performance and quality of language learning, including student feedback on the language learning offered.

In addition, a new form of language learning was created — **Language roulette** — which is a virtual format for short conversations. It was created under COVID-19 quarantine conditions to practice the language in the virtual environment.

4.3 Pre-departure/arrival programmes

Due to COVID-19, the **modules and language learning classes of the Settle in Estonia programme were carried out online**. Change in the methodology of language learning, especially on beginners’ level, and an important input into the training of language teachers.

In 2020, the **number of participants of the Settle in Estonia programme was slightly lower compared to 2019** (1950 vs 2073). The participants were most often from Russia, Ukraine, Nigeria, India and Belarus.

4.4 Labour market and skills

According to the **International House of Estonia**⁶¹, organising seminars (webinars) online due to COVID-19 helped to **increase the number of participants significantly**. Many public service providers who work with foreigners in the field of labour market (incl. Work in Estonia, e-residency, Invest in Estonia, Startup Estonia etc) reported rapidly increasing number of people who took part in online events organised in 2020. It is a strategic development to use hybrid solution to reach and engage more people, and will be implemented also in the future.

⁶¹ See more: <https://workinestonia.com/internationalhouse>.

4.5 Basic services: Access to healthcare

Partly related to COVID-19 pandemic, partly due to previously identified need, there were several developments regarding **access to healthcare**.

Firstly, as access to the family doctor service has been a major challenge for several years, **the Ministry of Interior has started strategic cooperation with the Estonian Health Board (Terviseamet) with a purpose to raise capacity of English and Russian healthcare-related counselling service**. This development means actual service reorganising to make general healthcare service more accessible for foreigners. The activities are funded by European Social Fund with an aim to raise the access to the family doctor service (incl. developing IT systems, reorganizing the system etc). The duration of the project is until the end of 2022.

Secondly, with the start of the COVID-19 lockdown in March, **a coronavirus related information state helpline 1247 was opened due to a rapid increase in need of timely information on lockdown and COVID-19. Information was provided also in English and Russian**. During lockdown, the infoline received on average around 2000 calls per day. The information helpline remained open also after the lockdown, and continues to provide trustworthy governmental information concerning state measures on coronavirus and other COVID-19 related questions.

4.6 Active participation

The Ministry of Interior has initiated collaboration with the Tallinn City Centre (local municipality) with the funding from European Social Fund. Within this collaboration, the **New Arrivals Council** was implemented. The members of the Council are foreigners living in the area. Driver for this development was the need for more target group based information as input for developing the services.

4.7 Fighting racism and discrimination

With the funding from European Social Fund, two NGO-s (International House of Tartu and Estonishing Evenings) are supported with a **purpose to raise a capacity of English and Russian socialising events**. In two years period (2020-2021) these two NGO-s will organise different events to bring together the locals and newcomers with a socialising purpose.

5

CITIZENSHIP AND STATELESSNESS

In 2016–2020, a total of 4957 people received Estonian citizenship through naturalisation. Of those, 52% were women and 48% men. Most often, these people were previously persons with undetermined citizenship, citizens of the Russian Federation and citizens of Ukraine.

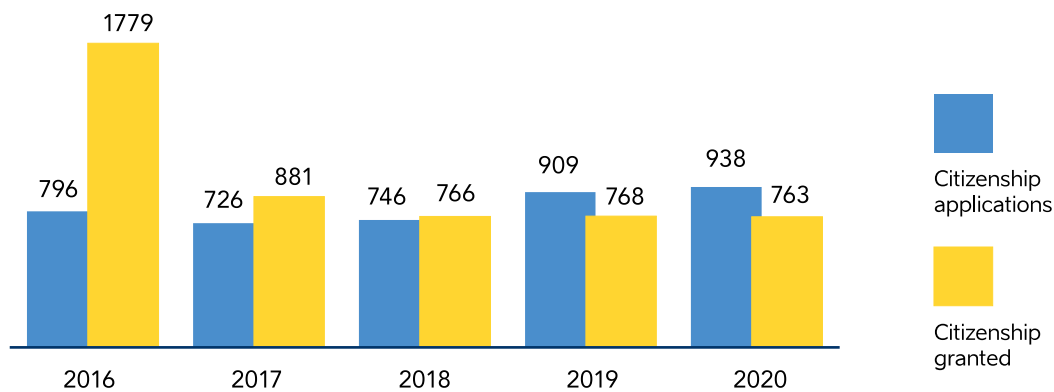


Figure 6. Citizenship applications and number of naturalised persons (Source: Ministry of Interior)

In 2020, the Citizenship Act was amended several times. The amendments impact both minors and adults and are related to applying for Estonian citizenship as well as being deprived of it.

Following an amendment to the Citizenship Act in January⁶², a minor who was born in Estonia and has permanent residence in Estonia, and whose parent or grandparent with undetermined citizenship lived in Estonia before 20 August 1991 and whose other

⁶² Citizenship Act, Article 13 (41) and Article 13 (42); www.riigiteataja.ee/akt/103122020004; www.riigikogu.ee/istungi-ulevaated/riigikogu-lihtsustas-kodakondsuse-taotlemist-alaalistele/

parent is a national of another country, **can apply for Estonia citizenship in a simplified manner**. To acquire Estonian citizenship, the statutory representative has to submit a request. The decision of the Government concerning the grant of Estonian citizenship to a minor who is a citizen of another country takes effect as of the day that follows the day on which a certificate showing that the minor has been released from the citizenship of the other country is presented to an authorized agency of the Government.

In December 2020, amendments to the Citizenship Act came to force.⁶³ **According to the changes, a person may be deprived of Estonian citizenship** by an order of the Government **if the person has been convicted for the following crimes in the Penal Code**⁶⁴: treason; intelligence activities against the Republic of Estonia and support thereof; acts of terrorism; membership of a terrorist organisation; preparation of and incitement to acts of terrorism; financing and support of acts of terrorism and activities directed at it; travel for terrorist purposes. The amendment applies only for people who have acquired Estonian citizenship by naturalization.

The number of persons with undetermined citizenship has been decreasing year by year. After the restoration of Estonian independence in 1991, 32% (494 000) of the population of Estonia had undetermined citizenship. By 2020, this number had dropped to 69 009 persons (5,2% of the population). The main factors for the decrease have been the **acquisition of Estonian citizenship, acquisition of some other citizenship** or, since the group includes many elderly people, **death of the person**.

⁶³ Citizenship Act, Article 28; www.riigiteataja.ee/en/eli/509122020001/consolide.

⁶⁴ Penal Code, www.riigiteataja.ee/en/eli/515072020011/consolide.

6

BORDERS, VISA AND SCHENGEN

According to the statistics provided by the Ministry of Foreign Affairs and the PBGB, Estonia issued **in 2020 total of 43 641 visas**. Of these, 17 373 were long-term (D) visas and 25 868 short-term (C) visas (see Figure 7 and Figure 8). TOP 5 countries for **long-term (D) visas** were **Ukraine, Russian Federation, Belarus, Moldova and Uzbekistan**. TOP5 countries for short-term (C) visas were **Russian Federation, Belarus, Kazakhstan, India and the Philippines**.

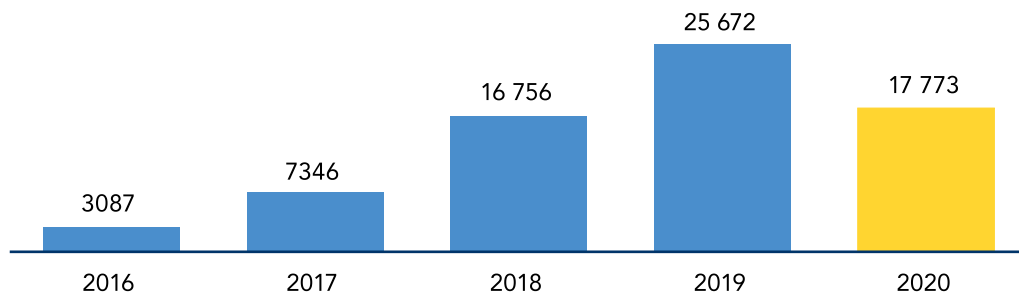


Figure 7. Long-term (D) visas issued in 2016-2020 (Source PBGB and Ministry of Foreign Affairs)

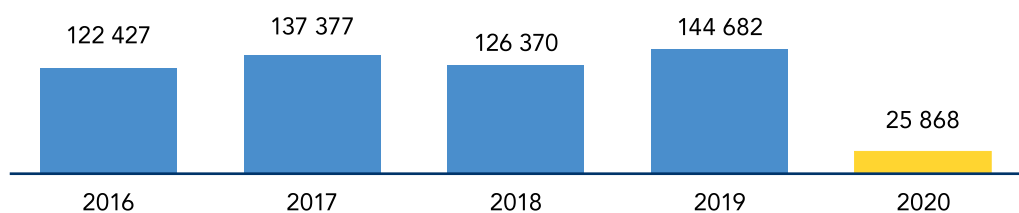


Figure 8. Short-term (C) visas issued in 2016-2020 (Source PBGB and Ministry of Foreign Affairs)

During 2020, the number of long-term (D) visas decreased by 32% and the number of short-term (C) visas decreased by 82%. The decrease in visa statistics is caused by COVID-19-related worldwide travel restrictions, and travel restrictions established by Estonian Government in March. As a result, the reception of visa applications at Estonian representations and visa centres of the external service provider was essentially suspended. Schengen visas and long-stay visas to Estonia were issued in exceptional cases to the TCN-s who were allowed to enter Estonia according to the order of the Government. In the second half of 2020, the reception of visa applications resumed in the Estonian representations, and in the visa centres which were located in countries where the COVID-19 situation was not critical anymore.

6.1 Border management at the external border

Due to the COVID-19 pandemic, **as of 17th March 2020, the Government decided to temporarily restrict the crossing of the Schengen internal and external border and reintroduce border controls.** An emergency situation was declared in Estonia on March 12th to contain the spread of coronavirus, and it lasted until 18th May 2020.

The PBGB established a separate border guard component within the PBGB. The border guard unit is responsible for border surveillance, protection and controls, preventing illegal immigration and transit, sea and inland water rescue, air rescue searches over land, detection and elimination of marine pollution, and further development of the sector. The decision was based on the coalition agreement signed between the Conservative People's Party of Estonia, the Center Party and Isamaa Party in 2019.

In August, several **amendments to the State Borders Act⁶⁵ came into force:**

- 1) The definition of the border strip was specified, thus widening the width of the border strip.** According to the amendment, on the external border, border strip is a territory in the direction of inland from the state border or from the bank of a border river or stream or from a border road, where it is only allowed to engage in activities related to the maintenance and monitoring of border markers and of the border strip and border control or repair and maintenance of communications that run across the state border. The width of the border strip is determined by a regulation of the Government, having regard to the layout of the border strip and the need to set up its elements, the size of the territory necessary for infrastructure safety and natural conditions. Formerly the border strip was fixed to the 10m wide area, which didn't allow to take into account the structure of the border-area.⁶⁶
- 2) Establishment of the frontier zone in national legislation.** According to amendment, the frontier zone is established on the external border on land for the purposes of border control and protection of the state border and ensuring of the border regime. This area is up to five kilometres in width, in the direction of inland, adjacent to the state border, shoreline or coastline of a transboundary water body, bank of a border stream, or a border road. The border strip is part of the frontier zone. The width of the frontier zone is determined by a regulation of the Government of the Republic, having regard to the size of the area necessary for border control purposes and to natural conditions.⁶⁷

⁶⁵ State Borders Act, www.riigiteataja.ee/en/eli/512082020006/consolide.

⁶⁶ State Borders Act, Article 6 p 1, 3; www.riigiteataja.ee/en/eli/512082020006/consolide.

⁶⁷ State Borders Act, Article 6¹ p 1,2,3; www.riigiteataja.ee/en/eli/512082020006/consolide.

- 3) **Border related violations** (i.e. violations of border regime, illegal crossing of state border or temporary control line of Estonia, illegal stay on the border strip) **made by legal persons are now punishable with a fine up to 32 000 euros**. Additionally, the fine for failure to communicate or incorrect communication or communication of false passenger data and; failure to transfer or incorrect transfer or transfer of false passenger name record data was increased from up to 6400 euros to up to 32,000 euros.

6.1.1 Improving the effectiveness of controls at external borders

There were **several developments in 2020 which improve the effectiveness of controls at external borders**:

- **Automatic border control (ABC)** system was put into practice in Tallinn airport and Narva border checkpoints.
- **The methodology of the border control at sea borders and automating data collection was changed.** As of 2020, cargo ships entering Estonia/leaving to a third country can be subject to border control on the basis of a risk assessment. In this regard, the methodological guidelines for border controls were also updated. As of 1st February, preliminary inspection of all ship-lists is carried out and performed in one place (Tallinn cordon).
- **Purchasing of border control and surveillance equipment** - new and more efficient document scanners for border control were obtained. With the help of the US aid program, the PBGB received 65 laser rangefinders to improve effectiveness of the border guards. To strengthen external border surveillance measures, the PBGB purchased 32 new sets of Smartdec cameras.
- **Upgrading of monitoring and surveillance equipment** – the cordons and border crossing points started to upgrade their servers and network equipment on the supervision- and access control systems. The PBGB started to obtain a drone detection equipment and upgrading the maritime surveillance cameras.
- The PBGB border guard started to use **night surveillance equipment**.

Secondly, the construction of the first stage of Estonian south-eastern border infrastructure started in the end of July in Võru County. The 23.5-kilometer border stretch runs from the tri-border (Estonia/Latvia/the Russian Federation) meeting point to the Estonian-Russian border checkpoint at Luhamaa. The work includes the construction of patrol roads and access points, as well as fences and surveillance equipment installation.⁶⁸

There were also several developments which derived from the COVID-19 pandemic:

- **As of 17th March 2020, the government decided to restrict temporarily the crossing of the Schengen internal and external border and reintroduce border controls.** An emergency situation was declared in Estonia on 12th March to contain the spread of coronavirus, until 18th May 2020.

⁶⁸ ERR news; <https://news.err.ee/1117380/southeastern-border-infrastructure-construction-work-starts>.

- The PBGB **strengthened the sanitary inspections** at border crossing points to detect the symptoms of the coronavirus in people. People had to start filling in forms upon entering the country in order to identify the origin of their stay.
- According to the **Order of the person in charge of emergency situation for imposing a restriction on movement after crossing the state border**⁶⁹, entered into force on 17.03.2020, self-isolation of persons arriving in Estonia from abroad was regulated. From the day of arrival to Estonia, person was prohibited to leave home or place of stay for 14 days. Within the two weeks after arrival in Estonia the person can leave home or place of stay only at the request of medical worker or police or in case of an emergency that is threatening the person's life or health. The restriction of movement had some exceptions. It does not apply for diplomats and foreigners arriving in Estonia as part of international military cooperation. Transport providers for goods and raw materials, persons involved in international transportation of goods and people and other people listed in the order are also exempt.
- **The Valga-Valka border crossing was subject to exceptions** - to allow people who live in the twin city to freely travel between work and home. Implementing the exception allows residents of the Valga-Valka area, who work across the state border, to resume their regular activities. Only persons without symptoms of illness may cross the border in the twin city. The exception also allows for the area to function as normally as possible in the emergency situation, which also means keeping economic damages as low as possible.⁷⁰
- **The PBGB strengthened its cooperation with the Health Board** to be able to manage the border control in the COVID-19 situation – cross-use of information systems allowed to fasten the border controls at the airport, harbour and external borders.
- Due to the travel restrictions caused by the COVID-19 the number of **external border crossings decreased 77%** compared to 2019.

6.1.2 ENTRY/EXIT system

First and second level border control modules of the **Entry/Exit System** are under development by the PBGB.

6.1.3 The European Travel Information and Authorisation System (ETIAS)

In 2020, the **analysis of development needs for the implementing of the ETIAS at national level** was carried out by the PBGB and the time-framework for project plan was established. In 2021, there are plans to start with more detailed developments, and to carry out a legal analysis. The establishment of a three-member ETIAS national unit is in process within the PBGB.

⁶⁹ Order of the person in charge of emergency situation for imposing a restriction on movement after crossing the state border, www.riigiteataja.ee/en/eli/ee/509052020003/consolide.

⁷⁰ Kriis.ee homepage: www.kriis.ee/en/news?source=23&page=14.

6.1.4 The European Interoperability Framework (EIF)

Strategic document to establish **national contact point for the European Interoperability was approved**. Internal action plan and time-framework has been established.

6.1.5 The European integrated border management (IBM)

- **The methodology of the border control at sea borders and automating the data collection was changed.** As of 2020, a cargo ship entering Estonia/leaving to a third country can be subject to border control on the basis of a risk assessment. In this regard, the methodological guidelines for border controls were also updated. As of 1st February, preliminary inspection of all ship-lists will be carried out and performed in one place (Tallinn cordon).
- **New and more efficient document scanners for border control were obtained.** With the help of the US aid program, the PBGB received 65 laser rangefinders to improve effectiveness of the border guards. To strengthen external border surveillance measures **32 new sets of Smartdec cameras** were set up.
- **The cordons and border crossing points started to upgrade their servers and network equipment on the supervision- and access control systems.** The PBGB started to obtain a **drone detection equipment** and with upgrading the **maritime surveillance cameras**.
- The PBGB border guard started to use the **night surveillance equipment**.
- As of end of July, the construction of an Eastern border border-area and infrastructure started.

6.1.6 Reinforced cooperation with third countries in the area of border management

Within the **EURLO project**, Estonia has sent a return **liaison officer to Gambia**, mission will end in January 2021.

6.2 Visa policy

In July 2020, amendments were made in the Aliens Act, according to which visa for teleworking or so-called **digital nomad visa**, was introduced. Such visa may be issued to a person whose purpose of temporary stay in Estonia is to perform work duties in Estonia as a location-independent employee. In 2020 the issuance of digital nomad visas was limited, due to COVID-19 travel restrictions, and in total **37 visas were issued** (mainly to the US citizens).

6.2.1 Visa reciprocity mechanism

Since October 22, 2020, Estonia has been temporarily representing **Poland** in Schengen visa proceeding matters in **Minsk, Belarus**.

The visa representation agreement with **Denmark** is being amended (will enter into force on 2021), Denmark agrees to represent Estonia in the Philippines.

On May 16, 2020 the Agreement between the Government of the Republic of Estonia and the Government of **Tajikistan** entered into force on Visa Exemption for Holders of Diplomatic Passports.

The draft Agreement between the Government of the Republic of Estonia and the Government of **Egypt** on Visa Exemption for Holders of Diplomatic Passports has been approved by the Government of Estonia on March 5, 2020. Due to COVID-19 related situation the signing of the Agreement has been postponed.

On November 19, 2020 the **service contracts with External service provider to receive Schengen visa applications in 11 countries** (Australia, Canada, United States of America, UK, Ireland, Japan, Israel, Ukraine, Georgia and Egypt) entered into force. Previously the service contracts have been concluded in Russian Federation, Belarus, Turkey, India and China.

6.2.2 Other visa related developments

On 7 May 2020, **amendment to Aliens Act came into force stipulating a new legal ground for cancellation or revocation of a long-stay visa**, if the person's main reason for the stay in Estonia is employment and his or her employment contract (or other contract or activity, where obtaining gain or any other proprietary benefit can be presumed) expires or has expired.

On 1st July, several visa-related amendments were made to **Aliens Act**:

- **Digital nomad visa** - amendment according to which a visa for teleworking, or so-called digital nomad visa, may be issued. Such visa may be issued to a person whose purpose of temporary stay in Estonia is to perform work duties in Estonia as a location-independent employee. A visa for teleworking may be issued if the person meets the definition of a location-independent employee in the opinion of the administrative authority. A short-stay or long-stay visa may be issued to a person for the performance of telework. If person will be issued a visa for teleworking, also his family members may be issued a visa under the same conditions as to the specified person.⁷¹
- **Assessment of a reliability** - amendments were made to the Aliens Act regarding assessment of reliability of the sponsor within the procedural acts of the PBGB. The sponsor can be for example an employer, educational institution or internship provider. When the PBGB provides an assessment of the reliability of the sponsor, it takes into account whether the sponsor has previously committed violations of obligations imposed on the basis of the Aliens Act or other type of violations which

⁷¹ Aliens Act, Article 62⁵ p 1,3,5; www.riigiteataja.ee/en/eli/ee/521072020002/consolide.

give grounds to doubt the sponsor's reliability. Such an assessment is valid up to one year. An assessment will be issued for a period of validity of up to one year.⁷²

- **Aliens Act regulated that it is permitted to stay in Estonia on the basis of a residence permit or a long-stay visa issued by a competent agency of a member state of the Schengen Convention** for up to a total of 90 calendar days within the period of 180 days. Formerly the right in Aliens Act was limited to residence permit, although the right existed before.⁷³
- **Two additional grounds for refusing to issue a long-stay visa were enacted.** The issuance of a long-stay visa shall be refused if there exist reasonable grounds to doubt the reliability of the employer, educational institution, internship provider or other person to whom a foreigner comes.⁷⁴ Additionally the issuance of a long-stay visa shall be refused if at least one of the conditions which is required for the issue of a visa is not fulfilled.⁷⁵

In relation to prevent a mass infection of COVID-19, a Government order No 169 was issued, entering into force on 18th May 2020 on **Imposition of temporary restrictions on crossing the state border and establishment of quarantine upon crossing the state border in order to prevent a new outbreak of the coronavirus SARS-CoV-2 causing the COVID-19 disease**⁷⁶, among which the list of general restrictions and exceptions to these restrictions on entry and transit to Estonia were made. As an addition to listed exceptions, the PBGB may allow the state border to be crossed for entering Estonia with a visa by a foreigner, who is asymptomatic and whose entry in the country is justified under a special request,⁷⁷ thus upon the person request, the PBGB will assess such need individually.

As of 1 January 2021, **citizens of the United Kingdom can travel visa-free in the Schengen countries for up to 90 days within 180 consecutive days.** The period of visa-free travel is calculated from the day of entry to the territory of the EU. With regard to UK citizens who have entered an EU Member State before 1 January 2021, the period of visa-free stay shall be calculated from 1 January 2021.

On 2 February 2020 **amendments to Visa Code** entered into force, according to which new visa-application form and printout were introduced.

During the year, the PBGB worked out the **first development phase of visa-register**, which is planned to be ready by the end of 2021. An old version of the register didn't follow the logic of entering the data into the visa application form. In the new register some automatic solutions were added, which could simplify the adjustment of information provided by an applicant. Second and third phase of visa-register developments are planned to be ready by 2023 and 2026 accordingly.

⁷² Aliens Act, Article 40² p 2, 4; www.riigiteataja.ee/en/eli/ee/521072020002/consolide.

⁷³ Aliens Act, Article 44 p 3; www.riigiteataja.ee/en/eli/ee/521072020002/consolide.

⁷⁴ Aliens Act, Article 65 p 2 (8); www.riigiteataja.ee/en/eli/ee/521072020002/consolide.

⁷⁵ Aliens Act, Article 65 p 2 (9); www.riigiteataja.ee/en/eli/ee/521072020002/consolide.

⁷⁶ Imposition of temporary restrictions on crossing the state border and establishment of quarantine upon crossing the state border in order to prevent a new outbreak of the coronavirus SARS-CoV-2 causing the COVID-19 disease; www.riigiteataja.ee/en/eli/ee/517052020016/consolide.

⁷⁷ Imposition of temporary restrictions on crossing the state border in order to prevent a new outbreak of the coronavirus SARS-CoV-2 causing the COVID-19 disease Governmental order No 169 § 13 p 2.

6.3 Schengen governance

COVID-19 pandemic impacted border crossing on 17th March – 30th June and Estonia reintroduced border control. In the other months, the orders of the Government on border control in relation to the changing COVID-19 situation were followed on an ongoing basis.

On 17th March the Government's regulation on Temporary Restoration of Border Checks and Border Control at the Internal Border⁷⁸, entered into force with the purpose to contain the spread of the COVID-19. Regulation was adopted **in compliance with the Schengen Borders Code**.⁷⁹ According to the regulation, only citizens of Estonia, holders of Estonian residency permit or right of residence (among them persons with undetermined citizenship), and foreign citizens whose family member were living in Estonia were able enter Estonia. Foreigners were allowed to transit Estonia on the way to their home country if they did not show symptoms of COVID-19. There were no restrictions for exiting the country.

After the **reintroduction of a border control by the PBGB, the border on the nearly 350-kilometer Estonian-Latvian land border section could only be crossed at the temporary border crossing points in Ikla, Lilli, Murat and Valga**. The reintroduction of border controls was also extended to **ports, airports and Valga railway station**, where the main internal border traffic takes place.

On 17th March the Governmental order on **Involvement of the Defence League in Protecting Public Order During Emergency Situation** came into force.⁸⁰ Up to 150 leaguers were invited to support the PBGB mainly on the southern border of Estonia in the temporary closure of the border areas and to assist police officers at border crossings.

Regulation on Temporary Restoration of Border Checks and Border Control at the Internal Border was repealed on 30th June 2020.

One of the developments took place in regard to the Schengen evaluation missions. In order to meet the **requirement of Article 16(1) of Directive 2008/115/EC**, an amendment was made to OLPEA Section 23(4) whereby the **PBGB may accommodate the person to be expelled in the police detention house or in other detention place if detention of the person to be expelled in the detention centre is not possible in case of unpredictable peaks in the number of detainees or it is needed for security or health protection considerations**. This amendment entered into force on 27th June 2020.

Other Schengen evaluation recommendations were more technical in nature. The Commission accepted Estonian explanations and considered recommendations fulfilled.

⁷⁸ Temporary Restoration of Border Checks and Border Control at the Internal Border; www.riigiteataja.ee/en/eli/517032020003/consolide.

⁷⁹ EU Regulation No 399/2016 of the European Parliament and of the Council on Schengen Borders Code Article 28 entitles a Member State to temporarily reintroduce border control at internal borders for a limited period of up to 10 days, the deadline may be extended in 20-day intervals, thus, regulation was in accordance with Union law.

⁸⁰ Pursuant to the Law Enforcement Act, the Defence Forces and the Defence League may be involved in the activities of the PBGB which needs the use of coercion, only with the consent of the President of the Republic and a decision of the Government of the Republic.

7

IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING

7.1 Preventing and tackling of misuse of legal migration channels

In July 2020, amendments were made to the **Aliens Act, the Income Tax Act and the Taxation Act, the aim of which was to prevent disregard of the rules of employment in Estonia.** Pursuant to the amendment, the **lawfulness of the employment of a foreigner is the responsibility of the company in Estonia that gains actual benefit from the foreigner's work**, e.g. a company using temporary agency staff. This means that if the principal of a job or any other company responsible for the performance of work does not prove that it has the right to use a more favourable European Union scheme, i.e. to pay a TCN working in Estonia on a short-term basis a lower salary than stipulated by law, the foreigner has to discontinue his or her employment. The foreigner has to discontinue the employment until the employer has registered his or her employment on the right basis, which means the payment of the Estonian average salary to the foreigner. Upon violating the requirements for employment in Estonia and paying a salary lower than prescribed or failing to pay a salary, tax obligations to the Estonian state are also not fulfilled.⁸¹

Several developments were **related to Brexit**, specifying the regulations which are in force as of 1 January 2021. Firstly, it was stipulated that the **citizens of the United Kingdom can travel for visa-free in the Schengen countries for up to 90 days within 180 consecutive days.** The period of visa-free travel is calculated from the day of entry to

⁸¹ <https://www.siseministeerium.ee/en/news/adopted-amendments-law-prevent-disregard-rules-employment-estonia>

the territory of the EU. With regard to UK citizens who have entered an EU Member State before 1 January 2021, the period of visa-free stay shall be calculated from 1 January 2021. Secondly an amendment to the Citizen of the European Union Act entered into force, **according to which citizens of the United Kingdom should apply the document (residence permit card) which constitutes evidence of their temporary right of residence.** A residence permit card should be applied within one month after the day of registration of person place of residence in Estonia.⁸²

In June, Aliens Act was amended due to the **COVID-19 lockdown.** With the amendment, the **foreigners who were legally staying in Estonia,** worked in the area of plant production, animal husbandry, hunting or areas servicing them and were in Estonia as of 17 March (beginning of the lockdown in Estonia), **could continue working in Estonia without the time limit (365 days within 455 consecutive days) and remuneration requirement** (equal to at least the annual average gross monthly salary last published by Statistics Estonia) otherwise required with such type of visa, **until 31 July 2020.** With the authorisation by the Minister of Interior or the Director General of the PBGB, the stay could be prolonged until **31 August 2020.**

7.1.1 Developments to monitor the effects of visa free regimes

In relation to COVID-19 situation, on the 16th March, the head of the PBGB issued a regulation no 1.1-4.1/11 **granting a legal basis for temporary stay in Estonia to TCN-s in certain conditions.** According to the regulation, persons staying in the country legally at the time of the announcement of the emergency situation (as of 17.03.2020) and whose return was suspended or not possible, were allowed to stay in Estonia during the special regime up to 10 days after the end of the emergency situation. The right to stay was automatic, there was no need to apply for it.

In relation to COVID-19 situation, the **PBGB strengthened its cooperation with the Health Board to be able to manage the border control in the COVID-19 situation.** This involved cross-use of information systems allowed to fasten the border controls at the airport, harbour and external borders. During the emergency situation, one of the tasks of the PBGB was to process the violations of restrictions to prevent the spread of virus, but since the end of the emergency situation, the Health Board has been responsible for both supervision and imposing sanctions, using the help of the police in carrying out some of these tasks (persons initial health checks incl. digital measurement of the temperature at the border areas, remained the task of the PBGB). If the PBGB notices the violation of restrictions (incl. violations of the self-isolation requirement), the information will be forwarded to the Health Board, who will decide on a course of action and a potential penalty payment. Violators of self-isolation requirements may face a penalty payment of up to 9,600 euros or misdemeanour proceedings.⁸³

⁸² Citizen of the European Union Act, Article 14¹; www.riigiteataja.ee/en/eli/517122020002/consolide.

⁸³ The PBGB homepage: www.politsei.ee/en/instructions/emergency-situation/supervision-of-observance-of-restrictions.

7.1.2 Misuse of legal migration channels by Third country national workers

Within the framework of **cooperation between the PBGB, the Tax and Customs Board and the Labour Inspectorate**, the activities continued to prevent and tackle illegal employment in Estonia, also to ensure, that foreign labour force, who are employed in Estonia, will pay their taxes in Estonia.

In the Autumn, the constitutional committee of the Parliament discussed amendments to several Acts (incl. Aliens Act), which would also have an impact on TCN workers in Estonia. **The aim of the draft law was to ensure the purposeful use of residence permits and organise the regulation of working in Estonia**, incl. amending the regulation on issuing long-term visas, restrict issuing visas for family members of foreigners working in Estonia short-term, and allow TCN-s work only full-time and not part-time. The draft law received some constructive comments, pointing out firstly that the relevant stakeholders were not consulted in the process of drafting the law, and secondly because several stakeholders (e.g. the Estonian Chamber of Commerce and Industry, the Estonian Employers' Confederation) foresaw a possibility that the amendments may have a negative impact on the Estonian economy, as the foreign workers would not want to work in Estonia anymore. As of April 2021, it is still in stage of draft proposal.

7.1.3 False travel documents

In 2020, a total of 68 false documents were detected by the PBGB, of which 11 were travel documents and 8 visas or residence permits. As a comparison in 2019, a total of 159 forged documents were detected (35 were travel documents and 13 visas or residence permits). In 2018, there were a total of 260 false documents detected. This shows, that **the use of falsified documents in migration and border crossings has decreased year by year.** However, the low number of detected false documents is likely related to COVID-19 pandemic and reduced number of people on the move across international borders.

The motive to conceal a person identity was also used – identity theft was committed mainly through the falsification of travel documents or the presentation of another person's identity card. One's identity was concealed for various reasons – the persons were either wanted by the police or refused entry to the country. The number of such cases has not decreased in the last years. In 2018, 15 documents, in 2019, 5 documents and in 2020, 6 documents were discovered.

7.2 Fight against facilitation of irregular migration ('smuggling') and prevention of irregular stay

Amendments were made to Aliens Act aiming **to combat irregular work and to ensure the working conditions provided by national legislation.** As **provision of assessment of reliability**, the PBGB may provide an assessment of the unreliability of an employer, educational institution, internship provider or other person if a foreigner comes to a person or if the obligations of a sponsor will be applicable. The PBGB may refuse to review application for registration of a short-term employment; application for residence permit

is deemed to be clearly unfounded and an application for a TRP may be rejected if the PBGB has made an assessment of the unreliability of the sponsor of a foreigner.

The PBGB strengthened its capacity to prevent and combat of the irregular migration and unauthorised entry. The developments included:

- **Purchasing border control and surveillance equipment** by which new and more efficient document scanners for border control were obtained. With the help of the US aid program, the PBGB received **65 laser rangefinders** to improve effectiveness of the border guards.
- **Purchasing 32 new sets of Smartdec cameras** to strengthen external border surveillance measures.
- **Upgrading of monitoring and surveillance equipment.** The cordons and border crossing points started to upgrade their servers and network equipment on the supervision- and access control systems. The PBGB also started to obtain a drone detection equipment and upgrading the maritime surveillance cameras.
- **Using the border guard night surveillance equipment.**

The PBGB established a separate border guard component within the PBGB. The newly formed border guard unit is **responsible for border surveillance, protection and controls, preventing illegal immigration and transit, sea and inland water rescue, air rescue searches over land, detection and elimination of marine pollution, and further development of the sector.**

7.2.1 Prevention of irregular stay

Amendments were made to Aliens Act aiming to **combat irregular work and to ensure the working conditions provided by national legislation. There were two sets of amendments: first made on 1st of July and second made on 20th July.**

The amendments which entered into force **on 1st July** were mainly related to provision of assessment of reliability (the PBGB may provide an assessment of the unreliability of an employer, educational institution, internship provider or other person if a foreigner comes to a person or if the obligations of a sponsor will be applicable):

- The PBGB **may refuse** to review application for registration of short-term employment in Estonia if the PBGB has previously made **an assessment of the unreliability of the sponsor** of the foreigner.⁸⁴
- **The issuance of an TRP for employment may be refused**, if the liquidation of the employer or user undertaking has been initiated, the court has accepted the bankruptcy petition filed against the employer or user undertaking and decided to appoint an interim trustee, the employer or user undertaking has been declared bankrupt, the bankruptcy proceedings filed against the employer or user undertaking end with abatement without being declared bankrupt or the employer or user undertaking has no actual economic activity.⁸⁵

⁸⁴ Aliens Act, Article 107 ²; www.riigiteataja.ee/en/eli/ee/521072020002/consolide.

⁸⁵ Aliens Act, Article 180 p 2 (4¹); www.riigiteataja.ee/en/eli/ee/521072020002/consolide.

7 IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING

- **An application for a TRP is deemed to be clearly unfounded** and its contents won't be reviewed if:
 - an alien has been refused the issue of a residence permit on the basis of the Aliens Act and the alien has not produced any new essential evidence of the facts of which an alien was unaware during the proceedings regarding the previous application;
 - an alien has submitted an application for a TRP in order to avoid the enforcement of return, expulsion or extradition procedure and it has been possible for him or her to submit an application for a TRP earlier;
 - an alien has not provided credible evidence regarding the reason for application for a TRP;
 - the explanations of an alien or a person obliged to give explanations are inconsistent, conflicting, improbable or lacking in circumstantial or personal details;
 - a basis for the refusal to review an application provided for in the Administrative Procedure Act has become evident or in the case of an alien, the existence of a TRP in Estonia is not required.⁸⁶

The amendments which entered into force on **20th July** were mainly concerning an undertaking employment registered in Estonia:

- An undertaking registered employer in Estonia has the rights and obligations, if it directly enables employment in Estonia to an alien:
 - whose employment in Estonia is related to the assumption of the company, which is registered in another MS of the Schengen Convention, in Estonia related to the provision of services;
 - who holds a visa or residence permit issued by the competent authority of the specified MS;
 - who has the right of employment in the specified MS.⁸⁷
- A user undertaking is required to verify that an alien employed by the undertaking has a legal basis for the stay and employment in Estonia and to ensure that the alien is employed in Estonia on the legal basis issued for that purpose and in accordance with a contract or other agreement entered into between the employer and the user undertaking.⁸⁸
- Penalty payment for failure to perform obligation related to legal basis for employment in Estonia - If an employer, user undertaking or host entity fails to perform the obligation specified in previous point, the PBGB may impede some administrative coercive measures (Upon compulsory enforcement the maximum penalty payment is 32,000 euros).⁸⁹
- Failure to perform obligations of user undertaking and host entity if committed by a legal person is punishable by a fine of up to 32,000 euros.⁹⁰

⁸⁶ Aliens Act, Article 219 p 1 (1-6); www.riigiteataja.ee/en/eli/ee/521072020002/consolide.

⁸⁷ Aliens Act, Article 106 p 19 (1-3); www.riigiteataja.ee/en/eli/ee/521072020002/consolide.

⁸⁸ Aliens Act, Article 286 p 1; www.riigiteataja.ee/en/eli/ee/521072020002/consolide.

⁸⁹ Aliens Act, Article 296²; www.riigiteataja.ee/en/eli/ee/521072020002/consolide.

⁹⁰ Aliens Act, Article 306¹; www.riigiteataja.ee/en/eli/ee/521072020002/consolide.

7.2.2 Cooperation with third countries to prevent irregular migration

Estonia has launched bilateral agreements with nine countries:

- With **Kazakhstan** the agreement is finalised and is expected to be signed in 2021.
- With **Azerbaijan** the implementation protocol is expected to be signed in 2021.
- Negotiations will be continued in 2021 with **Turkmenistan** and **Kyrgyzstan**.
- Estonia has launched a negotiations phase with **Vietnam, Albania, Turkey, Uzbekistan**.

8

TRAFFICKING IN HUMAN BEINGS

In 2020, there were **5 TCN-s who were identified as victims of trafficking in human beings**. Four of them were female and one was male. Four of them were adults and one victim was a minor. Four cases were cases of **sexual exploitation** and one was in a form of **forced criminality**. In 2020, there were additional **29 presumed victims of THB**. 59% were women involved in **sexual exploitation**, and 41% were male involved in **labour exploitation**. All of the presumed victims were adults. The victims and presumed victims were most often citizens of the Russian Federation, Ukraine, Belarus and Georgia. In 2020, **10 persons were arrested** (i.e. prosecuted and sent to court). 8 traffickers and one legal person were convicted.

As an important development, in 2020, the preparations started for **compilation of a new strategy for preventing violence**. The strategy is planned to be introduced in 2021.

8.1 Improving identification of and provision of information to third-country national victims of human trafficking

Cases of labour market exploitation of foreigners may cause human trafficking. There are still many calls made by foreigners (83%) to the human trafficking helpline - **in 2020 there were 608 calls made** (in 2019 the number of calls was 679). In addition, applications are submitted directly to the Labour Inspectorate to receive of unpaid salary and compensation. For the second year in a row, the SIB has provided services for several presumed foreign victims, whose number was slightly lower this year (2020: 29; 2019: 54) due to COVID-19 pandemic. The services were provided using alternative communication channels (e.g. Viber, e-mail). In 2020, a separate e-mail address for the provision of assistance was also created (inimkaubandus@sotsiaalkindlustusamet.ee).

In 2020, there were new developments in relation to the provision of information and assistance to TCN victims of THB (including child victims and applicants for asylum).

Nationally, the Social Insurance Board, the PBGB and the Labour Inspectorate continued close cooperation. Internationally, the cooperation with other MS-s is continued. In recent years Estonia has focused on cooperation initiatives with neighbouring countries as Nordic countries and Baltic Sea States. This has helped to standardise some practices, namely to develop universal prevention, referral and also protection mechanisms and investigation in the field of THB. For example, the transnational referral mechanism of the Baltic Sea Region⁹¹ or several labour exploitation guidelines, seminars, which are implemented and carried out together with partners from neighbouring countries within the FLOW project.⁹²

In addition to the FLOW project, Estonia takes part in the **Central Baltic Sea States (CBSS) project CAPE**. The project addresses THB in the form of labour exploitation in all CBSS MS-s. The main objective of the project is to support stakeholders in combating and disrupting human trafficking for labour exploitation by analysing and consolidating information, improving assistance to victims and stepping up prosecution of traffickers.

8.2 Identification of victims of trafficking in human beings

The national authorities have taken steps to improve cooperation. In 2020, **four trainings were carried out for the victim support and child protection specialists.** The trainings took place in all districts of Estonia and focused on victim's support services, as well as services aimed at victims of THB. The hotline website gathers information about THB and assistance measures.⁹³

Also, **special awareness raising seminars about labour exploitation and interactions with foreign labour** were held in East-Harju police station and in the Paide municipality together with the PBGB.

In addition to the international projects pointed out in previous sub-section, there is another project implemented in Estonia which aims to strengthen cooperation between MS-s and improve the identification of victims of THB. Namely, the NGO Eluliin is implementing **an international project "Andreia", which aims to develop tools to assist integration of trafficked TCN-s into the host society to find sustainable solutions and prevent re-trafficking.** Specialists from Spain, Italy, Germany and Greece are also involved in the project. In 2020, the NGO Eluliin released a video introducing their project.⁹⁴

91 <https://bsr-trm.com>

92 FLOW project website; www.heuni.fi/en/index/researchareas/humantrafficking/flow_thb.html

93 <https://sotsiaalkindlustusamet.ee/et/ohvriabi-enetustoo/inimkaubanduse-enetamise-nouandeliin>.

94 <https://www.youtube.com/watch?v=WgvIjAu54v4&feature=youtu.be>

9

RETURN AND READMISSION

In 2020, the PBGB continued its practice with regard to return decisions. **In 2020, the PBGB issued 1097 return decisions**, which is 24 less than in 2019. 93% of these were voluntary return decisions (in 2019, the voluntary return decisions constituted 79% of all return decisions). All decisions are made on a case-by-case basis and forced return is applied mainly when there is risk of absconding. **In 2019, the number of assisted voluntary returns remained same compared to previous year.** While in 2020 128 persons returned taking part of an assisted voluntary programme, in 2019 the number was 132.

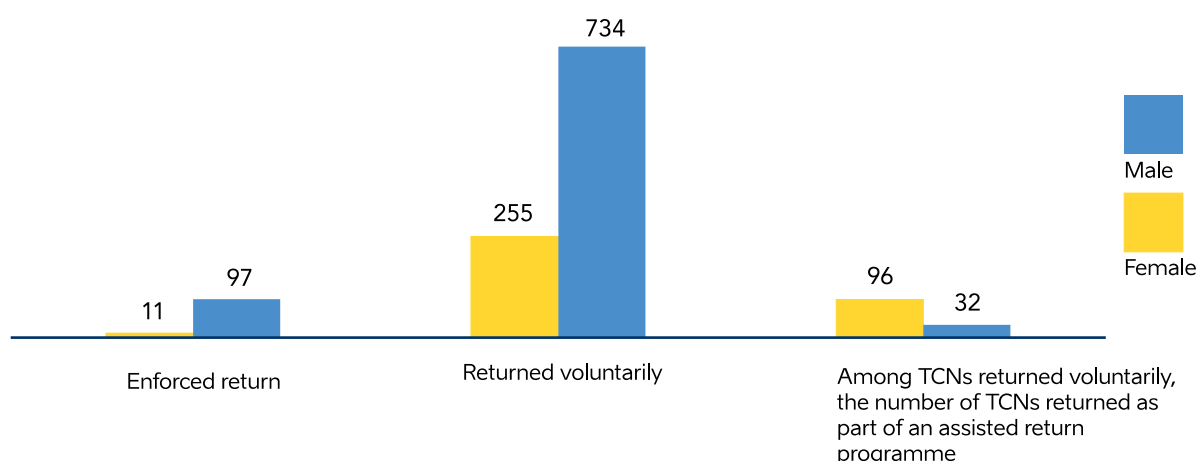


Figure 9. Number of TCNs in return procedures, 2020 (Source: PBGB)

9.1 Main national developments in the field of return, including return decision, (assisted) voluntary return, (alternatives for) detention, etc.

In June 2020, **detention related changes were made to the AGIPA, and simultaneously to the OLPEA concerning the accommodation and detention of applicants for international protection in case of an emergency as the mass immigration.** Main changes were that the PBGB should apply from an administrative court for permission to detain an applicant for international protection for up to seven days, to perform the necessary procedural proceedings. The authority coordinating the resolution of an emergency shall designate the start and end dates of the application of emergency measures and shall immediately inform the European Commission thereof.

With the same amendments to OLPEA, **international cooperation with the European Border and Coast Guard Agency (Frontex) was regulated, that in order to perform the tasks provided for in the OLPEA, the PBGB may request assistance from the European Border and Coast Guard Agency.**

9.2 General policy developments in the area of return

There were several general policy developments and changes in legislation in the area of return in 2020.

Firstly, as a general policy, preference is given to voluntary departure rather than enforced return, especially it was prioritized in situation of COVID-19. In 2020, 93% of return decisions were with obligation to departure voluntarily.

Secondly, as of 27th June 2020, **significant detention related changes were made simultaneously to the AGIPA and the OLPEA concerning the accommodation and detention of applicants for international protection in case of an emergency of mass immigration.** With the amendments to the OLPEA, Article 18 of the EU Return Directive 2008/115/EC was transposed into national legislation, which allows member states to change the requirements for detention of a TCN in a situation where an **exceptionally large number of irregular immigrants arrive.** The changes among others were following:

- In order to verify the legal bases for the arrival and stay of an applicant for international protection in Estonia, the PBGB or the Estonian Internal Security Service may **detain an applicant for international protection for up to 48 hours** without the permission of an administrative court.
- The PBGB or the Estonian Internal Security Service shall apply to an administrative court for permission to detain an applicant for international protection for **up to seven days** if in an emergency caused by mass immigration it is not possible, due to an objective obstacle, to perform the necessary procedural acts with regard to the applicant for international protection so that the court could assess the justification for detaining the applicant for international protection.

The authority coordinating the resolution of an emergency shall **designate the start and end dates of the application of emergency measures** and shall immediately **inform**

the European Commission thereof.⁹⁵ In Estonia the capacity to accommodate persons in case of mass immigration, is limited. New detention center, opened in 2019, near Tallinn in Rae Parish, has **capacity to accommodate up to 123 persons**.

Thirdly, with the same amendment to OLPEA, **international cooperation with the European Border and Coast Guard Agency** was regulated:

- In order to perform the tasks provided for in the OLPEA, the PBGB **may request assistance from the European Border and Coast Guard Agency** on the bases and pursuant to the procedure provided for in Regulation (EU) 2016/1624 of the European Parliament and of the Council on European Border and Coast Guard and amending Regulation (EU) 2016/399 and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267 / EC (OJ L 251, 16.09.2016, pp. 1–76).
- An official seconded by the European Border and Coast Guard Agency **shall not have** the right to issue a return decision, change the term of the obligation to leave specified in the return decision, oblige a TCN to comply with supervision measures, suspend expulsion or not apply expulsion.
- An official seconded by the European Border and Coast Guard Agency **may apply** state supervision measures and direct coercion on the bases and pursuant to the procedure provided for in this Act, unless otherwise provided by a treaty or legislation of the European Union.
- On the basis of a treaty or legislation of the European Union, the PBGB may be involved in the procedure for ordering to leave of a TCN who is staying in the territory of another state without a legal basis. The PBGB shall have competence and powers in the territory of another state in accordance with a treaty or legislation of the European Union.⁹⁶

Fourthly, a new surveillance measure – appearing for counselling – was adopted in OLPEA with the amendments that came into force on 27th June.⁹⁷ The main purpose of this amendment was to provide to a person staying without a legal basis and who is not placed in a detention center or who are exempt from detention center, social or psychological counselling during the stay in Estonia, if it is necessary to fulfil the obligation to leave, or to ensure the security of society. The counselling service will be organized and provided by the PBGB. If a person does not participate in the counselling without a good reason, the PBGB may consider this as a violation of surveillance measures.

Fifthly, on 27th July amendment was made to the OLPEA regulating the **issuance of a return decision to an accompanied minor**. When making a return decision, the PBGB will take into account in individual assessment all related circumstances, therefore, to every person who has no legal basis to stay in Estonia, an independent administrative act will be issued by the PBGB. Compliance with a return decision to a minor or an adult foreigner with limited active legal capacity will be organized by a parent, guardian or other responsible adult person who is staying together with him or her in Estonia.⁹⁸

⁹⁵ AGIPA, Article 36⁶ p 1-12; www.riigiteataja.ee/en/eli/530062020004/consolide.

⁹⁶ OLPEA, Article 13³ p 1-4; www.riigiteataja.ee/en/eli/502072020001/consolide.

⁹⁷ OLPEA, Article 10 p 2 (3¹); www.riigiteataja.ee/en/eli/502072020001/consolide.

⁹⁸ OLPEA, Article 12 p 1; www.riigiteataja.ee/en/eli/502072020001/consolide.

Sixthly, to manage in COVID-19 situation, on the 16th March the head of the PBGB issued a regulation no. 1.1-4.1/11 on **granting a legal basis for temporary stay in Estonia to TCN-s**. According to regulation, **person staying in the country legally at the time of the announcement of the emergency situation and whose return was not possible, are allowed to stay in Estonia during the special regime up to 10 days after the end of the emergency situation**. The right to stay became automatically, there were no need to apply for it.

Seventhly, on 27th June, legislative changes came into force concerning the PBGB needs to review and, where necessary, **update the list of safe countries of origin at least once a year**. Upon designating a safe third country and a safe country of origin, relevant and up-to-date information on the general situation of the country of origin of the applicant and, where necessary, of transit countries shall be used. Such information shall be obtained in particular from other EU MS, the European Asylum Support Office (EASO), the Office of the United Nations High Commissioner for Refugees (UNHCR), the Council of Europe (CoE) and other relevant international human rights organizations.⁹⁹

9.3 Assisted voluntary return

To increase the capacity of the implementation of the assisted voluntary returns provided by IOM Estonia, in COVID-19 situation, the Ministry of the Interior **increased the IOM budget** in order to organise supported voluntary departures. The IOM had intensified its contacts with foreign embassies to help those foreigners who did not have the necessary funds to return home.

9.4 Forced return and detention

9.4.1 Forced Return

In is stipulated in the Aliens Act, that the TCN and other person concerned is **obliged to cooperate in every way in the clarification of the facts relevant to the proceedings in the organisation of the entry into Estonia, the temporary stay, residence and employment in Estonia and the departure from Estonia of an alien**. In order to not be a purely declaratory obligation, the **obligation to assist will be linked to the risk of absconding**. If a person obstructs the obligation to leave (for example, does not take part in proceedings, refuses to give fingerprints, etc.), it might be a ground not to issue a deadline for voluntary departure and to detain a person. On 27th June 2020 corresponding amendments were made to the OLPEA, according to which, a risk of escape of a foreigner will be assessed, among others. Upon the issue of a return decision or detention of the foreigner, the **foreigner's risk of escaping is assessed**. The risk of escape of a TCN occurs among other cases if person has notified the PBGB or the Estonian Internal Security Service or the administrative authority concludes from his or her attitudes or conduct that he or she does not wish to comply with the obligation to leave.

⁹⁹ AGIPA, Article 9 p 7¹, 7²; www.riigiteataja.ee/en/eli/530062020004/consolide.

9.4.2 Detention

In June 2020, **significant detention related changes were made to the AGIPA and the OLPEA concerning the accommodation and detention of applicants for international protection in case of an emergency and mass immigration.** See more in sub-chapter 9.1.

9.4.3 Alternatives to detention

A new surveillance measure – appearing for counselling – was introduced in the OLPEA on 27th June.¹⁰⁰ The main purpose of this amendment was to provide to a person staying without a legal basis and who is not placed in a detention centre or who are exempt from detention centre, social or psychological counselling during the stay in Estonia, if it is necessary to fulfil the obligation to leave, or to ensure the security of society. The counselling service will be organized and provided by the PBGB. If a person does not participate in the counselling without a good reason, the PBGB may consider this as a violation of surveillance measures.

9.5 Cooperation with third countries of origin and transit on return and reintegration management

As of June 2020, the statute of the Minister of the Interior on the new database – **Illegal 2** - of aliens staying and having stayed in Estonia without a legal basis entered into force. It involves information on aliens staying and having stayed in Estonia without a legal basis. Compared to previous version, the new database is more user-friendly and resource efficient.¹⁰¹

To improve the return procedures, **Estonia put in place a registering data platform for accelerate readmission applications with Georgia, Bangladesh, Sri Lanka.**

9.6 Cross-cutting developments in return and reintegration related to other thematic chapters of the ARM (Borders, irregular migration and trafficking)

Within the framework of cooperation between the PBGB, the Tax and Customs Board and the Labour Inspectorate, **activities to prevent and tackle illegal employment in Estonia continued**, also to ensure, that foreign labour-force, who are employed in Estonia, will pay their taxes in Estonia.

¹⁰⁰ Obligation to Leave and Prohibition on Entry Act, Article 10 p 2 (3¹); www.riigiteataja.ee/en/eli/502072020001/consolide.

¹⁰¹ Statutes of the database of aliens staying and having stayed in Estonia without a legal basis; <https://www.riigiteataja.ee/akt/103072020020>.

10

MIGRATION AND DEVELOPMENT COOPERATION

The Ministry of Foreign Affairs **updated its programme of development cooperation and humanitarian aid** which sets the priority areas for development cooperation. The areas are for example, supporting good governance, transforming economy, improving education, raising awareness. Mentioned priority areas are related also to migration issues and it has been set, that **more focus will be put on African countries** (development cooperation wise). This is a major development as it sets a strategic focus on the activities in Africa.

Estonia has directed a large amount of additional funds (to Ukraine, Georgia, Montenegro, Kenya to mention only few) to **tackle the consequences caused by COVID-19**.

Annex A: References

Reference to legislation

- Act on Granting International Protection to Aliens (AGIPA) (Välismaalasele rahvusvahelise kaitse andmise seadus), RT I 2006, 2, 3, available at: www.riigiteataja.ee/en/eli/530062020004/consolide.
- Act to amend the Aliens Act (Välismaalaste seaduse muutmise seadus), 3 June 2020, available at: www.riigiteataja.ee/akt/117062020002.
- Act to amend the Aliens Act, Income Tax Act and the Taxation Act (Reducing the misuse of the regulations for working in Estonia) (Välismaalaste seaduse, tulumakuseaduse ja maksukorralduse seaduse muutmise seadus (Eestis töötamise reeglite väärkasutuse vähendamine), 17 June 2020, available at: www.riigiteataja.ee/akt/110072020004.
- Act to amend the Assistant Police Officer Act and other Acts (Measures related to COVID-19 virus SARS-Cov-2) (Abipolitseiniku seaduse ja teiste seaduste muutmise seadus (COVID-19 haigust põhjustava viiruse SARS-Cov-2 levikuga seotud meetmed), 20 April 2020, available at: www.riigiteataja.ee/akt/106052020001.
- Act to amend the Obligation to Leave and Prohibition on Entry Act and the Act on Granting International Protection to Aliens (combating mass immigration), (Väljasõidukohustuse ja sissesõidukeelu seaduse ning välismaalasele rahvusvahelise kaitse andmise seaduse muutmise seadus (massilise sisserände tõkestamine)), 27 June 2020, available at: www.riigiteataja.ee/akt/117062020001.
- Aliens Act (Välismaalaste seadus), RT I 2010, 3, 4, available at: www.riigiteataja.ee/en/eli/ee/521072020002/consolide/current.
- Citizen of the European Union Act (Euroopa Liidu kodaniku seadus), RT I 2006, 26, 191, available at: riigiteataja.ee/en/eli/517122020002/consolide.
- Citizenship Act (Kodakondsuse seadus), RT I 1995, 12, 122, available at: www.riigiteataja.ee/akt/103122020004.
- Government order no 169 "Imposition of temporary restrictions on crossing the state border and establishment of quarantine upon crossing the state border in order to prevent a new outbreak of the coronavirus SARS-CoV-2 causing the COVID-19 disease", 16 May 2020, available at: www.riigiteataja.ee/en/eli/ee/517052020016/consolide.

- Government Regulation no 15 "Temporary Restoration of Border Checks and Border Control at the Internal Border", 15 March 2020, available at: www.riigiteataja.ee/en/eli/517032020003/consolide.
- Measures and restrictions necessary for preventing the spread of COVID-19, www.riigiteataja.ee/viitedLeht.html?id=7.
- Obligation to Leave and Prohibition on Entry Act (OLPEA) (Väljasõidukohustuse ja sissesõidukeelu seadus), RT I 1998, 98, 1575, available at: www.riigiteataja.ee/akt/117062020003.
- Order of the Prime Minister "Order of the person in charge of emergency situation for imposing a restriction on movement after crossing the state border" 16 March 2020, available at: www.riigiteataja.ee/en/eli/ee/509052020003/consolide.
- Penal Code (Karistusseadustik), RT I 2001, 61, 364, www.riigiteataja.ee/en/eli/515072020011/consolide.
- Regulation no 25 of the Minister of Interior "Eestis seadusliku aluseta viibivate ja viibinud välismaalaste andmekogu põhimäärus", 1 July 2020, available at: www.riigiteataja.ee/akt/103072020020.
- Regulation no 50 of the Minister of Interior „2021. aasta sisserände piirarvu jagunemine elamisloa taotlemise põhjuse ja elamisloa andmise aluse järgi“, 28 December 2020, available at: www.riigiteataja.ee/akt/129122020050.
- State Borders Act, RT I 1994, 54, 902, available at: www.riigiteataja.ee/en/eli/512082020006/consolide.

Reference to other sources and publications

- Council of the Baltic Sea States Task Force against Trafficking in Human Beings (2020), Transnational Referral Mechanism of the Baltic Sea Region, available at: <https://bsr-trm.com>.
- EMN Glossary, Version 7.0, European Commission: Migration and Home Affairs, available at: https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en.
- ERR News, "South-eastern border infrastructure construction work starts", 27 July 2020, available at: <https://news.err.ee/1117380/southeastern-border-infrastructure-construction-work-starts>.
- ERR News, "Interior ministry plan would complicate foreign students' studies", 20 December 2019, available at: <https://news.err.ee/1016265/interior-ministry-plan-would-complicate-foreign-students-studies>.
- ERR News, "Opinion: Interior ministry bill restricts foreign students' rights", 14 January 2020, available at: <https://news.err.ee/1023891/opinion-interior-ministry-bill-restricts-foreign-students-rights>.
- ERR News, "Employers critical of interior minister's restrictions on foreign students", 15 January 2020, available at: <https://news.err.ee/1024213/employers-critical-of-interior-minister-s-restrictions-on-foreign-students>.

- ERR News, "Farmers ask unemployment fund not to send them long-term unemployed", 4 May 2020, available at: <https://news.err.ee/1085555/farmers-ask-unemployment-fund-not-to-send-them-long-term-unemployed>.
- ERR News, "Government approves stricter third country national residence bill", 10 September 2020, available at: <https://news.err.ee/1133195/government-approves-stricter-third-country-national-residence-bill>.
- ERR News, "Aune Valk: Why on earth are they coming to study here?", 29 September 2020, available at: <https://news.err.ee/1140839/opinion-why-on-earth-are-they-coming-to-study-here>.
- ERR News, "Commerce chamber: Bill restricting foreign labor will harm economy", 12 November 2020, available at: <https://news.err.ee/1158048/commerce-chamber-bill-restricting-foreign-labor-will-harm-economy>.
- ERR News, "Committee sends bill amending foreigner workers' rights to Riigikogu", 14 October 2020, available at: <https://news.err.ee/1146707/committee-sends-bill-amending-foreigner-workers-rights-to-riigikogu>.
- Estonian Employers' Confederation, "Esitasime riigikogule pöördumise seoses välismaalaste- ja kõrgharidusseadusega", available at: www.employers.ee/seisukohad/poordumine-riigikogu-poole-seoses-valismaalaste-ja-korgharidusseadusega.
- ERR News, "University of Tartu: Changing Aliens Act harms higher education", 11 November 2020, available at: <https://news.err.ee/1157656/university-of-tartu-changing-aliens-act-harms-higher-education>.
- ERR News, "Employers demand foreign labor be allowed into Estonia", 26 March 2020, available at: <https://news.err.ee/1068954/employers-demand-foreign-labor-be-allowed-into-estonia>.
- ERR News, "Agricultural lobby groups appeal for foreign labor to be admitted", 25 March 2020, available at: <https://news.err.ee/1068459/agricultural-lobby-groups-appeal-for-foreign-labor-to-be-admitted>.
- ERR News, "Government has not requested foreign workers from Ukraine", 4 May 2020, available at: <https://news.err.ee/1085345/government-has-not-requested-foreign-workers-from-ukraine>.
- Integration Foundation, Language Friend Programme, available at: www.integratsioon.ee/keelesobra-programm.
- International House of Estonia, Work in Estonia Programme, available at: <https://workinestonia.com/internationalhouse>.
- Kriis.ee homepage: www.kriis.ee/en/news?source=23&page=14.
- Ministry of Cultural Affairs (2020) Overview of the adaption and integration services in Estonia. Guide for local governments (in Estonian), available at: www.kul.ee/sites/kulminn/files/ulevaade_loimumis-ja_kohenemisteenustest_eestis_kohalikele_omavalitsustele.pdf.
- Lietonen, A., Jokinen, A., and Ollus, N. (2020) Navigating through your supply chain. Toolkit for prevention of labour exploitation and trafficking, The European Institute for Crime Prevention and Control (HEUNI), available at: <https://heuni.fi/-/report-93a>.

- Ministry of Social Affairs, "The provision of job mediation helps to reduce seasonal labour shortages", 1 June 2020, available at: www.sm.ee/en/news/provision-job-mediation-helps-reduce-seasonal-labour-shortages.
- Ministry of the Interior, "Adopted amendments to law prevent disregard for rules of employment in Estonia", 25 June 2020, available at: www.siseministeerium.ee/en/news/adopted-amendments-law-prevent-disregard-rules-employment-estonia.
- OSKA, „Avalikustati töajõuprognosis „Eesti tööturg täna ja homme 2019-2027““, 18 May 2020, available at: <https://oska.kutsekoda.ee/2020/05/avalikustati-toojouprognosis-eesti-tooturg-tana-ja-homme-2019-2027>.
- Riigikogu, Eelnõu: Välismaalaste seaduse, kõrgharidusseaduse ning õppetoetuste ja õppelaenu seaduse muutmise seadus 241 SE, kättesaadav: www.riigikogu.ee/tegevus/eelnoud/eelnou/3ce82c85-3124-428f-85bda17106aa9e5e/V%C3%A4lismaalaste%20seaduse,%20k%C3%B5rgharidusseaduse%20ning%20%C3%B5ppetuetuste%20ja%20%C3%B5ppelaenu%20seaduse%20muutmise%20seadus.
- Riigikogu, "Riigikogu lihtsustas kodakondsuse taotlemist alaealistele", 28 January 2020, available at: www.riigikogu.ee/istungi-ulevaated/riigikogu-lihtsustas-kodakondsuse-taotlemist-alaealistele.
- Social Insurance Board, "Asutuste vahel muutub infovahetus abivajavate laste ja täiskasvanute kohta kiiremaks", 28 April 2020, available at: www.sotsiaalkindlustusamet.ee/et/uudised/asutuste-vahel-muutub-infovahetus-abivajavate-laste-ja-taiskasvanute-kohta-kiiremaks.
- Social Insurance Board, Inimkaubanduse ennetamise nõuandeliin, available at: <https://sotsiaalkindlustusamet.ee/et/ohvriabi-ennetustoo/inimkaubanduse-ennetamise-nouandeliin>.
- The European Institute for Crime Prevention and Control (HEUNI), FLOW project website, available at: <https://heuni.fi/-/flow>.
- The Labour Inspectorate, "Amendments to better protect the rights of posted workers enter into force", 20 July 2020, available at: www.ti.ee/en/news/amendments-better-protect-rights-posted-workers-enter-force.
- The PBGB homepage: Emergency situation, "Supervision of observance of restrictions", available at: www.politsei.ee/en/instructions/emergency-situation/supervision-of-observance-of-restrictions.
- Ylinen, P., Jokinen, A., Pekkarinen, A-G., Ollus, N., and Jenu, K-P. (2020) Uncovering labour trafficking. Investigation tool for law enforcement and checklist for labour inspectors, The European Institute for Crime Prevention and Control (HEUNI), available at: <http://old.heuni.fi/en/index/publications/heunireports/reportseriesno.95auncoveringlabourtrafficking.html>.
- Minister of the Interior endorsed the distribution of the 2021 immigration quota, 7 January 2021, www.siseministeerium.ee/en/news/minister-interior-endorsed-distribution-2021-immigration-quota.
- Parliamentary questions, 27 May 2015, E-008441-15.



ISSN 2733-0974



9 772733 097008