

National Report

# EMN ANNUAL REPORT ON MIGRATION AND ASYLUM 2021

Estonia





## **European Migration Network**

ANNUAL POLICY REPORT ON MIGRATION AND ASYLUM

ESTONIA 2021

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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.

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# Abbreviations

<b>ABIS</b>	AUTOMATIC BIOMETRIC IDENTIFICATION SYSTEM
<b>AGIPA</b>	ACT ON GRANTING INTERNATIONAL PROTECTION TO ALIENS
<b>AMIF</b>	ASYLUM, MIGRATION AND INTEGRATION FUND
<b>CoE</b>	COUNCIL OF EUROPE
<b>EC</b>	EUROPEAN COMMISSION
<b>ESTDEV</b>	ESTONIAN CENTRE FOR INTERNATIONAL DEVELOPMENT
<b>ESTPOL</b>	ESTONIAN POLICE AND BORDER GUARD BOARD'S SPECIAL UNIT
<b>EU</b>	EUROPEAN UNION
<b>EU MS</b>	EUROPEAN UNION MEMBER STATE
<b>IOM</b>	INTERNATIONAL ORGANISATION FOR MIGRATION
<b>MIS</b>	POLICE PROCEDURAL INFORMATION SYSTEM
<b>NGO</b>	NON-GOVERNMENTAL ORGANISATION
<b>OLPEA</b>	OBLIGATION TO LEAVE AND PROHIBITION ON ENTRY ACT
<b>PBGB</b>	POLICE AND BORDER GUARD BOARD
<b>SIB</b>	SOCIAL INSURANCE BOARD
<b>SIS</b>	SCHENGEN INFORMATION SYSTEM
<b>TCN</b>	THIRD-COUNTRY NATIONAL
<b>THB</b>	TRAFFICKING IN HUMAN BEINGS
<b>TRP</b>	TEMPORARY RESIDENCE PERMIT
<b>UAM</b>	UNACCOMPANIED MINOR
<b>UNHCR</b>	UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
<b>USA</b>	UNITED STATES OF AMERICA
<b>VPA</b>	VIOLENCE PREVENTION AGREEMENT

# Executive summary

The asylum and migration field in 2021 in Estonia continued to experience **some effects of COVID-19 regarding the number of third-country nationals within certain migration areas**, while **the number of migrants in some categories reached or even exceeded the pre-pandemic levels**. Compared to year 2020:

- The total number of first-time issued temporary residence permits (TRP) increased by 29%. The number of TRP for studying increased by 102%, for family migration increased by 35%, for employment increased by 8%, but for entrepreneurship decreased by 4%.
- The number of applications for asylum increased by 65%, and the number of third-country nationals who received international protection increased by 77%.
- The number of visas increased by 50%, and there was a 39% increase in registrations of short-term employment.
- Estonian citizenship was granted to 857 persons, which is 9% less compared to 2020.
- The number of return decisions decreased by 6%.

In 2021, the Estonian government approved two relevant strategic plans with a major impact on Estonian migration and asylum policy: **Internal Security Development Plan 2020–2030, Cohesive Estonia Development Plan 2021–2030**, and adopted the **Violence Prevention Agreement**. In July 2021, legislation on the creation of a national **automated biometric identification system (ABIS) database** entered into force, with the database itself going live in 2022.

There were two court decisions which resulted in amendments to the Aliens Act. In April, the Constitutional Review Chamber of the Supreme Court decided that Articles 100<sup>10</sup>(1), 100<sup>13</sup>(2) and 100<sup>18</sup> of the Aliens Act were unconstitutional and invalid insofar as they precluded filing an appeal with the administrative court for challenging premature termination of the period of stay. In September, the Estonia's Supreme Court concluded that it would be unconstitutional to refuse a third-country national a temporary residence permit for settling with their registered same-sex partner with an Estonian residence permit.

In the field of integration, starting from May 2021, the **Ministry of Culture became responsible for both adaptation and integration policy in Estonia**. Adaptation policy was formerly a task of the Ministry of the Interior and targeted newly-arrived migrants, while integration policy focused primarily on ethnic minorities living in Estonia for longer than five years.

**Geo-political turmoil in different world regions, particularly the border crisis with Belarus and the evacuations following the fall of the Afghanistan's government, had an impact also for Estonia**. In August 2021, the Estonian government offered protection to 30 Afghan nationals: 10 people who cooperated with the EU and NATO, and 20 people who had cooperated with Estonian

organisations. In August and September, 14 evacuated Afghan nationals arrived in Estonia, with two additional Afghan nationals arriving in November. All were regarded as applicants for international protection, and 14 of them were granted protection by the end of 2021.

**Regarding the situation in Belarus, Estonia strengthened its Eastern border and offered support to Lithuania's border operations.** In November 2021, under the military exercise 'Okas 2021', a 40-kilometre temporary razor wire barrier was installed on Estonia's border with the Russian Federation in relation to the growing risk of irregular border crossings. In response to the influx of irregular migrants from Belarus to Lithuania, since mid-June 2021, Estonia deployed ESTPOL5 units to the Lithuanian-Belarusian border each month with a total of six units and 80 police officers.

Within the field of **trafficking in human beings**, starting from May 2021, all victim support services were provided by the Social Insurance Board. Previously, shelter services, psychological counselling and judicial counselling services were provided by non-governmental organisations.

Within the field of **migration and development**, there were several changes in 2021. A new agency - **Estonian Centre for International Development** - was established. Cooperation agreements were signed with Germany, the United States of America and Sweden, all to strengthen cooperation and activities in Eastern Partnership countries, e.g. Ukraine.

In several categories preparations were made as **several policy or legislation changes** are planned for 2022. Amendments are expected to be made, among others, to the Aliens Act, Child Protection Act, Study Allowances and Study Loans Act, Citizenship Act, and the Obligation to Leave and Prohibition on Entry Act.

<sup>1</sup> For previous reports, please see: [www.emn.ee/publications-catalog/aastaaruanded](http://www.emn.ee/publications-catalog/aastaaruanded).

# 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, unaccompanied minors and other vulnerable groups, integration, inclusion and citizenship, borders, visa and Schengen, irregular migration, trafficking in human beings, return and readmission, and migration and development cooperation. The report covers the period from **1 January to 31 December 2021**. However, in some instances, it will also refer to some developments that are planned to come into force in 2022. This is the **sixteenth** annual report by the Estonian National Contact Point.<sup>1</sup>

## 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**, incl. Ministry of the Interior, Ministry of Social Affairs, Ministry of Foreign Affairs, Ministry of Cultural Affairs, Ministry of Justice, and Ministry of Education and Research.

<sup>2</sup> EMN Glossary, available at: [https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network/glossary\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en).

- **Non-governmental organisations (NGO-s)**, incl. Estonian Refugee Council, Johannes Mihkelson Centre, Mondo, Estonian Human Rights Centre.
- **Other contributing agencies and organisations**, incl. Estonian Unemployment Insurance Fund, Social Insurance Board, Estonian Tax and Customs Board, Enterprise Estonia's "Work in Estonia" program, IOM Tallinn office, UNHCR Representation for the Nordic and Baltic countries, Integration Foundation, Red Cross Estonian Office, Education and Youth Board, Statistics Estonia.

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 2021 – April 2022**.

## TERMINOLOGY

The terminology used in the report is based on the **EMN Glossary**<sup>2</sup> 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").

## THE STRUCTURE OF MIGRATION RELATED ORGANISATIONS, LEGAL AND POLITICAL SYSTEM IN ESTONIA

**The institutional and legal framework of migration and asylum related ministries and organisations in Estonia remained overall the same in 2021 as in 2020. In 2021, there were three changes in the institutional framework which impact the migration field:**

- Since 2021 the Ministry of Culture is responsible for the adaptation policy for newly-arrived migrants (which was formerly task of the Ministry of Interior).
- Since 2021 the Ministry of Foreign Affairs is responsible for the diaspora policy (which was formerly task of the Ministry of Interior).
- In July, a separate agency, Estonian Centre for International Development was established.

## 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 irregularly, 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 ben-

# ESTONIA

## Institutional Framework for migration and asylum

↔ Cooperation ↔ Coordination



eficiaries 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 policymaking 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 2021, 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, humanitarian aid policy, and via the diplomatic corps, advances relations with third countries. Since 2021 the Ministry is also responsible for the diaspora policy (which was formerly task of the Ministry of Interior).

**The Ministry of Culture** is the main institution responsible for developing integration policies, and since Spring 2021 also the adaptation policy for newly-arrived migrants. 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 Mikelson 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 Hoolekandeteenused** 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.).

## OVERVIEW OF MIGRATION AND ASYLUM POLICY DEVELOPMENTS IN 2021

### The political changes in 2021

In January 2021, the former coalition resigned, and the **Reform Party** (Reformierakond) and the **Centre Party** (Keskerakond) **formed the new government**. 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 adaptation policy of newly-arrived migrants became the responsibility of Ministry of Culture, who already coordinates the integration policy.

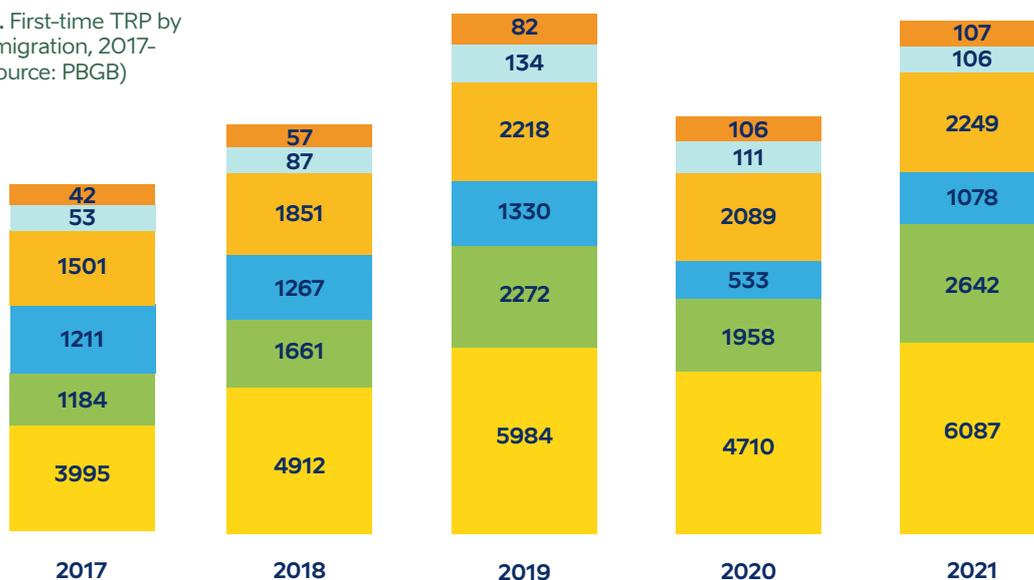
In 2021, two central development plans within the migration and asylum area were approved by the government. In June 2021, the government approved the **"Internal security development plan 2020–2030"**. Among other topics, the development plan sets goals for Estonian migration, citizenship and identity management policy. Later, in November, the government approved the **"Cohesive Estonia Development Plan 2021–2030"** that sets goals for integration, including adaptation of newly-arrived migrants, for the next ten years. Thirdly, in July, the government adopted a new strategical document – **"Violence Prevention Agreement"** – for preventing trafficking in human beings.

# LEGAL MIGRATION

## 1.1. STATISTICAL OVERVIEW OF YEAR 2021 IN LEGAL MIGRATION

- First-time TRP
- Employment
- Studying
- Family migration
- Entrepreneurship
- Family member of EU citizen

Figure 1. First-time TRP by type of migration, 2017-2021 (Source: PBGB)



In 2021, COVID-19 pandemic still had an effect on the number of third-country migrants, but in some migration categories the numbers reached or even exceeded the pre-pandemic levels.

**The total number of first-time issued temporary residence permits (TRP) by PBGB increased by 29% compared to the previous year.** The number of TRP for studying increased by 102%, for family migration increased by 35%, and for employment increased by 8%, but for entrepreneurship decreased by 4% (see also Figure 1 below).

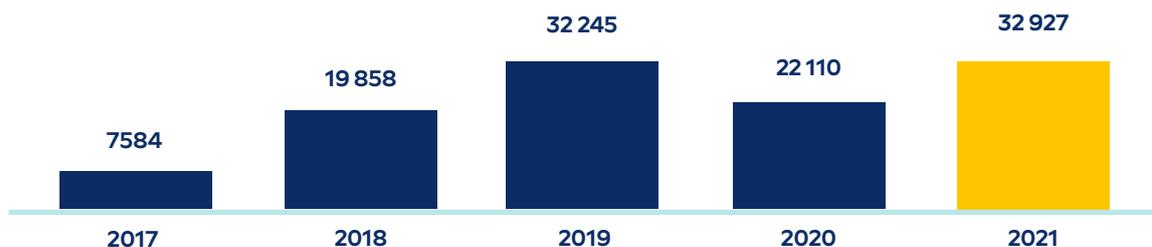
The **Top 5 nationalities** to whom first-time TRP was issued, were Ukraine (1924), Russian Federation (1423), Belarus (437), India (258) and Nigeria (217). The table below shows the Top 5 countries by first-time TRP **by type of migration**.

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

Table 1. First-time residence permits by type of migration and by TOP5 nationality, 2021 (Source: PBGB)

There was a **49% increase in registrations of short-term employment** compared to the previous year – 32 927 in 2021 compared to 22 110 in 2020 (see Figure 2). Third-country nationals whose short-term employment was registered in 2021 were **most often citizens of Ukraine (72%), Belarus (6%), the Russian Federation (5%), Moldova (5%) 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 2017-2021 (Source: PBGB)

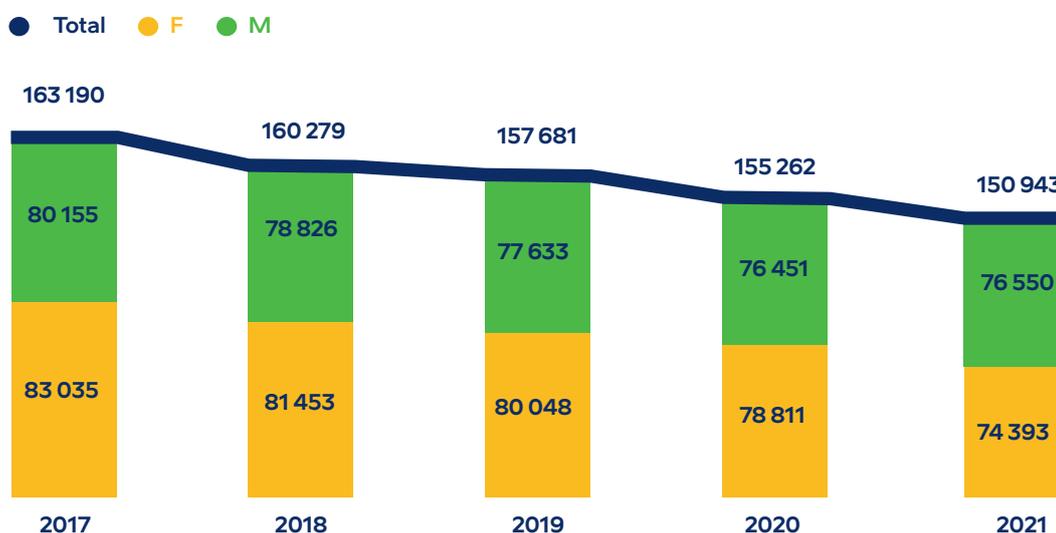


The number of people who hold long-term resident's residence permit decreased by **2,8%** (see Figure 3). Long-term resident's residence permit is issued to TCN who:

- 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.

The largest three groups among the long-term residence permit holders are citizens of Russian Federation (51%) and persons with undetermined citizenship (44%), followed by 3% of citizens of Ukraine.

Figure 3. Long-term residence permits, men & women and total, 2017-2021 (Source: PBGB)



## 1.2. OVERARCHING STRATEGIC LEGAL OR POLICY CHANGES IN LEGAL MIGRATION

In June 2021, the government approved the '**Internal security development plan 2020–2030**'.<sup>3</sup> Among other topics, the development plan sets goals for Estonian migration, citizenship and identity management policy.

Additionally, the government approved the legislation<sup>4</sup> concerning the **creation of a national automated biometric identification system (ABIS) database**, expected to go live in 2022. The ABIS database allows the state to capture and store biometric personal data – fingerprints and facial images – and to compare biometric data. Efficient authentication and verification of identity helps law enforcement bodies to prevent forgeries and solve crimes, thus having a positive effect on both public order and security.

## 1.3. WORK-RELATED MIGRATION

### Overarching developments affecting all migrant workers

On 27 January 2021, the Police and Border Guard Board announced having received more applications for residence permits for employment and for entrepreneurship (1600) than in the quota (1315) established by the Minister of Interior in December 2020 for the year 2021. As a result, all further applications for residence permits for employment or entrepreneurship on general grounds could not be accepted and received a negative decision. In general, upon fulfilment of the quota, an interim solution is to register short-term employment.

In December, the Minister of Interior **established a division of the immigration quota for 2022**.<sup>5</sup> Immigration quota in Estonia regulates labour migration and provisions were made for specific industries:

- 300 residence permits for employment in manufacturing industry;
- 200 residence permits for employment in construction sector;
- 100 residence permits for employment in transport and storage sector;
- 20 residence permits for employment for entrepreneurship;
- 23 residence permits for employment in a performing arts institution as person engaged in creative activities;
- 26 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;
- and 637 residence permits on general grounds for employment and entrepreneurship.

The immigration quota is subject to exemptions (e.g. ICT specialists).

<sup>3</sup>Ministry of Internal Affairs, Thematic page "Internal security development plan 2020-2030" (in Estonian), available at: [www.siseministeerium.ee/stak2030](http://www.siseministeerium.ee/stak2030).

<sup>4</sup> Estonia, The Act Amending the Identity Documents Act and Related Acts (Isikut tõendavate dokumentide seaduse muutmise ja sellega seotudvalt teiste seaduste muutmise seadus), available at: [www.riigiteataja.ee/akt/108072021001](http://www.riigiteataja.ee/akt/108072021001).

<sup>5</sup>Estonia, Distribution of the immigration quota in 2022 per reasons for applying for a residence permit and basis for issuing a residence permit (2022. aasta sisserände piirarvu jagunemine elamisloa taotlemise põhjuse ja elamisloa andmise aluse järgi), available at: <https://tinyurl.com/yckcm9ux>

## Highly qualified workers

Enterprise Estonia developed a **new action plan for Work in Estonia for the period of 2021–2025**.<sup>6</sup> The main priorities set in the action plan are to attract highly-skilled workers to alleviate the shortage of skilled labour in the ICT sector and natural sciences, and support employers when hiring foreign specialists. The action plan sets out a goal to attract 3000 new highly-skilled workers by 2025 (i.e. 600 per year). The action plan was approved by the government in February 2022.

In 2021, the Estonian Qualifications Authority (OSKA)<sup>7</sup> carried out an analysis on possible future trends of the ICT sector in Estonia. The aim was to assess how employment and the skills-needs of the key professions will change by 2027, and which changes should be made in training provision on this basis to ensure that the skills of workers better meet the needs of the labour market. The findings<sup>8</sup> showed that at least 2600 new ICT professionals are needed in the ICT and other economic sectors every year – more than 18 000 people in 7 years. The number of graduates in degree studies is currently not sufficient to satisfy the increasing need for ICT professionals. **Therefore, it is essential to attract qualified foreign workers in a systematic way to satisfy growing demand. There have been steps taken to attract foreign labor, but the ICT sector expects continued support from the state, so that at least 3 000–5 000 highly qualified ICT specialists would be added to the Estonian labor market by 2027.** The authors recommended that to fulfil this goal there should be:

- continuous activities carried out to attract foreign specialists to Estonia and;
- the admission volume of international students in ICT should be increased

## E-residency

In 2014, Estonia launched its e-Residency program to fulfil its ambition of creating a borderless digital society for global citizens. The program provides holders of e-Residency with a transnational digital identity which allows them access to the EU business environment and Estonian public e-services. For example, e-residents can set up and manage a location-independent company online from anywhere in the world, apply for a business bank account and conduct secure e-banking, digitally sign and transmit documents, declare Estonian taxes online, etc. 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.

<sup>6</sup> Work in Estonia, „Action plan for Work in Estonia for 2021–2025“ („Välistalentide kaasamise tegevuskava 2021–2025“) available at: <https://www.koda.ee/sites/default/files/content-type/content/2021-10/V%C3%A4listalentide%20kaasamise%20tegevuskava%202021%20-%202025.pdf>.

<sup>7</sup> The Estonian Qualifications Authority (Kutsekoda) is a private legal entity aimed to increase the competitiveness of Estonian employees and promote the development, assessment, recognition and comparison of their occupational competences.

<sup>8</sup> Estonian Qualifications Authority (2021) “OSKA uuring: Eesti vajab igal aastal juurde 2600 uut IKT-spetsialisti”, available at: [www.kutsekoda.ee/oska-uuring-eesti-vajab-igal-aastal-juurde-2600-uut-ikt-spetsialisti/?fbclid=IwAR3HKveA1dGOWsbq8De2Bf03-E4XTWdkO4qOca9lwFILAVu9u5mK8NuCsR8](http://www.kutsekoda.ee/oska-uuring-eesti-vajab-igal-aastal-juurde-2600-uut-ikt-spetsialisti/?fbclid=IwAR3HKveA1dGOWsbq8De2Bf03-E4XTWdkO4qOca9lwFILAVu9u5mK8NuCsR8).

In 2021, the **number of issued e-resident’s digital IDs increased by 8%**. In 2021, the TOP 5 countries where e-residents were from, were Russian Federation, Germany, Spain, Ukraine and China. **The total number of e-residents as of 31 December 2021 was 88 267 out of which 13% are female, and 87% male.** TOP 5 citizenships are Russian, Finnish, Ukrainian, German and Chinese.

**Figure 4.** The number of issued e-resident’s digital ID-s, 2017-2021 (Source: PBGB)



As of April 2021, an amendment to a regulation of the Minister of the Interior entered into force, pursuant to which **e-residents will be asked for additional data when applying for a digital ID.** The additional data will be requested to enhance already rigorous background checks on applicants for an e-resident digital ID and to assess the purposefulness of the application. The regulation amendment specifies the list of data that needs to be gathered during the process of issuing an e-resident’s digital ID.

Furthermore, **a new self-service environment for e-residents was launched.** Finally, the number of places where the e-resident’s digital ID may be purchased was expanded to include **Bangkok, Johannesburg, São Paulo and Singapore.**

### Seasonal workers

The number of seasonal workers **increased by 46%** in 2021, reaching the pre-pandemic level. The Police and Border Guard Board has witnessed misuse of the conditions of the seasonal workers regulation by the employers. The problem is that employers use seasonal workers also off-season and for other reasons than the seasonal work the person is essentially employed for. The PBGB is discussing the matter with relevant stakeholders, and may strengthen the follow-up checks to ensure lawful employment of the seasonal workers.

## 1.4 ‘SOCIAL DUMPING’ AND LABOUR EXPLOITATION

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.**<sup>9</sup> The EMN Glossary defines social dumping as

<sup>9</sup> Parliamentary questions, 27 May 2015, E-008441-15.

<sup>10</sup> See also: [https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network/glossary\\_search/social-dumping\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_search/social-dumping_en)

<sup>11</sup> Ministry of Justice, Violence Prevention Agreement (Vägivallaennetuse kokkulepe) (in Estonian), available at: [www.just.ee/sites/www.just.ee/files/vagivallaennetuse\\_kokkulepe\\_2021-2025\\_0.pdf](http://www.just.ee/sites/www.just.ee/files/vagivallaennetuse_kokkulepe_2021-2025_0.pdf).

**“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.”<sup>10</sup>**

In July, a new strategical document - **Violence Prevention Agreement**<sup>11</sup> - for preventing trafficking was confirmed by the government. The agreement sets out 14 measures for violence prevention and it has one special measure (nr 7) of trafficking which sets for the years 2021-2025 list of activities, which also include activities addressed to migrants and also to employers. For example:

- Training will be provided to employers, in particular in the construction, manufacturing, and service sectors and in the manufacturing industry, as well as to users of seasonal workers in agriculture and elsewhere, to ensure safe and non-discriminatory recruitment chains and to improve the knowledge of employers of migrant worker recruitment rules.
- The knowledge of employees about labour laws, especially among those coming to work in Estonia from abroad, will be increased.
- Inspections based on risk analysis will be organised and data exchange will be intensified to reduce the illegal employment of migrants in Estonia.
- In criminal proceedings, co-operation with the countries of origin of migrants will be enhanced to support investigative measures.

The annual plan of the activities will be done early 2022. New Internal Security Fund (ISF) project is planned to address the rights of the migrant workers, give input to awareness raising activities for employers, and also to foreign workers who are third-country nationals.

## **1.5. FAMILY REUNIFICATION AND FAMILY FORMATION**

In 2021, there were two developments related to family reunification and family formation.

In February 2021, the government decided to add an **exception**<sup>12</sup> to the **order “Imposition of temporary restrictions on crossing the state border”** to prevent a new outbreak of the coronavirus by allowing the entry of family members of third-country nationals who are going to be employed in a start-up, as top specialist or in an ICT position.

Estonia’s Supreme Court concluded<sup>13</sup> that it would be **unconstitutional to not grant a third-country national a temporary residence permit for settling with registered same-sex partners with a residence permit**. Secondly, the Chamber concluded that the **Regulation No. 7 of the Minister of the Interior** (of 12 January 2017) “Procedure for applying for temporary residence permit and its extension and long-term resident’s residence permit and its restoration and rates of legal income” is **unconstitutional** to the extent that it does not provide the list of information and supplementary certification which needs to be added to the application in such cases.

<sup>12</sup> Estonia, 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/507072020003/consolide](http://www.riigiteataja.ee/en/eli/507072020003/consolide).

<sup>13</sup> Estonia, Supreme Court, Court decision of 5-21-4 (in Estonian), 28 September 2021, available at: [www.riigikohus.ee/et/lahendid/?asjaNr=5-21-4/13](http://www.riigikohus.ee/et/lahendid/?asjaNr=5-21-4/13).

## 1.6. STUDENTS AND RESEARCHERS

**The number of international students from third countries increased 102% in Estonia in 2021 compared to 2020.** The reason can be tied to the lifting of the COVID-19 pandemic related restrictions as the third-country nationals could start studies in all of the higher education institutions, whereas in 2020 this was not possible in several universities. Even though the increase in the number of international students was high, it did not reach the pre-pandemic years and was approximately 20% lower compared to the numbers in 2019.

In 2021, there were no legal or political developments regarding international students or international researchers in 2021. However, there are legal developments planned for 2022, by which the Aliens Act and the Study Allowances and Study Loans Act would be amended. The planned amendments foresee changing the basis for granting the need-based study allowance for international students.

In June, the Education and Youth Board shared its best practices on talent attraction at the OECD meeting **“How to effectively attract international students?”**.<sup>14</sup> The objective of the meeting was to enable NETCOM (The Network of Communication Officers on Migration) members and relevant stakeholders to exchange knowledge and perspectives with their peers and external experts on key issues and challenges related to communication with specific migrants groups and learn more about the media usage of respective migrant audiences. Estonia was invited to the seminar to share its experience on **effective messaging in talent attraction** and focus on the main messages regarding different stakeholders in strategic planning based on Study in Estonia programme’s experience.

<sup>14</sup> Education and Youth Board, “Education and Youth Board shared its best practices on talent attraction at the OECD seminar on migration”, 8 June 2021, available at: [www.harno.ee/en/news/education-and-youth-board-shared-its-best-practices-talent-attraction-oecd-seminar-migration](http://www.harno.ee/en/news/education-and-youth-board-shared-its-best-practices-talent-attraction-oecd-seminar-migration).

<sup>15</sup> Statistics Estonia, “Working international students and graduates contributed over 13 million euros in taxes in Estonia”, 19 January 2021, available at: [www.stat.ee/et/uudised/tootavad-valistudengid-ja-vilistlased-toid-eestisse-ule-13-miljoni-euro-maksutulu-0](http://www.stat.ee/et/uudised/tootavad-valistudengid-ja-vilistlased-toid-eestisse-ule-13-miljoni-euro-maksutulu-0).

<sup>16</sup> Draft law to amend the Aliens Act 328 SE (Välismaalaste seaduse muutmise seadus (viisavaide otsuse kotukaebõigus, 328 SE), 24 March 2021, available at: [www.riigikogu.ee/tegevus/eelnoud/eelnou/b4a06ca5-7db0-4462-835f-ecea3f4dec00/V%C3%A4lismaalaste%20seaduse%20muutmise%20seadus%20\(viisavaide%20otsuse%20kohtukaebe%C3%B5igus\)](http://www.riigikogu.ee/tegevus/eelnoud/eelnou/b4a06ca5-7db0-4462-835f-ecea3f4dec00/V%C3%A4lismaalaste%20seaduse%20muutmise%20seadus%20(viisavaide%20otsuse%20kohtukaebe%C3%B5igus)).

In 2021, Statistics Estonia carried out an analysis on the **economic impact of international students working in Estonia**.<sup>15</sup> The study found that during the academic year 2019/2020, international students paid 10 million euros in income and social tax in Estonia and international graduates more than 3 million euros. The study also found that:

- Around 50% of international students in Estonia work next to the studies, compared to more than 80% of local students. Most likely to work next to studies are international students in ICT; engineering, manufacturing and construction; and business, administration and law field. Of international students studying ICT, around 2/3 worked besides their studies. The least likely to work during studies are students of agriculture and health and welfare.
- Graduates of ICT and engineering, manufacturing and construction are also more likely to stay working in Estonia.
- Compared to local students, international students work more often in foreign-owned enterprises.
- During the COVID-19 lockdown in Spring 2020, international students were more likely to lose their jobs compared to local students.

## 1.7. OTHER MEASURES REGARDING LEGAL MIGRATION

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

In 2021, the government was in process<sup>16</sup> to **develop an amendment to the Aliens Act by allowing visa refusals to be challenged in court**. The amendment concerns foreigners who file a contestation of a decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay and premature termination of the period of stay. The action was prompted when in April 2021, the Constitutional Review Chamber of the Supreme Court declared through a decision<sup>17</sup> that the Articles § 100<sup>10</sup>(1) , § 100<sup>13</sup>(2) and § 100<sup>18</sup>, of the Aliens Act are unconstitutional and invalid so far as they preclude filing an appeal with the administrative court for challenging premature termination of the period of stay.

<sup>17</sup> Constitutional review of the Articles 100<sup>10</sup> (1), 100<sup>13</sup> (2), 100<sup>18</sup> of the Aliens Act (Välismaalaste seaduse § 100<sup>18</sup> koosmõjus § 100<sup>10</sup> lõikega 1 ja § 100<sup>13</sup> lõikega 2 põhiseaduspärasuse kontroll), April 2021, available at: [www.riigiteataja.ee/akt/121042021030](http://www.riigiteataja.ee/akt/121042021030).

<sup>18</sup> Aliens Act § 100<sup>10</sup> (1) Appeal against decision made in course of contestation

An alien may lodge an appeal against the decision made in the course of challenging the decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay and premature termination of the period of stay for the second review of the decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay and premature termination of the period of stay (hereinafter in this subdivision an appeal) within 30 days as of the date of notification of the decision made on the basis of the appeal specified in § 100<sup>1</sup> of this Act.

<sup>19</sup> Aliens Act § 100<sup>13</sup> (2) If a decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay or premature termination of the period of stay has been made by the Police and Border Guard Board or the Estonian Internal Security Service, an appeal shall be lodged with the Ministry of the Interior.

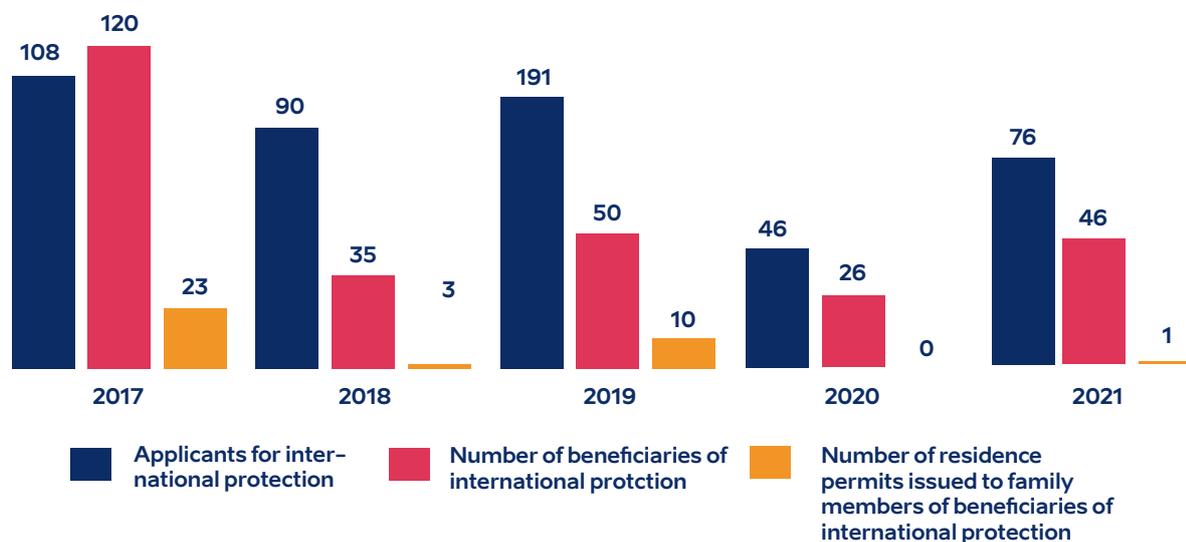
<sup>20</sup> Aliens Act § 100<sup>18</sup>. Contestation of decision made on basis of appeal. A new appeal or action cannot be filed with the administrative court against the decision made on the basis of an appeal.

# INTERNATIONAL PROTECTION

Since 1997, in total 1324 foreigners have applied for international protection in Estonia. Protection (i.e. refugee status and subsidiary protection status) has been granted to 603 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 97 cases family member residence permits have been granted for family members of individuals who had been granted international protection. In 2019 Estonia decided not to continue with resettlement and relocation activities.<sup>21</sup> Therefore, there were no persons resettled or relocated to Estonia within the framework of European Agenda on Migration in 2021.

In 2021, Estonia received 76 first-time applications for asylum, marking a 65% increase in the number of applications compared to 2020. The number of persons who received international protection increased by 77%. In 2021, protection was most often granted to citizens of Afghanistan.

Figure 5. Number of applicants and beneficiaries of international protection and number of their family members 2017-2021 (Source: PBGB)



This was related to the fall of the Afghanistan’s government under President Ashraf Ghani. As the Islamic Emirate of Afghanistan under the Taliban was reinstalled in August 2021, most Member States, including Estonia, engaged in evacuation and humanitarian admission of Afghans. Therefore, in August, **Estonian government decided to resettle and offer protection to a total of 30 Afghan nationals**: 10 people who

<sup>21</sup> Resettlement: In the EU context, the transfer, on a request from the United Nations High Commissioner for Refugees (UNHCR) and based on their need for international protection, of a third-country national or a stateless person, from a third-country to an EU Member State, where they are permitted to reside with one of the following statuses: (i) refugee status within the meaning of Art. 2(d) of Directive 2011/95/EU (Recast Qualification Directive), (ii) a status which offers the same rights and benefits under national and EU law as refugee status (see EMN Glossary).

cooperated with the European Union and NATO, including their families, and to 20 people who cooperated with Estonian organisations, including their families. **In August and September, 14 evacuated Afghan nationals reached Estonia, and in November, two additional Afghan nationals arrived in Estonia**, all of whom were regarded as applicants for international protection. By 31 December 2021, the **14 Afghan nationals** who arrived in Estonia in August had been granted international protection in Estonia.

## 2.1. RECEPTION OF ASYLUM APPLICANTS

In 2021, the Police and Border Guard Board in collaboration with its partner organisations started development of a **contingency plan (“Hädaolukorra lahendamise plaan – HOLP”)**. The need for this was to increase the preparedness to carry out, among other activities, asylum proceedings and increase reception capacity in case there are increased migratory flows to Estonia. The objective of this development is to safeguard Estonia’s preparedness to receive higher number of asylum applicants. Currently, the maximum capacity for reception facilities is 105 persons, which is not sufficient should Estonia be facing similar situation as Lithuania, Latvia and Poland in 2021.

## 2.2. INTEGRATION MEASURES SPECIFICALLY AIMED AT THE INTEGRATION OF APPLICANTS OF INTERNATIONAL PROTECTION

Social Insurance Board (SIB) initiated **re-organization of refugee support person service** empowering beneficiaries of international protection to be self-sufficient and independent in their daily endeavours. The support person service will be assigned by local municipalities per needs assessment carried out by social workers of local municipalities. Within the pilot phase, the support person service provider has been sub-contracted by the SIB via public procurement. **The objective of this development is to support self-sufficiency and adaptation of beneficiaries of international protection at local level.** The support person service for refugees has been provided by civil society organisations for the last 10 years. The support has proven to be more NGO-centric and thus tended to be detached from the local municipality who is central actor for most support services needed by residents on its territory. Similarly, the national legislation states that a refugee is obliged to use the support person service if it has been assigned to him/her. At the same time other legislative acts and support person standards state that the service can be assigned only by the local municipality. It is envisaged that the re-organization of the support person service will enable beneficiaries of international protection better access to various services and support provided at local level, brings them closer to municipalities and also most importantly standardises various support person services provided in Estonia (with specifics according to beneficiaries of the service).

<sup>22</sup> Estonian Refugee Council, “Possibilities to support refugees’ mental health in Estonia”, 18 January 2021, available at: [www.pagulasabi.ee/en/node/181](http://www.pagulasabi.ee/en/node/181).

## 2.3. OTHER DEVELOPMENTS

### Safe country concepts

In October, the safe country of origin list was reviewed, but no changes were made to the existing list.

### Digitisation of the procedure/Data management elements

In 2022, the new asylum proceeding IT system **RAKS 2** will be launched. With this change, more activities related to the proceeding will be automatised. Additionally, the new IT system will have an interface with the new ABIS database.

### Mental health of refugees

In January 2021, the Estonian Refugee Council concluded a mapping <sup>22</sup> of the **possibilities for supporting the mental health of refugees**. In addition to the mapping, leaflets aimed at refugees to raise awareness on mental health and where to find help were published in Estonian, English, Russian, Turkish and Arabic. Additionally, the Estonian Refugee Council piloted an online counselling service that is offered to a person in their native language. Currently there is no overarching policy framework specifically for the mental health of migrants.

<sup>23</sup> Decree no 56 of the Minister of Interior „Procedure for Taking Fingerprints in the Proceeding for Issuing a Residence Permit and Right of Residence and in the Proceeding for Issuing an Identity Document“ („Elamisloa ja elamisõiguse menetluses ning isikut tõendava dokumendi väljaandmise menetluses sõrmejälgede võtmise kord“), 14.08.2021, available at: [https://www.riigiteataja.ee/akt/114082021003?dbNotReadOnly=true&RIIGITEATAJA\\_AADRESS=https%3A%2F%2Fwww.riigiteataja.ee&RIIGITEATAJA\\_AADRESS\\_HALDUS=https%3A%2F%2Fwww.riigiteataja.ee](https://www.riigiteataja.ee/akt/114082021003?dbNotReadOnly=true&RIIGITEATAJA_AADRESS=https%3A%2F%2Fwww.riigiteataja.ee&RIIGITEATAJA_AADRESS_HALDUS=https%3A%2F%2Fwww.riigiteataja.ee).

# UNACCOMPANIED MINORS & OTHER VULNERABLE GROUPS

## 3.1. UNACCOMPANIED MINORS

In general, in 2021, there was **an increased amount of political attention given to the topic of unaccompanied minors**. The aim was to safeguard Estonia's preparedness to provide relevant services in case an increased number of unaccompanied minors should arrive in Estonia. Within this context, **contingency plans were developed** in collaboration with the Police and Border Guard Board, the Ministry of Social Affairs, the Social Insurance Board, and others. The need for this was related to the situation at the Lithuanian, Latvian and Polish borders with migration flows via Belarus. As of 2021, the reception capacity for unaccompanied minors was rather low, as the last unaccompanied minor who remained in Estonia and needed services were registered in 2017, and therefore there has been no practice in the last years. There are also follow-up activities — trainings for specialists who work with services aimed for unaccompanied minors – planned for 2022.

In July 2021 a national legislation concerning the creation of a national automated **biometric identification system (ABIS) database was adopted by the government and entered into force**. The ABIS database allows the state to capture and store biometric personal data — fingerprints and facial images — and to compare biometric data. Regarding minors, fingerprints will be collected the earliest from 6-year-olds when applying for a residence permit in Estonia, and earliest from 12-year-olds when applying for an identity document or a travel document in Estonia.<sup>23</sup> The new database is expected to go live in 2022.

## 3.2. OTHER VULNERABLE GROUPS (EXCLUDING VICTIMS OF TRAFFICKING)

Regarding other vulnerable groups, there was only one development in 2021 which in its type is also a preparation for a change planned to take effect in 2022. Namely, the **identification, referral and support mechanisms for victims of female genital mutilations** will be prioritised. The aim is to prevent female genital mutilation, and support women who have undergone it. Main work will be carried out in 2022. The main driver for this development derives from the Istanbul Convention which was adopted in 2017 into the Estonian legislation within the Penal Code. According to Article 118<sup>1</sup> of the Penal Code<sup>24</sup>, disabling genital mutilation of a woman or a girl of less than 18 years of age, compelling or placing her in a situation where she would suffer from the commission of such act, or instigation of a girl of less than 18 years of age to suffer from the commission of such act, if the act does not contain the necessary elements of an offence provided for in Article 118 of this Code (i.e. causing serious health damage), is punishable by up to five years' imprisonment.

While female genital mutilation has been addressed in the Penal Code since 2017, no practical operational framework exists to support women and girls subject to it. This development is aimed for a larger target group, while also targeting people in asylum procedures.

<sup>24</sup> Article 118<sup>1</sup> of the Penal Code (Karistusseadustik), RT I 2001, 61, 364, available at: [www.riigiteataja.ee/akt/128042022027](http://www.riigiteataja.ee/akt/128042022027).

# INTEGRATION & INCLUSION

## 4.1. NATIONAL INTEGRATION STRATEGY

The most significant development within the integration field in 2021 was that in November the government approved the **“Cohesive Estonia Development Plan 2021–2030”**<sup>25</sup> that sets goals for integration, including adaptation, for the next ten years. The development plan focuses on the promotion of integration and adaptation activities, developing a multifaceted diaspora policy (including supporting Estonian communities abroad, encouraging citizen diplomacy, and creating an infrastructure to facilitate ethnic return migration), strengthening civil society, improving childcare and support structures for families, and implementing smart demographic analysis methods. The development plan will be implemented in collaboration between the Ministry of Interior, the Ministry of Culture and the Ministry of Foreign Affairs.

Together with the change of the development plan, the **new national programmes for the European Social Fund (ESF21+) and Asylum, Migration and Integration Fund (AMIF 21+) were prepared**. The new operational programs will be confirmed in 2022.

Starting from May 2021, the **Ministry of Culture is responsible for both the adaptation and integration policy in Estonia**. The adaptation policy was formerly a task of the Ministry of Interior and targeted at newly-arrived migrants, while integration policies focused primarily on ethnic minorities, who had lived in Estonia for longer than five years. The objective was to merge these two fields as they are closely connected. The change is also reflected in the new development plan Cohesive Estonia 2021–2030 that sets goals for adaption and integration for the next decade.

In May, the **Ministry of Culture with partners started with visits**<sup>26</sup> to all Estonian counties with the aim to introduce **integration and adaption services, a new online integration-related advisory tool Linda**<sup>27</sup> and other recent developments in the field of integration and adaption of newly-arrived migrants. With the visits, the Ministry aims to raise awareness on the available services and tools aimed to facilitate integration process and therefore develop a local level approach and raise the role of municipalities in this process.

Another significant development is related to a change in approach regarding who is responsible for the adaption of newly-arrived migrants. **The Ministry of Culture initiated collaboration with Rakvere City** (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

<sup>25</sup> Ministry of Interior, Thematic page “Cohesive Estonia Development Plan 2021–2030” (in Estonian), available at: <https://siseministeerium.ee/ministeerium-ja-kontaktid/kaasamine-osalemine/sidusa-eeesti-arengukava-2021-2030>.

<sup>26</sup> Integration Foundation, Overview of the integration and adaption services in Estonia, available at: [www.integratsioon.ee/kov\\_koolitus](http://www.integratsioon.ee/kov_koolitus).

<sup>27</sup> Integration Foundation, An online integration-related advisory tool LINDA, available at: <https://linda.integratsioon.ee/login>.

adaption policy, meaning mainly that bringing the service providing to the local level and raise the role of municipalities in the process of adaption.

2021 also brought along involvement with non-government stakeholders, as **the Ministry of Culture established a partnership with the National Foundation of Civil Society** with the aim to empower the consultants of the County Development Centers. As per the agreement, the consultants will advise foreigners in English with the aim to increase their participation in voluntary work.

## 4.2. EDUCATION AND TRAINING OF ADULTS

### Basic skills and language training

In 2021, there were two changes made to the language module of the **Settle in Estonia programme**. Firstly, with the aim to meet the demand, **A2 level training will be offered in addition to the A1 level training**. The volume of A2 level language training is 150 academic hours, of which 120 hours take place in contact studies and 30 hours as independent work. There are usually three lessons in one training day, one lesson lasting 45 minutes. Language learning usually takes place two days a week. Secondly, the language courses will be offered based on a **new teaching methodology** – the language learning will take place in Estonian and the groups will not be divided on the basis of base language as before, but mixed groups will be formed.

There was also a change in the **Work and Entrepreneurship module of the Settle in Estonia programme**. The module was divided into two – **Work module and Entrepreneurship module**. The aim of this change was to meet participants' needs in a better way.

Integration Foundation published new **guidelines for independent Estonian language learning in English**.<sup>28</sup> The material helps planning independent language learning, helps with creating a language environment, finding options to have conversations in Estonian, etc. Secondly, a guide **"Our multilingual child: a guide for parents"**<sup>29</sup> was published in English, with the aim to help parents raise their children with more than one language, focussing on bilingualism with Estonian.

## 4.3. LABOUR MARKET AND SKILLS

### Measures to facilitate the validation of formal qualification

Estonia approved the **Global Convention on Recognition of Qualifications concerning Higher Education of UNESCO** (Global Convention). The Convention will enter into force once 20 countries have joined it. The Global Convention aims to facilitate academic and professional mobility between regions and serves as a bridge between five UNESCO regional conventions. The Global Convention establishes the rights of individuals to have their foreign qualifications assessed in a transparent and non-discriminatory manner. Globally, five million students study abroad and 2.5 million study outside

<sup>28</sup> Metslang, H. (2021) Guide for independent language learning. Learning skills and language environment, available at: [www.integratsioon.ee/sites/default/files/juhend\\_iseseisvaks\\_keeleoppeks\\_est-eng\\_0.pdf](http://www.integratsioon.ee/sites/default/files/juhend_iseseisvaks_keeleoppeks_est-eng_0.pdf).

<sup>29</sup> Integration Foundation (2021) Our multilingual child: a guide for parents, available at: [www.integratsioon.ee/sites/default/files/trukis\\_kakskeelsus\\_eng\\_2.pdf](http://www.integratsioon.ee/sites/default/files/trukis_kakskeelsus_eng_2.pdf).

their home region. The need for the Global Convention stemmed from increasing student migration from one region to another and the need for fair recognition of foreign higher education qualifications. Preparations were carried out for Estonian Unemployment Fund to start career counselling **“Your career path in Estonia”**<sup>30</sup> both in English and Russian, in Tallinn and in Jõhvi. In the counselling the foreigner can get an overview of the Estonian labour market, map their personal career opportunities and plan their next steps, discuss how to reach their personal goals, get answers to their career questions, and meet new people in similar situation. This type of counselling is expected to increase participation in the labour market of family migrants and help reduce labour shortages.



Screenshot 1. Advertisement for group counselling “Your career path in Estonia”

#### 4.4. BASIC SERVICES

##### Access to healthcare

In April 2021, the Ministry of Social Affairs announced that **foreigners living and working in Estonia can be vaccinated against COVID-19 free of charge**. The vaccination is open to all people aged at least 12 years.

Estonian Health Board conducted a **mapping**<sup>31</sup> **among general practitioners** to determine which doctors have capacity and readiness to take care of patients who speak other languages than Estonian. The aim of this mapping was to increase the accessibility to first level healthcare services.

<sup>30</sup> Estonian Unemployment Fund, Group counselling “Your career path in Estonia”, available at: [www.minukarjaar.ee/sundmused/mycareer](http://www.minukarjaar.ee/sundmused/mycareer).

<sup>31</sup> Estonian Health Board, Family doctor’s readiness to accept new patients and languages spoken by staff, available at: [www.terviseamet.ee/en/healthcare/information-patients/what-family-physician-care/family-doctors-readiness-accept-new](http://www.terviseamet.ee/en/healthcare/information-patients/what-family-physician-care/family-doctors-readiness-accept-new).

## 4.5. ACTIVE PARTICIPATION

### Organising civic orientation programmes

In 2021, the Integration Foundation launched a program “**Language training to apply for Estonian citizenship**”.<sup>32</sup> The program was previously carried out by the Estonian Academy of Security Sciences. The program is aimed for foreigners who would wish to apply for Estonian citizenship. Within the program, they will sign an agreement for free Estonian language courses and for obtaining a paid study leave from work. One-off free language training shall be provided from zero level up to B1 level.

In 2021 this program was offered to 42 study groups and there were 486 available learning spots. 204 persons reached the B1 level and 20 persons applied for Estonian citizenship.

# CITIZENSHIP & STATELESSNESS

Estonian citizenship is a legal covenant between the Estonian citizen and the Estonian state that entails rights and obligations for both parties. No one may be deprived of citizenship by birth. An Estonian citizen may not simultaneously hold the citizenship of any other country. Estonian citizenship is lost by accepting the citizenship of another country. A child may hold more than one citizenship if his or her parents have different citizenships, but upon reaching 18 years of age, the child must within three years give up either his or her Estonian citizenship or the citizenship of the other country.

Estonian citizenship can be:

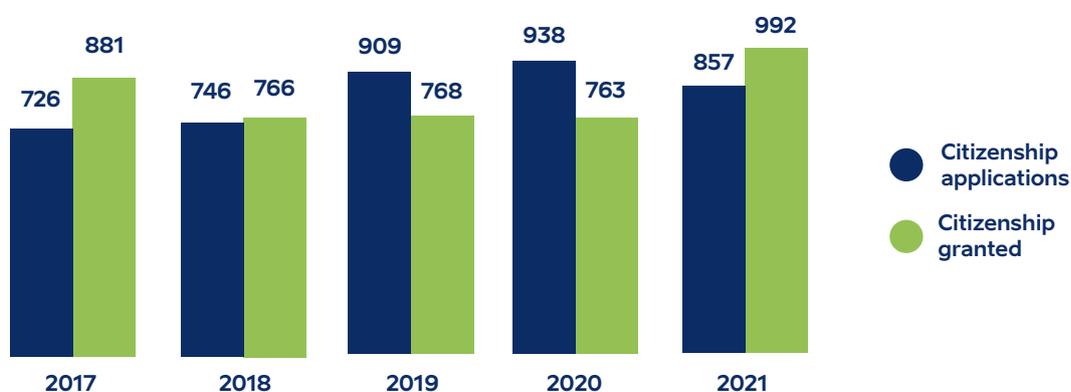
- acquired by birth if at least one parent has Estonian citizenship
- obtained through naturalization
- reinstated in the case of persons who lost Estonian citizenship as minors
- lost by way of release of Estonian citizenship, depriving one of citizenship or by accepting the citizenship of another country.

In 2021, **Estonian citizenship was granted to 857 persons**, and 992 citizenship applications were made. **In 2017-2021, a total of 4170 people received Estonian citizenship through naturalisation.** Of those, 54% were women and 46% men. Most often, the naturalised people were previ-

<sup>32</sup> Integration Foundation, „Language training to apply for Estonian citizenship”, available at: [www.integratsioon.ee/en/language-training-apply-estonian-citizenship](http://www.integratsioon.ee/en/language-training-apply-estonian-citizenship).

ously 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 2021, there were no changes in legislation or policy within the field of citizenship and statelessness. However, in April 2021, there was a public debate regarding the current citizenship law.<sup>32</sup> **Namely a Syrian national who has otherwise fulfilled all requirements to apply for Estonian citizenship, cannot renounce his Syrian citizenship as Syria does not release him from citizenship.** According to the Citizenship Act, (generally) a person cannot have multiple citizenships. At the same time, according to Syrian law, citizenship can only be renounced in special cases by a government decision, and a person cannot be released from citizenship as a result of his or her own will, meaning in Syria it is currently impossible to renounce birthright citizenship. The case has been appealed to an administrative court with the help of the Estonian Human Rights Centre.<sup>34</sup>

<sup>32</sup> Integration Foundation, „Language training to apply for Estonian citizenship”, available at: [www.integratsioon.ee/en/language-training-apply-estonian-citizenship](http://www.integratsioon.ee/en/language-training-apply-estonian-citizenship).

<sup>33</sup> See for example Estonian Public Broadcasting (ERR News), 21 April 2021, „Eesti kodakondsust sooviv süürlane sattus bürokraatlikku vaakumisse”, available at: [www.err.ee/1608186103/eesti-kodakondsust-sooviv-suurlane-sattus-burokraatlikku-vaakumisse](http://www.err.ee/1608186103/eesti-kodakondsust-sooviv-suurlane-sattus-burokraatlikku-vaakumisse); Eesti Päevaleht, 14 April 2021, „Edutult Eesti kodakondsust taotlev süürlane andis riigi kohtusse”, available at: [www.delfi.ee/artikkel/93127379/edutult-eesti-kodakondsust-taotlev-suurlane-andis-riigi-kohtusse](http://www.delfi.ee/artikkel/93127379/edutult-eesti-kodakondsust-taotlev-suurlane-andis-riigi-kohtusse).

<sup>34</sup> Estonian Human Rights Centre, 14 April 2021, „The Centre stands in court for the Estonian-Syrian couple’s safe family life”, available at: <https://humanrights.ee/en/2021/04/oigus-turvalisele-pereelule/>.

# BORDERS, VISA & SCHENGEN

## 6.1. BORDER MANAGEMENT AT THE EXTERNAL BORDER

**In 2021 main focus in border management was on the hybrid attacks from Belarusian border to EU-external border.** In relation to this several activities were carried out:

- Firstly, in July, the PBGB carried out training in the Southern border region in cooperation with the Latvian State Border Guard on the management of irregular migrants (identity checks, itinerary, assessing the need for international protection, and asylum procedure or return) as well as training on the management of large groups of irregular migrants including detention, conducting proceedings, tactical tracking, apprehension of armed criminals, and situations which are resource intensive.
- In August, the PBGB carried out joint patrols with Latvian State Police with the aim to prevent irregular migration.
- In November 2021, related to the situation at the Belarusian border and with a growing risk of increased irregular border crossings at Estonian border, in the framework of the military exercise "Okas 2021", a temporary barrier of 40 kilometres was built on the Estonian Eastern border (Estonian-Russian border). The temporary barrier was built in ten locations where the PBGB has considered the risk of irregular border crossing to be the highest. The work mainly concerned reinforcing parts of the border with infrastructural gaps with temporary barriers, mainly consisting of razor wire. Several partners were involved in construction of the border barrier - the Estonian Defence Forces reservists, volunteers from the Police and Border Guard Board, other authorities and the Defence League.

## 6.2. NATIONAL VISA POLICY

**In 2021, the Parliament was in process to develop an amendment to the Aliens Act by allowing visa refusals to be challenged in court.** The amendment concerns foreigners who file a contestation of a decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay and premature termination of the period of stay. Objective for such amendment came in April 2021, when the Constitutional Review Chamber of the Supreme Court declared through a decision<sup>35</sup> that the Articles § 100<sup>10</sup>(1), § 100<sup>13</sup>(2) and § 100<sup>18</sup>, of the Aliens Act are unconstitutional and invalid

<sup>35</sup> Constitutional review of the Articles 100<sup>18</sup>, 100<sup>10</sup> (1), 100<sup>13</sup>(2) of the Aliens Act (Välismaalaste seaduse § 100<sup>18</sup> koosmõjus § 100<sup>10</sup> lõikega 1 ja § 100<sup>13</sup> lõikega 2 põhiseaduspärasuse kontroll)

<sup>36</sup> Aliens Act § 100<sup>10</sup> (1) Appeal against decision made in course of contestation – An alien may lodge an appeal against the decision made in the course of challenging the decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay and premature termination of the period of stay for the second review of the decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay and premature termination of the period of stay (hereinafter in this subdivision an appeal) within 30 days as of the date of notification of the decision made on the basis of the appeal specified in § 100<sup>10</sup> of this Act.

<sup>37</sup> Aliens Act § 100<sup>13</sup> (2) If a decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay or premature termination of the period of stay has been made by the Police and Border Guard Board or the Estonian Internal Security Service, an appeal shall be lodged with the Ministry of the Interior.

<sup>38</sup> Aliens Act § 100<sup>18</sup>. Contestation of decision made on basis of appeal. A new appeal or action cannot be filed with the administrative court against the decision made on the basis of an appeal.

so far as they preclude filing an appeal with the administrative court for challenging premature termination of the period of stay.

### 6.3. VISA STATISTICS

According to the statistics provided by the PBGB, Estonia issued total of **65 413 visas** (which is + 50% increase compared to year before). Of these visas **26 030 were long-term (D)** and **39 383 short-term (C) visas**. TOP 5 nationalities for long-term (D) visas were citizens **Ukraine, Russian Federation, Belarus, Moldova and Uzbekistan**. TOP 5 countries for short-term (C) visas were **Russian Federation, Belarus, Turkey, Kazakhstan and India**.

Figure 7. Long-term (D) visas issued in 2017-2021 (Source PBGB and Ministry of Foreign Affairs)

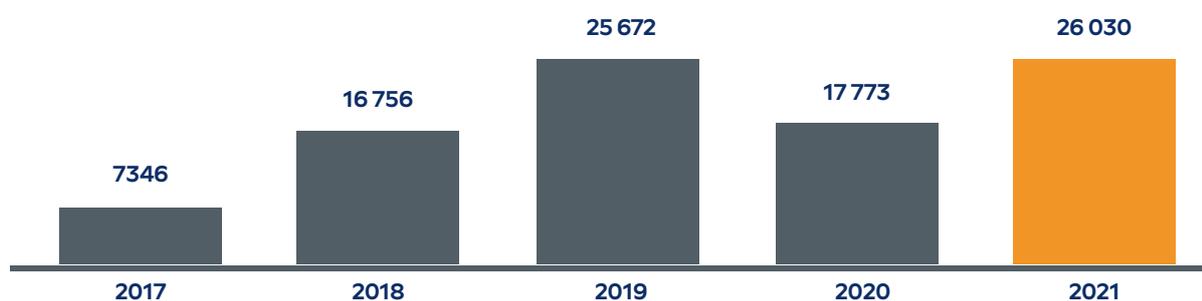
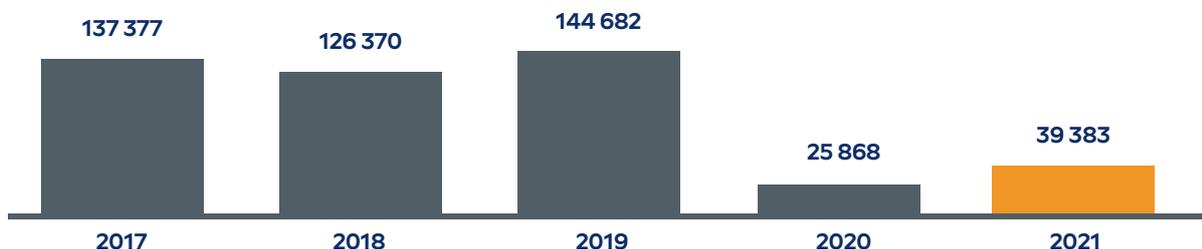


Figure 8. Short-term (C) visas issued in 2017-2021 (Source PBGB and Ministry of Foreign Affairs)



Since 2020, Estonia is issuing visas for teleworking or so-called **digital nomad visas**, which 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 2021 in total 153 long-term digital nomad visas were issued**, which is more than fourfold increase compared to 2020. Main citizens who became holders of nomad visas were from Russian Federation, USA, the United Kingdom, India and Ukraine.

### 6.4. VISA RECIPROCITY MECHANISM

From 22 October 2020 until 30 September 2021, Estonia was temporarily representing Poland in Schengen visa proceeding matters in Minsk, Belarus, due to Polish consular officers being involuntarily withdrawn from Belarus.

The **visa representation agreement with Denmark** was amended and entered into force on 26 July 2021. Denmark represents Estonia in Manila, the Philippines. As Estonia does not have an embassy in the Philippines, the representation by Denmark allows Philippine residents to apply for a

Schengen visa to visit Estonia more conveniently. Previously Estonia was represented by Norway, who closed its consulate in Manila in 2019.

On 13 May 2021 the **Agreement between the government of the Republic of Estonia and the government of the Republic of Suriname on Visa Exemption for Holders of Diplomatic Passports entered into force**. Objective for agreement was deepening bilateral relations with Suriname and to facilitate traveling for holders of diplomatic passports.

## 6.5. OTHER VISA RELATED ACTIVITIES

During the year 2021, the PBGB continued to work out the **new national visa-register**, developments on the system are planned also for 2022.

On 2<sup>nd</sup> July 2021 the **service contracts with External service providers**, who facilitate the management of Estonian long-stay visa applications, in 5 countries (Australia, Canada, the United States of America, Japan and Ukraine) **entered into force**. Previously the service contracts have been concluded only in 16 countries to receive Schengen visa applications. Objective for this was to allow Estonian long-stay visa applicants to submit their visa applications more conveniently, eliminating the need to travel long distances to the embassies and consulates.

On 1<sup>st</sup> February 2021 the **Consulate General in San Francisco**, United States of America, started to proceed Schengen visa and Estonian long-stay visa applications. The development made it more convenient for those applicants residing on the West Coast of the USA to submit the visa applications.

On 31<sup>st</sup> December 2021 **the Embassies in Paris, Stockholm and Helsinki** terminated the processing of Estonian long-stay visas, due to very low number of visa applications. Estonian continues to proceed long-stay visa applications in the Embassies and Consulates in third countries and in-service offices of Estonian Police and Border Guard Board.

## 6.6. SCHENGEN GOVERNANCE (INCL. SCHENGEN EVALUATION MISSIONS, TEMPORARY SUSPENSION OF SCHENGEN BORDERS, SCHENGEN INFORMATION SYSTEM (SIS))

Amendments to the **national legislation resulting from the Schengen evaluation recommendations** were submitted to the Parliament. These amendments are mainly related to designation of the state responsible for person's removal.

In 2021, at the national level there were some changes in the practice regarding Schengen governance. As of mid-2021 the Schengen refusal of entry decision with its explanatory document were issued to persons, who were not entitled to enter Estonia due to COVID-19 travel restrictions. The reasoning in the decision of refusal of entry referred to a threat to public health, according to the Government order nr 169 and Schengen regulation. Previously persons who weren't entitled to cross the border due to COVID-19 travel restriction, were refused to entry without being issued any specific document on their refusal to entry Estonia.

In 2021, there were no new changes in the implementation of the SIS. In perspective of the SIS regulations (border control, return, police co-operation) and the national systems the **Illegal2** and **UUSIS SKEELD** are under development and improvement. Amendments were submitted to the Parliament in 2021.

## 6.7. DEVELOPMENTS AT EU-EXTERNAL AND EU-INTERNAL BORDERS

During 2021, the **Government Order No. 169**<sup>39</sup> on “**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**” was changed several times. Mainly these changes were related to the implementation of travel restrictions when entering Estonia. Significant amendment to the Government order No. 169 entered into force on 18.10.2021, allowing vaccinated persons to travel into Estonia. Change had a positive impact on the number of travellers entering the country. Due to COVID-19 travel restrictions number of border crossings decreased rapidly. In 2020 there were 849 544 EU-external border crossings (-90 % compared to year before, 2019). In **2021 there were 577 202 EU-external border crossings** (-32% compared to 2020).

As of 1 December 2021, all individuals who were travelling to Estonia other than those who are subject to exceptions<sup>40</sup> were required to complete a **cross-border traveller’s declaration**. The traveller’s declaration form had to be submitted up to three days prior to arrival in Estonia or upon the day of arrival to Estonia electronically to the Health Board.

To fulfil the **Government Order No. 305** on “**Measures and Restrictions Necessary for Preventing the Spread of COVID-19**”, the PBGB was assisting the Health Board by monitoring persons who were subject to an isolation obligation. Also, when leaving Estonia, the PBGB carried out checks on the border to ensure that persons who were subject to an isolation obligation were following it and if not, prevented them from leaving the country.

<sup>39</sup> Government order nr 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 p 126 Link: RT III, 15.10.2021, 4, available at: [www.riigiteataja.ee/en/eli/ee/vv/k/504042022001/consolide](http://www.riigiteataja.ee/en/eli/ee/vv/k/504042022001/consolide).

<sup>40</sup> See the list of persons not required to complete the cross-border traveller’s declaration: <https://www.terviseamet.ee/en/coronavirus/travelling-and-covid-19#exceptions>.

# IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING

## 7.1. PREVENTING AND TACKLING OF MISUSE OF LEGAL MIGRATION CHANNELS

To enable **better migration management via an IT-tool**, which allows to perform automated checks, the PBGB finalized a detailed analysis of the new **Migration Surveillance Module** by end of 2021. The Migration Surveillance Module is an IT-tool enabling automatic and manual checks within different databases, create risk profiles, plan and report inspections, draw statistics etc. and provide possibility to the prompt exchange of information with other state authorities (e.g. Labour Inspectorate and Tax and Customs Board). Module will allow to perform checks in legal migration area in a broader scope i.e. to determine whether person use issued permits/visas purposefully and in accordance with set conditions (including work, study, family migration, entrepreneurship, permanent residency). Implementation of the module is planned for 2024.

### False travel documents

False documents are detected in Estonia mainly at border checkpoints. **In recent years, the frequency of detecting forged documents at the border has increased significantly.** The falsification of driving licenses and travel documents (incl. passports) is a growing trend.

As a new trend in 2021, the **falsifications of the Covid-19 certificates** (Covid-19 PCR negative results and vaccination certificates) and registrations of short-term employment has been detected. Mainly the information on personal data, validity of documents and the employer has been incorrect in these documents. The cases of falsified residence permits have also increased, especially at the land border and in the implementation of Schengen compensatory measures in the country.

## 7.2. PREVENTING FACILITATION OF IRREGULAR MIGRATION ('SMUGGLING') AND PREVENTING IRREGULAR STAY

### Combatting facilitation of irregular migration (smuggling) policy and legislation changes

In June 2021 in order to strengthen Estonian internal security, **the government approved the 'Internal security development plan 2020–2030'** Among other topics, the development plan sets goals for Estonian migration, citizenship and identity management policy. At the core of the development plan line "Border Management" is to ensure the protection of Estonia's external border as the external border of the European Union, as well as ensuring that border control is in accordance with the requirements of the Schengen common visa area, including irregular border crossings, illegal border activities, trafficking and smuggling. Security at the external borders is strongly affect-

ed by the constant pressure of irregular immigration, the increasing number of unlawful overstay in the Schengen area and the possible increase of the refugee flows.

In July 2021 a national legislation concerning the creation of a national **automated biometric identification system (ABIS)** database was adopted by the government and entered into force in July 2021. The ABIS database allows the state to capture and store biometric personal data – fingerprints and facial images – and to compare biometric data. Efficient authentication and verification of identity helps law enforcement bodies to prevent forgeries and solve crimes, thus having a positive effect on both public order and security. There are currently several databases in use in Estonia which contain biometric personal data and are at present under various ministries' areas of administration.

The processing of data in the ABIS database will follow all data protection principles and ensure that data is used lawfully and transparently. The owner of the data stored in ABIS is the person whom it concerns and pursuant to the Personal Data Protection Act, the owner has the right to know who has viewed their information. Access to ABIS will be granted only to officials who have the legal right and specific authorization in accessing the database, for the purpose of fulfilling their statutory duties. The controller of the database depends on the data entered into the database.

Data relating to ABIS is to be processed as little as possible, and only to the extent required for achieving the objectives of proceedings. Driver for such database was that it will help law enforcement bodies resolve criminal offenses and improve national capacity on managing irregular migration. The new database is expected to go live in 2022.

### **Actions taken to combat facilitation of irregular migration (smuggling)**

As a response to the influx of irregular migrants to Lithuania, since mid-June 2021, Estonia has deployed the PBGB ESTPOL5 units to the Lithuanian-Belarusian border each month. Between July to December, Estonia deployed 6 units with total of 80 police officers who supported Lithuania in the field of border operations and by providing equipment support (drones etc.).

Estonia deployed 10 officials to Slovenia under the ESTPOL4 activity, who were carrying out reinforced police actions at the land border.

**Estonian Defence Forces (EDF) unit was deployed in December 2021 to Poland** as part of a mission operation Wisent. A 70-member team included both reservists and active servicemen, as well as civilians and was part of a bilateral defence cooperation project which has resulted in the construction of over 22 km of border barriers in Poland, along with support of border surveillance technology as drones<sup>41</sup>. Objective for this action was to assist, monitor and control the situation at the Belarussian-EU external border.

<sup>41</sup> ERR News, "Defense League members to make up core of next Polish border deployment", 30 December 2021, available at: <https://news.err.ee/1608451703/defense-league-members-to-make-up-core-of-next-polish-border-deployment>

As an additional measure, the government allocated extra financial resources for **joint patrols with the Latvian Border Guard to implement Schengen compensation measures**.

In February 2021, the PBGB installed **16 ABC gates at Tallinn Airport**. Automatic gates are also installed at **Narva-1 border checkpoint and Saatse border checkpoint**.<sup>42</sup> The automated border control gates are high-level ICT systems which will increase the capacity of the border crossing points by identifying electronically readable travel documents and to shorten the waiting time for border crossing.

### Prevention of irregular stay

The PBGB, continued within its **cooperation framework with the Estonian Tax and Customs Board and the Labour Inspectorate**, activities to prevent and tackle illegal employment in Estonia and to ensure that foreign labour-force, who are employed in Estonia, will pay their taxes in Estonia. Information on the employer's responsibilities, when hiring foreign labour-force, was also shared. Driver to continue with preventive activities is continually high number of violations of working conditions.

### Cooperation with third countries to prevent irregular migration

To enhance cooperation with third countries Estonia continued in 2021 negotiations on **bilateral agreements** with two countries:

- **Kazakhstan**, whose bilateral agreement is under finalization phase.
- New negotiations have started with **Kyrgyzstan**.

Turkmenistan announced the suspension of negotiations without setting any specific deadline. For 2022 there are plans to start negotiations with Uzbekistan.

### Monitoring and identifying irregular migration routes

In 2021, the top countries whose citizens were refused entry at the external border were Russian Federation (79% from total refusals), Ukraine (5%), Belarus and Moldova. The main reason for refusal was the Government order nr 169 (on imposing of temporary restrictions on crossing the state border in order to prevent spread of the coronavirus), which in total covered 84% of refusals to entry. For Russian citizens the main reason was lack of a visa or other documents proving the purpose of their trip.

<sup>42</sup> Borders and Visa Funds (BMVI) programme for Estonia, 2021.

# TRAFFICKING IN HUMAN BEINGS

In 2021, there were **no third-country nationals who were identified as victims of trafficking in human beings**. However, in 2021, there were **34 presumed victims of THB**: 62% of them were women, and 78% of them were involved in **sexual exploitation**; 27% were male, and 78% of them were involved in **labour exploitation** and the rest in **sexual exploitation**. The remaining 11% of presumed victims were transgender people involved in **sexual exploitation**. All of the presumed victims were adults. The presumed victims were most often citizens of the Ukraine, Brazil and Columbia. In 2021, **4 persons were arrested** (i.e. prosecuted and sent to court), and **2 traffickers were convicted**.

One of the most significant developments within the field of trafficking in human beings took place in July 2021, when a new strategy document - **Violence Prevention Agreement**<sup>43</sup> (VPA) - for preventing trafficking was approved by the government. The agreement sets out 14 measures for violence prevention. The agreement does not include a complete list of violence prevention activities, but the focus is on problems that still need more attention or have so far been overshadowed or where the expected progress has not been made comparing to the earlier strategies. The measures in the VPA cover activities at different levels of prevention and it has **one special measure (nr 7) of trafficking in human beings** which sets for the years 2021-2025 following list of activities:

- Young people and professionals working with young people will be trained to raise their awareness of the dangers of trafficking in human beings and assistance possibilities. Young people will be engaged into the prevention of trafficking in human beings.
- Campaigns will be used to change the attitudes towards buying sex.
- Training will be provided to employers, in particular in the construction, manufacturing, and service sectors and in the manufacturing industry, as well as to users of seasonal workers in agriculture and elsewhere, to ensure safe and non-discriminatory recruitment chains and to improve the knowledge of employers of migrant worker recruitment rules.
- The knowledge of employees about labour laws, especially among those coming to work in Estonia from abroad, will be increased.
- Inspections based on risk analysis will be organised and data exchange will be intensified to reduce the illegal employment of migrants in Estonia.
- In criminal proceedings, co-operation with the countries of origin of migrants will be enhanced to support investigative measures.
- The prevention, detection, and investigation of crimes related to trafficking in human beings will be ensured in co-operation with the competent authorities, inter alia by increasing co-operation

<sup>43</sup> Ministry of Justice, Violence Prevention Agreement (Vägivallaennetuse kokkulepe) (in Estonian), available at: [www.just.ee/sites/www.just.ee/files/vagivallaennetuse\\_kokkulepe\\_2021-2025\\_0.pdf](http://www.just.ee/sites/www.just.ee/files/vagivallaennetuse_kokkulepe_2021-2025_0.pdf).

at the local level.

- Cases of labour exploitation will be analysed to identify possible links with the crime of trafficking in human beings.
- The experience of an independent rapporteur of trafficking in human beings<sup>41</sup> in other EU countries and the need for such a function in Estonia will be analysed.
- An intervention programme for sex buyers will be established to reduce the demand for trafficking in human beings, including the buying of sex and sexual abuse.
- The annual plan will be agreed with stakeholders who implement the activities within first half of 2022 and then detailed yearly plan will be confirmed.

There has been an **anti-trafficking hotline** in place since 2004, and since 2018 the hotline (+372 6607 320) is operated by **Estonian Social Insurance Board**, which is a public sector organisation operating under the Ministry of Social Affairs. The purpose of the service is to inform people about the possibilities of preventing THB, conditions and dangers of working abroad and to help (presumed) victims of THB. The counselling is provided in Estonian, English and Russian.

In 2021, **foreigners were one of main caller group to the counselling line**. In 2021, there were **a total 505 clients from 17 different countries using help of the counselling line**. From those clients 77% (approx. 80% of the clients from Ukraine, Belarus, Kyrgyzstan, India, Cameroon, Uzbekistan, Russia, Tajikistan, Azerbaijan) were with indicators to either **labour fraud or labour exploitation**. 5% were involved with prostitution (from Ukraine, Brasilia, Columbia, Russia, Japan, Republic of Dominican). 17% of the clients were different authorities and specialist who needed counselling regarding the cases and clients. The popularity of eye-to-eye counselling grew (except during the COVID-19 pandemic period).

Numerous calls made to the counselling line end up as labour disputes in the labour dispute committees in the Labour Inspection mainly over the unpaid salaries and vacation allowance. In 2021 there were 241 labour disputes related to foreigners (both EU and non-EU nationals) and they form 11% of all labour disputes of 2021. Country-wise the most disputes took place in the Northern part of Estonia, Harjumaa, where 157 employers are related to disputes with employees. The disputes are mainly within the field of **construction, transportation, catering and service sectors**. The most disputes are with **Ukrainians**, also with **Belarussians** and with workers from **Turkmenistan**. The disputes are mainly over unpaid salaries. The Labour Inspectorate has indicated a pattern that employers tend to pay less than the Estonian statistical average salary to foreign workers.

Lastly, the Social Insurance Board assists people with writing applications to the Labour Inspectorate (in cases with labour fraud or labour exploitation), with finding safe housing, and with return to home country (especially in cases of sexual exploitation). The main partners of the Victim support team of the Social Insurance Board are the Police and Boarder Guard Board, the Labour Inspectorate, the International Organisation for Migration (IOM), Estonian Unemployment Fund, etc.

## 8.1. DETECTION AND IDENTIFICATION OF VICTIMS OF HUMAN TRAFFICKING

Since May 2021 all support services, incl. housing, counselling and support to victims of trafficking of human beings are provided by the Estonian Social Insurance Board. The objective is to provide client-centered services and efficient referral mechanisms based on victim's needs. To provide services for victims of human trafficking, the Social Insurance Board has a procurement system to find service providers and to conclude contracts. Before 2021 counselling and shelter services were provided by the NGO Eluliin under the public procurement system and contracting. Since 2021, the Social Insurance Fund is providing all of the services, and has additionally procured contracts for safe accommodation and legal counselling services. The recent trends showed the need for more client-centered service provision to take account the victim's needs assessment, country of origin and gender. In 2021, Social Insurance Board were counselling, providing primary social-psychological help, safe accommodation and return to home country for 28 people who were involved in prostitution (from Ukraine, Brasilia, Columbia, Russia, Japan, Republic of Dominican). From those 21 were women, two were men, and four were transgender.

In 2021, active **preparations for the amendments to the Victim Support Act** were made, with the aim to send new Victim Support Act to government approval in the end of 2022. With the proposed amendments, the requirements for service providers will be specified to ensure that vulnerable victims, including victims of human trafficking, receive care and support only from well-educated and professional specialists. Also, clear lists of services will be provided for different target groups. Regarding victims of THB, the following services will be included in the law and provided by the Social Insurance Board:

- primary psychosocial assistance to the victim 24 hours a day;
- assessment of the victim's need for assistance in order to decide on the need and volume of the service;
- implementation of case management in cases where the victim needs long-term and comprehensive assistance to achieve independent living;
- counselling the victim, providing psychosocial assistance;
- secure temporary accommodation 24 hours a day;
- meals and other necessary material assistance;
- arranging the availability of necessary health care services;
- psychological counselling;
- legal aid;
- and translation service to enable the assistance.

In the case of a minor, with the amendments, the right to use the substitute home service is available. Victims of human trafficking continue receiving state compensation aimed for crime victims regardless of their legal status. Also, for the first time, data exchange between police, prosecutor's

office and Social Insurance Board is planned to be established in the law, as well as the principles of victim support in general.

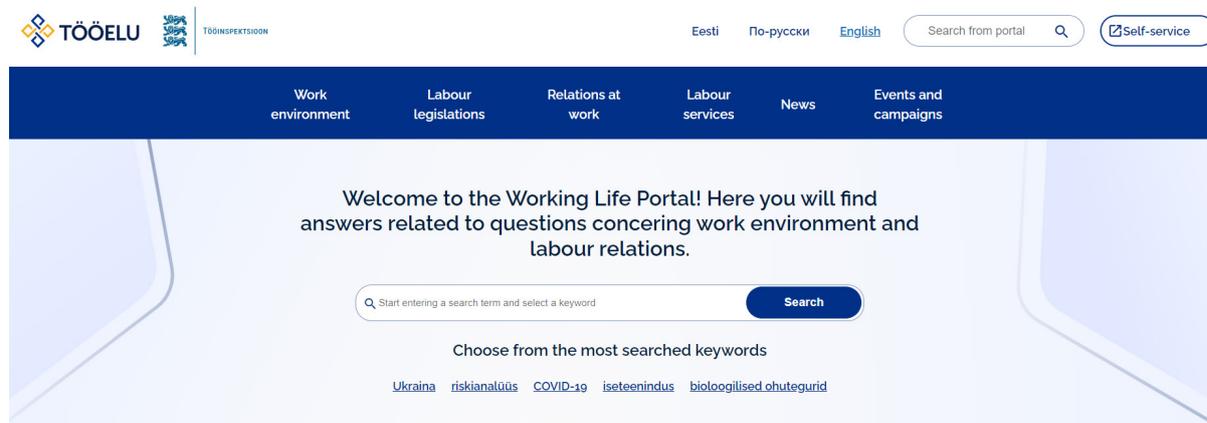
In 2021, amendments to the **Child Protection Act** were prepared, regulating the operation and tasks of the Barnahus service (children’s houses) in Estonia. The children’s houses work primarily with victims of sexual abuse, but are aimed to provide services also to child victims of trafficking in case they have been sexually abused or exploited.

## 8.2. PROVISION OF INFORMATION TO THIRD-COUNTRY NATIONAL VICTIMS OF HUMAN TRAFFICKING

In 2021, one common training on trafficking in human beings was organised for the stakeholders working with identifying, investigating and assisting THB cases (i.e. police, prosecutors, labour inspectors, victim support officials). The focus of the training was on legal questions, cooperation in the labour exploitation cases and examples of the suspicious labour cases with third-country migrants were also discussed.

Labour Inspectorate have established new portal for work related (incl. THB related) questions - **“Working Life Portal”** - where information is provided in Estonian, Russian and English<sup>44</sup>. There is a special section in the portal called **“Foreign worker”**, which is aimed for third-country nationals.

Screenshot 2. Working Life Portal (www.tooelu.ee/en)



<sup>44</sup> Working Life Portal, available at: [www.tooelu.ee/en](http://www.tooelu.ee/en)

# RETURN & READMISSION

**In 2021, the number of issued return decisions remained almost the same as in 2020.** The PBGB issued 1157 return decisions, which is 6% less than in 2020. 91% of these were voluntary return decisions (in 2020, the voluntary return decisions constituted 92% of all return decisions). Top 3 nationalities to whom return decision were issued was Ukraine, Russian Federation and Moldova. All decisions are made on a case-by-case basis and forced return is applied mainly when there is risk of absconding. Number of persons who actually left the country remained high with the return rate being almost 99%, compared to 81% the year before.

The number of persons returned with support provided by **IOM Estonia VARRE project** (assisted voluntary return programme) decreased compared to previous year from 128 in 2020 to 40 in 2021. Top 3 nationalities to whom assistance was provided were Moldavians, Ukrainians and Georgians. 47 persons returned with support provided by the PBGB in the framework of the AMIF project “The implementation of return obligations and offering accommodation service” in 2020. Aim of this project is to support the return of the persons who have been issued a forced return decision.

**Figure 9.** Number of TCNs in return procedures, 2021 (Source: PBGB)



## 91. GENERAL POLICY DEVELOPMENTS AND ACTIONS IN THE AREA OF RETURN

In order to implement the **SIS regulations 2018/1860 and 2018/1861** into national legislation, the Ministry of Interior prepared the draft of legislative amendments, which are currently in the Parliament. The relevant databases are being developed to fulfil the requirements of the regulation.

**European Return Liaison Officer** (EURLO) was sent on mission to **Gambia** and the **PBGB mobile contact-person** was sent to **Ukraine**.

The preparation of the **AMIF project “Increasing the capacity of reception and return of persons entering the country on mass influx”** created preconditions for the migration liaison officer to start working in the countries of origin and transit of irregular migration (Ukraine, Latvia, Lithuania).

nia, Poland). The aim of the project is to enhance cooperation with third countries (Belarus, Georgia, Ukraine, Moldova), which are the main destination countries of return.

## 9.2. FORCED RETURN AND DETENTION

In order to implement the recommendations made within the **2018 Schengen return-related evaluation to Estonia** into national legislation, the Ministry of Interior prepared the draft of legislative amendments, which are currently in the Parliament. New proposed amendment concerns the short-term (up to three days) detention of a person in order to determine whether the person's stay in the country is legal or unlawful.

## 9.3. READMISSION AGREEMENTS

Under the **AMIF project "Improving cooperation with third countries in the field of return"** the focus was to improve cooperation with the countries of Central Asia (Russian Federation, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan and Turkmenistan), with aim to develop cooperation, solve problems and prepare for the acceptance of the readmission agreements.

Estonian delegation visited Kyrgyzstan to discuss the draft of the bilateral readmission agreement with Kyrgyzstan.

# MIGRATION & DEVELOPMENT COOPERATION

Within the field of migration and development, there were several changes in 2021, incl. establishment of a new development agency, as well as cooperation agreements with Germany, the United States of America and Sweden, all to strengthen cooperation and activities in Eastern Partnership countries, e.g. Ukraine.

In July 2021, a separate agency, **Estonian Centre for International Development<sup>45</sup> was established**, which points to a change in the country's approach to development cooperation. Development legislation was amended at the end of 2021 to reflect the new division of tasks. The centre will be a platform on the national level, implementing larger scale projects and acting as a resource centre for civil society organisations and ensuring that local civil society actors are involved in decision-making. The driver for this development was the need to increase coherence between humanitarian aid and development cooperation for more transparency and effectiveness. By building

the professionalism of Estonian development cooperation on one hand and increasing cooperation with other donors on the other, and the impact of Estonia's development cooperation and humanitarian aid will increase and the contribution to sustainable development will be stronger.

In May, **Estonia and Germany signed a joint declaration<sup>45</sup> on development cooperation**. The joint declaration creates a framework for Estonia and Germany to implement development cooperation projects in our partner countries. In the declaration, the two states set out the lines of cooperation that support a sustainable green and digital transformation in e-governance, innovation, business, education, healthcare and other areas. The main cooperation areas of Estonia and Germany are the Eastern Partnership countries and Africa. We are also jointly contributing to the D4D initiative (Digital 4 Development) and the Team Europe approach in joint projects. The objective of this development is to increase cooperation with other donors and through that the impact of Estonia's development cooperation and humanitarian aid, which will strengthen the activities addressing root causes of irregular migration.

In June 2021, **Estonia and the United States of America (USA) signed a memorandum of understanding on development cooperation in Ukraine**. In June 2021, Estonia and the United States of America (USA) signed a memorandum of **understanding on development cooperation in Ukraine**. was on advancing the democratisation process and establishing good governance, supporting education and developing entrepreneurship, e-services and cybersecurity. Six new projects were launched in 2021 with joint funding. The objective of the memorandum is to strengthen and to have even closer and more successful continuation of trilateral cooperation between Estonia, Ukraine and USA. The driver for this development was the need to improve regional stability, and interest of the USA towards Estonian expertise in working with Eastern Partnership countries.

In September 2021, **Estonia and Sweden signed a joint declaration on development cooperation in Ukraine**. The focus in Ukraine is on advancing the democratisation process and establishing good governance, supporting education and developing entrepreneurship, e-services and cybersecurity. Improving the lives of Ukrainian people and regional stability by helping Ukraine with its efforts to advance reforms, fight corruption, and build a stronger democracy, we not only improve regional stability. Six new projects were launched in 2021 with joint funding. The objective of the development is to have a closer and more successful continuation of trilateral cooperation between Estonia, Sweden and Ukraine. Contributing more efficiently to capacity-building efforts of the Ukrainian authorities, Ukraine's Euro-Atlantic integration, advancing the implementation of the democratisation process and good governance, and developing education, business, e-services and cybersecurity. The driver for the development derives from the Eastern Partnership, which is a very important aspect of Estonian and Swedish EU policy. Developments in Ukraine play a crucial role for stability and security, and Estonian/Swedish development assistance is being used to foster structural reforms and modernisation.

<sup>45</sup> Estonian Centre for International Development webpage, available at: [www.estdev.ee/?lang=en](http://www.estdev.ee/?lang=en).

<sup>46</sup> Ministry of Foreign affairs, 19 May 2021, "Estonia and Germany sign a joint declaration on development cooperation", available at: <https://vm.ee/en/news/estonia-and-germany-sign-joint-declaration-development-cooperation>.

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