

ORGANISATION OF MIGRATION AND ASYLUM SYSTEM IN ESTONIA

OVERVIEW

LAST UPDATED ON SEPTEMBER 2020



INTRODUCTION

This document provides an overview of how asylum and migration policies are organised in the **Estonia**, including the organisation of the institutional and regulatory context and framework for dealing with third-country nationals coming for the purpose of legal immigration or for international protection. It is based on the information provided by **Estonia** in **2020**.



OVERVIEW OF ORGANISATION OF LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

THE INSTITUTIONAL CONTEXT

The primary institution responsible for migration and asylum policy-making is the Estonian Ministry of the Interior. These policies are mainly implemented by the Police and Border Guard Board (PBGB), subordinate to the ministry, which is involved in processing applications of all TNCs (including asylum seekers, persons staying in the country illegally, as well as applicants for residence permits and Estonian citizenship) and citizens of the European Union. Although

the decision-making capacity (e.g., granting a residence permit, etc.) lies with the PBGB, the decisions are taken in close cooperation with the Estonian Ministry of the Interior, Security Police Board, Ministry of Foreign Affairs, Estonian Unemployment Insurance Fund etc. The Ministry of Social Affairs is responsible for policy-making regarding services from the beneficiaries of international protection as well as victims of trafficking in human beings. Its subordinate organisation Social Insurance Board coordinates 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 and the Ministry of Education and Research is responsible for policy making concerning international student mobility and researcher's mobility. Their respective subordinate agencies responsible for executing these policies, are Enterprise Estonia (responsible for talent attraction and retention) and Education and Youth Authority (responsible for academic recognition of foreign qualifications and Study in Estonia programme). The Ministry of Foreign Affairs is responsible for visa policy, development cooperation and humanitarian aid policy, and via the diplomatic corps, advances relations with third countries. The Ministry of Culture as the main institution responsible for developing integration policies. Its

subordinate institution Integration Foundation offers various language learning possibilities, runs Estonian Language Houses and provides training and information to foreigners on Estonian citizenship and culture. In addition, various NGO-s play a role by supporting the implementation of migration and asylum policies. The Estonian Refugee Council is responsible for providing the support person service to the beneficiaries of international protection, the Tallinn branch of the International Organization for Migration (IOM) is responsible for providing the assisted voluntary return service for persons with no legal basis for stay.



INSTITUTIONAL CHART

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

THE LEGAL SYSTEM

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