



# **EMN FOCUSSED STUDY 2015**

## **Dissemination of information on voluntary return: how to reach irregular migrants not in contact with the authorities**

### **Estonian national report**

Tallinn 2015

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*Following is the input of EE EMN NCP to the EMN 2015 Focussed Study on Dissemination of information on voluntary return: how to reach irregular migrants not in contact with the authorities. This document was produced by Eike Luik the expert of EE EMN NCP. This report was compiled based on public and available information. Furthermore, experts of this topic was consulted.*

*Estonian national contact point  
Tallinn University  
Narva mnt 25  
10120 Tallinn  
[emn@tlu.ee](mailto:emn@tlu.ee)*



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## Study definitions

**Assisted voluntary return:** Voluntary return or voluntary departure supported by logistical, financial and/or other material assistance.

**Clandestine entry:** Secret or concealed migration in breach of immigration requirements.

**Compulsory return:** (more commonly known as 'forced return'): The process of going back – whether in voluntary or enforced compliance with an obligation to return – to one's country of origin / a country of transit / another third country, to which the third-country national concerned voluntarily decides to return and in which they will be accepted.

**Country of Origin:** The country of nationality or, for stateless persons, of former habitual residence.

**Country of Return:** In the EU context, a third country to which a third-country national returns.

**Irregular stay:** The presence on the territory of a Member State, of a third-country national who does not fulfil, or no longer fulfils the conditions of entry as set out in Art. 5 of the Schengen Borders Code or other conditions for entry, stay or residence in that Member State.

**Irregular migration:** Movement of persons to a new place of residence or transit that takes place outside the regulatory norms of the sending, transit and receiving countries.

**Organised facility:** Different forms of premises used for the detention of foreigners or the housing of applicants for international protection as described in the EMN Report on "The Organisation of the Reception Facilities for the Asylum Seekers in different Member States".

**Removal:** means the enforcement of the obligation to return, namely the physical transportation out of the Member State.

**Return:** The movement of a person going from a host country back to a country of origin, country of nationality or habitual residence, country of transit, or any other third country a returnee agrees to be returned to, usually after spending a significant period of time in the host country whether voluntary or forced, assisted or spontaneous.

**Return decision:** An administrative or judicial decision or act, stating or declaring the stay of a third-country national to be illegal and imposing or stating an obligation to return.

**Returnee:** A person going from a host country back to a country of origin, country of nationality or habitual residence usually after spending a significant period of time in the host country whether voluntary or forced, assisted or spontaneous.

**Reintegration assistanc:** The assistance provided by programmes with the aim of making the reintegration process of each individual returnee a success. Assistance can be provided in various forms, such as identifying opportunities for work and education, cash-in-hand handed at the time of arrival but most often takes the form of payment of goods that go towards setting up a project to sustain the livelihood of the returnee on a long term basis.

**Third-country national:** means any person who is not a citizen of the Union (including stateless persons) within the meaning of Article 17 (1) of the Treaty and who is not a person enjoying the Community right of free movement, as defined in Article 2(5) of the Schengen Borders Code.

**Voluntary return:** The assisted or independent return to the country of origin, transit or third country, based on the free will of the returnee.

**Voluntary departure:** Compliance with the obligation to return within the time-limit fixed for that purpose in the return decision.

## Top-line “Factsheet”

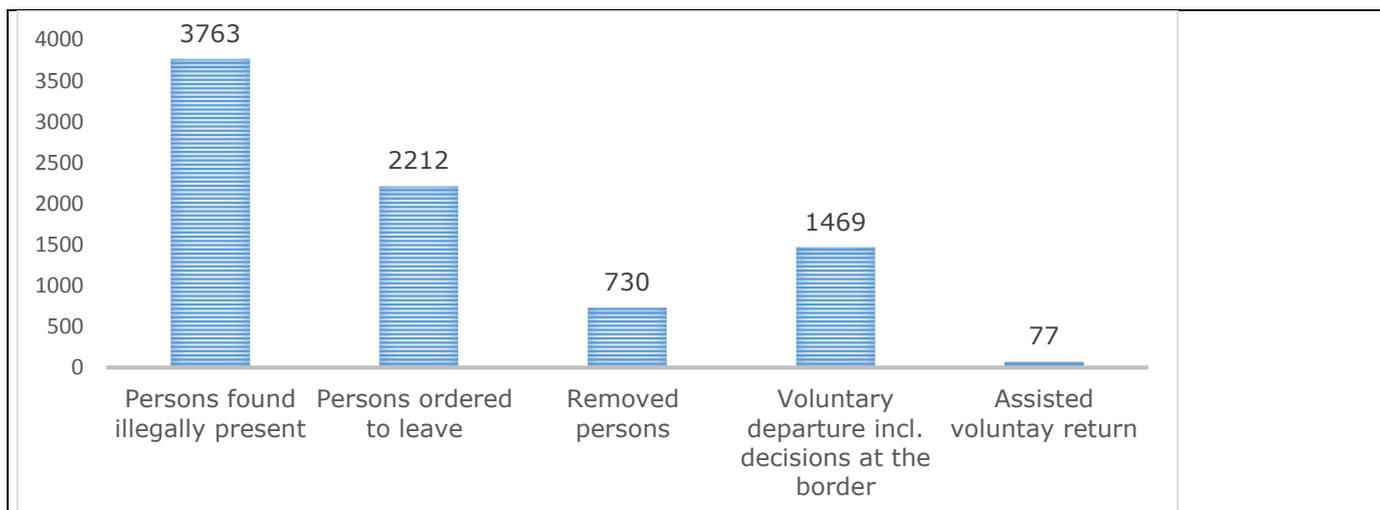
The aim of the EMN Focussed Study on Dissemination of information on voluntary return: how to reach irregular migrants not in contact with the authorities is to identify approaches that have either targeted and/or have proven effective in reaching out especially to those irregular migrants who are not in contact with the authorities. However, in order to provide a comparison, and the wider context, it will also gather information on Member State policy and practice targeting irregular migrants in general. The study will also explore the different tools, content and format of information provision on (voluntary) return.

In Estonia, the direct target group for dissemination of information on voluntary return is not persons who are no longer known for the authorities or were never known to the authorities. This is why neither immediate measures for dissemination of information on return nor respective regulations on legal level exist. Both Estonian authorities and NGOs focus at dissemination of information for persons whose period of legal stay in the country has expired – for example migrants with expired residence permit or expired visa – or asylum seekers who have withdrawn their applications or have not received protection in Estonia and a return decision (in EE context and legislation - precept to leave) the country has been issued for them. In other words – focus lies on irregular migrants who have earlier been in contact with the authorities in a context of other proceedings.

According to the [Obligation to Leave and Prohibition on Entry Act](#), a return decision to leave Estonia is issued in case a migrant is found illegally present in the country, with obligation to leave voluntarily within a certain time limit. In 2014, in most cases the term for voluntary compliance was about 16 days (maximum 30 days was for one third of all the return decisions issued). Current Obligation to Leave and Prohibition on Entry Act established, in which cases a migrant is not allowed to return on voluntary basis. In 2013 amendments to above mentioned Act were adopted and according to these an administrative authority now has the right of discretion to determine about voluntary compliance in return decision. Thereby, the Ministry of the Interior aims to support and enhance voluntary return of foreigners also in framework of AMIF. The essential national authority, disseminating information on voluntary return, is the Police and Border Guard Board (hereinafter PBGB), when providing information to irregular migrants on obligation to leave the country.

Since 2010, the main organisation to disseminate information on assisted voluntary return is IOM Estonian Office – by carrying out Voluntary Assisted Return and Reintegration Programme from Estonia (VARRE). The project activities, supported by European Return Fund and co-financed by the Ministry of the Interior, was continued until June 2015. Information on voluntary return is disseminated to the target group of the project via internet homepage, leaflets, brochures, posters and telephone information line. Leaflets and brochures have been translated into most common languages of irregular migrants staying in Estonia (14 languages). The staff of IOM Estonia is on regular bases organizing information days and visits to the accommodation center of asylum seekers, PBGB prefectures, detention center, local municipalities, community visits ect. to disseminate information on assisted voluntary return.

Just to give a general overview about persons concerned by this study, mainly according to PBGB statistics within the period 2011-2014, in total:



Source: Police and Border Guard Board and IOM Estonia

\* Statistical data has been presented since 2011 as changes of Return Directive entered into force in Estonia at the end of 2010 (24.12.2010) and earlier precepts were made according to a different regulation.

## Section 1: Overview of the national situation

### 1.1 SCALE OF IRREGULAR MIGRATION AND OF RETURN IN THE MEMBER STATE

The purpose of providing such information is to give an idea of the scale of third-country nationals residing irregularly in the Member State, in order to provide a context to the information on national approaches to the dissemination of information on voluntary return.

Q1. If available, please provide any estimates of the scale of irregular migrants in your Member State 2010 – 2014.

Illegal migration is a growing trend in Estonia and this includes cases when persons trying to enter Estonia illegally using falsified or invalid documents or cases where Estonian border has been crossed within bordercrossing points, as a rule with no documents at all. The dominating way of irregular migration is misusing visas. More and more foreigners apply for either Estonian or any other EU member state visa in order to legally enter the Schengen-area and remain here illegally as well as start illegally working in the country.<sup>1</sup> In 2014 totally 285 cases of irregular immigration were identified (267 cases in 2013). Half of the cases of irregular migration were cases of misuse of visas. Misuses of visas mainly originate from Eastern Europe (Ukraine and Belarus) and they have plans of moving forward to Scandinavia.<sup>2</sup>

Irregular migration to Estonia is mainly affected by vicinity to Russia, Estonia being the main transit country from East to West as in 2014 totally 160 cases of illegal boarder-crossing were identified (56% of the total number of cases of irregular migration) which is a bit less compared to 2013 (with 208 cases, 78% of all cases).

The number of irregular migrants from Asia (mainly Vietnam) has decreased during the latest years and the number of persons from Africa (mainly Sudan) has increased.<sup>3</sup>

In addition, the number and profile of illegal migrants found illegally present and known to the authorities, has changed over time. While in 2005, 2695 cases of illegal stay were registered, in 2014, almost ten years later, the number of cases was 801. While in 2005 the majority (75%) of third country nationals found in Estonia were stateless persons who had not applied for residence permit in time or extension of the permit, the majority of these persons legalized their stay in Estonia. The second biggest group (22%) consisted of citizens of Russian Federation, followed by citizens of different former Soviet republics (Ukraine, Belarus, Moldova). The profile of irregular migrants in 2014 has radically changed, even though the number of illegal immigrants detained in Estonia is still affected by the number of citizens of Russian Federation (40%), followed by stateless persons (28%), Georgia (5%) and Ukraine (4%).

The biggest group of irregular migrants (2/3) consisted of persons who stayed in the country over time, in other words persons who had remained in Estonia without any legal basis (a valid visa or residence permit). Earlier, in 2012, problems have occurred in the open accommodation center for asylum seekers as 25% (i.e. 17 persons) absconded from the center. As a rule such asylum applicants leave the center immediately and their further movement in Schengen-area can not be controlled. In 2013, 3 persons absconded the center and in 2014, 8 persons.

The exact number, of persons staying in Estonia illegally and without authorities knowing about it, is statistically unknown as the phenomenon itself is concealed. Different databases and registers can only mirror a minor part of processes in real life. Proceeding from that, information on irregular migration can only be gathered based on the number of return decisions, number of persons placed in the detention center and the number of removed persons

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<sup>1</sup> Such persons have been discovered during routine controls or profiling procedures in different places in Tallinn – the harbour, the airport, in the city or when crossing the green boarder. "Number of irregular migrants grows rapidly" *Võrumaa Teataja*, 29.11.2012

<sup>2</sup> "Pressure to illegal immigration in Estonia is increasing" *Postimees*, 13.01.2015

<sup>3</sup> "Pressure to illegal immigration in Estonia is increasing" *Postimees*, 13.01.2015

and to some extent based on information about proceedings of misdemeanours and cases of human trafficking.<sup>4</sup> According to PBGB expert estimates the approximate number of persons staying irregularly in Estonia without authorities being aware could be about 150 persons per year.

There are several databases and registers in Estonia that support identification of illegal migration of foreigners:

- 1) the main database since 2010<sup>5</sup> is a database of foreigners who are staying or have stayed in Estonia irregularly. The goal of keeping the database is to ensure public order and security of the country by processing the data about illegal stays of foreigners and fulfilling the persons obligation to leave Estonia;
- 2) visa register, with data about visa applicants and persons who have invited them to Estonia;
- 3) national register of entry bans with data about persons whose entry to Estonia has been banned;
- 4) national register of persons who have been granted international protection, including data of asylum-seekers who have been refused to grant protection;
- 5) national register of residence and work permits with data about residence permits and ID- documents;
- 6) border control database is the information system of boarder control with data about persons and vehicles that have passed the boarder control.

Comparing and analysing data from different databases can result in identifying irregular migrants staying in Estonia.

Q2. Provide any estimates and/or actuals for the period 2010-2014 on:

- a. Number of irregularly-staying third-country nationals returning by physical transportation out of the Member State, on the basis of a return decision<sup>6</sup> (forced return);
- b. Number of irregularly-staying third-country nationals returning voluntarily within the time-limit fixed for that purpose in the return decision (voluntary departure<sup>7</sup>)
- c. Number of irregularly-staying third-country nationals returning via AVR packages (assisted voluntary return)
- d. Number of irregularly-staying third-country nationals returning via AVRR packages (assisted voluntary return and reintegration – where different from (c))

Statistics for the period of 2010-2014 correspondingly:

a) The number of removed foreign citizens:



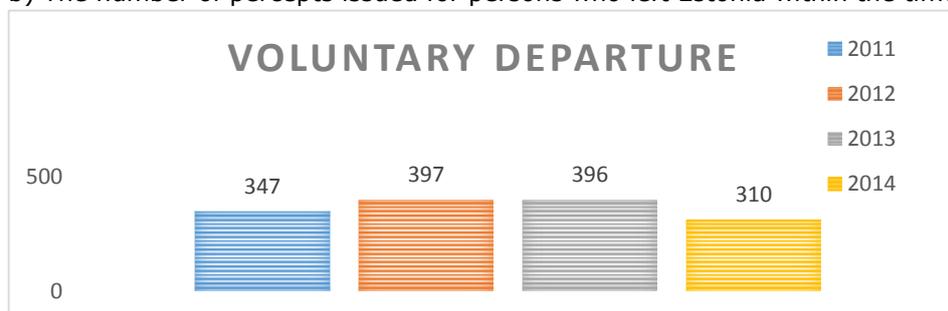
Source: Police and Border Guard Board

The high number of removed persons in 2013 is connected to the fact that in the second half of 2012 more Vietnamese immigrants than usual entered illegally Estonia and majority of them were sent out in 2013.

<sup>4</sup> Summel, A Illegal immigration and the prevention of it in Estonia, Academy of Security Sciences 2003

<sup>5</sup> Earlier the database was called „database of illegal migrants“

b) The number of precepts issued for persons who left Estonia within the time limit\*:

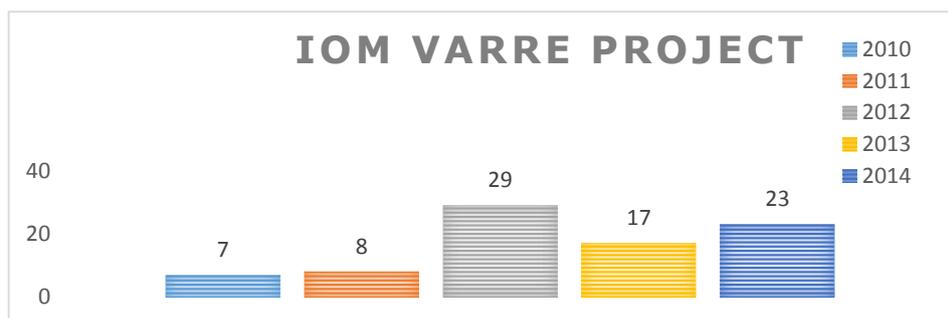


Source: Police and Border Guard Board

\*Statistical data about 2010 has not been presented as it is not comparable. The changes of Return Directive entered into force in Estonia at the end of 2010 (24.12.2010) and earlier precepts were made according to a different regulation.

The number of voluntary returnees who left within the given time limit includes also foreigners who had stayed illegally in Estonia and were identified on the boarder while leaving the country.

c) Persons who returned within IOM VARRE project:



Source: IOM Estonia

The majority of persons returned to their countries of origin with assisted voluntary return were from Georgia (25 persons), followed by Ukrainian citizens (21 persons), Russian citizens (16), Belarus citizens (14 persons). An average person to be supported was a male at the age of 38. From supported persons 28 were irregular migrants and 16 were asylum-seekers.

d) Persons who returned and received IOM provided reintegration assistance:



Source: IOM Estonia

IOM provided reintegration support for the period 2010-2014 to 44% of persons participated in VARRE project.

## 1.2 SCALE AND NATURE OF IRREGULAR MIGRANTS WHO ARE NOT IN CONTACT WITH THE AUTHORITIES

Q3. As defined in section 2 of the Background section to this Common Template, this study focusses on irregular migrants whose whereabouts / place of residence are no longer or were never known to the authorities and who, therefore, are not in contact with the authorities.

Please define this group by listing in bullet points the main scenarios in which the authorities would not have contact with irregular migrants, e.g.

- ★ migrants who have given false addresses / moved from their address,
- ★ persons who have entered the Member State irregularly and who are staying there without the authorities' knowledge,
- ★ etc.

There is no statistical data on irregular migrants as the phenomenon itself is a concealed one.

The PBGB has not reached contact with those for the following reasons:

- migrants who have originally had a legal basis to stay in Estonia but the legal basis has expired and has not been extended by the person himself or herself or the authorities have refused to do so; at the same time it is unknown if the person still resides in Estonia or has left the country at the part of Schengen-area;
- migrants who have entered the country irregularly (for example over the green boarder), but have not informed the authorities about their stay;
- migrants who have received a decision for voluntary return within the time limit and in order to guarantee fulfillment of the precept, they are obliged to follow the measures of surveillance (for example reside on a determined address or appearing for registration at PBGB at prescribed intervals or inform the PBGB about major changes in their lives), but the persons do not follow the monitoring measures and to the knowledge of the authorities, the persons have not left the country voluntarily according to the time limit in the precept;
- asylumseekers who have absconded the accomodation center;
- migrants who have settled in Estonia before July 1, 1990, and have been intentionally living in Estonia hiddenly.

It can be said that generally the number of persons who have not complied with the obligation to return within the time limit is very low, in 2014 only about 5% of all persons obliged to precepts resulted in not leaving the country (out of these 5%, about 3% were later on found in Estonia, 1% contested the precept in court and 1% of these persons remained elusive).

Q4. If available, please provide any estimates of the scale of the two groups irregular migrants covered in this study for the period 2010-2014:

- a. Irregular migrants who were previously known to the authorities, but whose place of residence is no longer known to the authorities (absconding).
- b. Irregular migrants whose residence on the territory has never been known to the authorities (clandestine entry).

If such information is available, please complete **table A.1.b** in Annex 1.

According to PBGB expert the approximate number of persons staying irregularly in Estonia without authorities being aware could be about 150 persons per year.

Q5. Provide a short overview of the challenges faced in the Member State by actors involved in promoting voluntary return in reaching out to the two above-mentioned groups of irregular migrants (i.e. those who are not in contact with the authorities).

*The purpose of this question is to investigate the rationale behind the strategies discussed in section 3.*

1. Return as such is a challenge. Foreigners are not interested in voluntary return. In order to stay, return is postponed as much as possible. Therefore they are not very interested in information about voluntary return either. Persons staying irregularly in Estonia calculate what the benefits of stay are and once it is not possible to any longer extend the stay, they become interested in assisted return and reintegration support measures.
2. Decisions made by irregular migrants to voluntarily return can be influenced by return assistance and reintegration payment. As different member states have very different funding opportunities for assisting irregular migrants in voluntary return, persons could consider applying for assistance in a Nordic countries instead of Estonia.
3. The decision by a competent authority to offer an opportunity for voluntary return - according to IOM Estonia they could offer voluntary return as an option for more persons. At the same time, PBGB has to consider different aspects when issuing a decision for voluntary return within the time limit as there are conditions that exclude the possibility for voluntary return within the time limit: the risk of escape of an irregular migrant; if a foreigner has been detained when entering the country irregularly; an foreigner is a risk for public order or security of the country, etc.

Q6. Are there any other specific groups of (irregular) migrant group which actors involved in promoting voluntary return find hard to reach? If so, please describe them here.

In addition to persons mentioned in Q3, the PBGB has identified cases of irregular boarder-crossings where persons who have crossed the boarder have remained unidentified, or it has remained unclear, who committed irregular boarder-crossing. In 2014, the PBGB registered 10 such cases.

## Section 2: National legislation and policy on the dissemination of information on (voluntary) return

Q7. Has your Member State set out provisions or rules regarding the dissemination / provision of information on (voluntary) return in legislation or in soft law (e.g. guidelines, policy papers, etc.)? E.g. it may have outlined obligations for certain state authorities to provide such information in asylum interviews, on issuing a return decision, or may have introduced obligations to make information available online or in public places, etc.) (Yes / No)

No, in Estonian legislation there are no special provisions about dissemination of information on voluntary return and it has not been considered necessary to introduce these provisions either. The main reason is that PBGB and IOM Estonian Office are able to sufficiently cover the necessity of dissemination of information on voluntary return and the number of persons in need of such information in Estonia is comparatively low too. Since 2010 dissemination of information about voluntary return has been the main task of IOM Estonia and its VARRE project funded by European Return Fund. The official partner of the the project is PBGB.

During the period of 2010-2014, dissemination of information on voluntary return has mainly been covered by the following framework documents:

- Multiannual programme of Return Fund for 2008-2013, one of the measures in the named programme is rising general awareness about voluntary return. In addition, the goal has been to increase awareness on voluntary return possibilities in both direct and indirect target group. The goal of this measure was to reach a situation with the number of voluntarily returning persons exceeding the number of cases of forced return.
- The national programme of AMIF for the period 2014-2020. One of the main goals of the programme is to promote voluntary return. The AMIF programme has targeted as a goal to increase the role of on NGOs and international organisations in the process of return of foreigners, including implementation of assisted voluntary return and reintegration programme.<sup>8</sup>

According to regulations, articles of Administrative procedure Act, are applied in proceeding return decisions and according to these, a person is involved into the process of return decision, his rights and obligations are explained as well as the content and consequences of the decision in case the person does nor comply with the obligation. Explanations are given personally in a language that is understandable to the person, if needed, an interpreter is involved. In addition, a leaflet with information on contence and consequences, if compliance with the obligation is not followed, is handed over to the foreigner.

Q8. Specifically, what information does the national authority provide to the migrant when it issues a return decision, and how does it provide this information? Please specify:

- a. The content of the information (e.g. AVR,, obligations),
- b. The different language(s) in which the information is made available and whether it is available in the applicant's stated mother tongue,
- c. How the information is presented visually, style of language used, etc.,
- d. The tools of dissemination used (in person (written), in person (oral), via post, via email, in a telephone call, etc.).

If information on the above is already included in the response to Q7, please just cross-refer here.

In Estonia, [Obligation to Leave and Prohibition to Entry Act](#) provides the basis for regulation of leaving Estonia and it concernes foreigners who have no valid grounds to stay in the country, including foreigners who's applications for asylum has been rejected. According to the Act a return decision that is issued oblidges the

<sup>8</sup> AMIF framework [programme](#)

foreigner to leave Estonia. For foreigners who are in Estonia without legal basis, return decisions are issued by PBGB or Estonian Internal Security Service (including for foreigners whose asylum application has been refused or who have withdrawn their application). The return decision includes voluntary time to leave (7-30 days that in case of need can be extended), but depending on circumstances of the case, the decision to precept can also be subject to compulsory return. With obligation to leave, also prohibition to entry for three years can be applied in case of voluntary return but if the person is expelled, the ban for entry can be extended to five years.

The form of return decision has been established by the Ministry of the Interior regulation Nr 62 § 8 Appendix 1, of the Minister of the Interior, according to which data has to be entered to a return decision<sup>9</sup>: data about place and time of issuing the precept; personal data of the migrant; obligations of the migrant according to the precept; factual grounds for issuing the precept; warning for consequences for not complying with the precept; the surveillance measures applied; information on possibilities of appealing the decision – where to turn, when and how the appeal can be handed over. In the decision, information on assisted voluntary return programme is not disseminated, but there is a reference about consequences in case the voluntary return within the time limit has not been complied (compulsory enforcement of return decision).

The form of decision is in the Estonian language, official language style, on 2 pages.<sup>10</sup> If needed, the decision is translated to a foreign language understandable for the foreigner. A return decision is always handed over in written either in the office of the government authority or is sent by registered mail (and handed over when signed by the recipient) to the address registered in Estonia, if the person has not expressed otherwise. The decision is not published on the homepage of PBGB, neither is it sent by e-mail as it does not guarantee that the alien has received the precept in person. Only additional explanations and informations can be forwarded by a telephone-call. In case the person is using a representative in the proceedings, the informing obligation is considered to be fulfilled after the representative has been informed.

Q9. Did the above-described legislation and policy change at all as a result of the adoption and transposition of the Return Directive?

Directive 2008/115/EU (Return Directive) was transposed into Estonian legislation in due time and amendments of Obligation to Leave and Prohibition to Entry Act entered into force on 24.12.2010. Compared to earlier regulation, the PBGB and Estonian Internal Security Service were now obliged to issue a precept to leave for all foreigners staying in Estonia without a legal ground and as a rule<sup>11</sup>, apply a prohibition to enter. Transposition of Return Directive increased notably the number of precepts issued. While in 2011, 480 precepts were issued, in 2013 the number of precepts was 600.<sup>12</sup> For total compliance with Return Directive, adjustments in Obligation to Leave and Prohibition to Entry Act entered into force on 01.10.2013. With the named changes officials received a right of discretion to determine about voluntary compliance in return decision.

Q10. Are any changes to legislation / policy having an impact on the dissemination of information on (voluntary) return planned for the future? If yes, please describe here.

At the moment no legal changes have been planned concerning information dissemination on voluntary return. The Ministry of the Interior aims to continue cooperation with IOM office in Estonia in assisted voluntary return cases, the activities being funded from Asylum, Migration and Integration Fund. In addition, IOM and PBGB aim

<sup>9</sup> Regulated by Ministry of the Interior regulation Nr 62 § 1 lg 2

<sup>10</sup> Return decision form [Appendix 1](#)

<sup>11</sup> A foreigner shall be expelled from Estonia without issuing a return decision, if the foreigner has been sentenced to expulsion from Estonia as an additional penalty and if a decision has been made with regard to him or her by a Member State of Schengen Convention imposing the obligation to leave and this decision is valid and the term for voluntary leaving has expired.

<sup>12</sup> EMN [Country Factsheet 2013](#)

to publish common information leaflets with information from both authorities concerning voluntary return option for irregular migrants.

## Section 3: Overall national approach to disseminating information on (voluntary) return

### 3.1 ACTORS INVOLVED IN DISSEMINATING INFORMATION ON (VOLUNTARY) RETURN

Q11. Which **national authorities** responsible for the return of irregular migrants<sup>13</sup> play a role in disseminating information on (voluntary) return, either as part of the processes outlined in section 3 or otherwise?

In Estonia, the role of national authorities and organisations in the context of return of third country nationals is divided as follows:

- Development of return policies – the Ministry of the Interior is in charge of shaping policies and legislation in the area. According to the Statutes of the Ministry of the Interior, the Ministry has to elaborate policies on prevention and restraint of irregular immigration and return of foreigners to the country of origin.<sup>14</sup>
- Issuing a return decision – in Estonia, two governmental institutions under the Ministry of the Interior, PBGB and The Estonian Internal Security Service are responsible for that. The PBGB is the institution to implement the legislation in force and its duty is to supervise and regulate migration, to process asylum applications and to register foreigners who stay in Estonia irregularly and to issue a precept for them.
- Implementing return decision – institutions in charge are the PBGB and The Estonian Internal Security Service.
- Coordination of the field of voluntary return – the Ministry of the Interior is in charge. Estonia only implements general voluntary return and reintegration programmes. Since 2007, the Ministry of the Interior has been using the funds of European Return Fund for carrying out projects of voluntary return.<sup>15</sup>
- Ministry of Foreign Affairs mediates communication with diplomatic representations of foreign countries and assists both PBGB and IOM VARRE project.

As the PBGB has to file a precept for foreigners who stay in the country irregularly (could be either a precept of legalization of the stay or return decision), the PBGB is also the main institution to assess if a person can voluntarily leave the country and if the person is to be provided information on voluntary return.

The PBGB examines all specific aspects of the case when issuing a return decision for a foreigner and considers all argued interests<sup>16</sup>. As asylum proceedings are also a competency area of PBGB, the Board is basically the first institution to provide information on voluntary return for asylum-seekers.

If possible, the PBGB involves IOM Office in Estonia to counselling process on voluntary return, who will introduce the opportunities of VARRE project for assisted voluntary return. Since 2015, a Memorandum of Mutual Understanding supports the cooperation of the PBGB and IOM in dissemination of information for irregular migrants and asylum-seekers.

Q12. Which **other actors** disseminate information on (voluntary) return; what roles do these actors have and what is the rationale for their involvement in disseminating information on (voluntary) return?

<sup>13</sup> See Section 2.1 of the Background to this Common Template for a definition of these authorities.

<sup>14</sup> RT I, 05.06.2012, 4 § 11

<sup>15</sup> Migration Foundation carried out on period 2007-2009 different assisted voluntary return projects Käesoleva uuringu ajafookusest

<sup>16</sup> RT I 1998, 98, 1575 § 7<sup>2</sup> p 3

Table 1. Other actors disseminating information on (voluntary) return, their role and the rationale for their involvement

Actor	Y/N	Role that the actor plays in disseminating information voluntary return	Nature of / rationale for involvement
NGOs / IOs dealing with return counselling and/or implementing AVR schemes	Y	<p>IOM Office in Estonia shares information on voluntary return on:</p> <ul style="list-style-type: none"> <li>• the web-page</li> <li>• information leaflets</li> <li>• posters</li> <li>• handouts</li> <li>• counselling by phone</li> <li>• personal counselling in the IOM Office</li> <li>• informing persons in contact with this area as officials, representatives of communities, workers of the accomodation center of asylum seekers about the possibility of voluntary return.</li> </ul>	<p>IOM Office in Estonia has since 2010 been implementing VARRE programme for assisted voluntary return and re-integration. The Project has been funded by the European Return Fund and co-financed by the Ministry of the Interior. IOM Office in Estonia provides information about country of origin to the ones who are on the way to return, supports them in planning the travel and if needed, elaborates a re-integration plan.</p> <p>The project has been targeted to the following persons:</p> <ul style="list-style-type: none"> <li>▪ who stay in the country illegally;</li> <li>▪ whose the visa or residence permit has expired;</li> <li>▪ whose asylum application has been refused;</li> <li>▪ migrants who would like to withdraw their asylum application;</li> <li>▪ migrants who have received international protection (refugee status or additional protection) but would prefer to return to their country of origin.<sup>17</sup></li> </ul>
Other NGOs / civil society organisations (e.g. migrant rights groups, migrant-led organisations and other advocacy groups)	Y	<ul style="list-style-type: none"> <li>➤ The accomodation center of asylum-seekers disseminates information on voluntary return as follows: <ul style="list-style-type: none"> <li>• introductory personal counselling;</li> <li>• invites IOM Office personell to counsel.</li> </ul> </li> <li>➤ Integration and Migration Foundation Our People (MISA) disseminates information about voluntary return:</li> </ul>	<ul style="list-style-type: none"> <li>➤ To share primary information to asylum-seekers about their rights and obligations and in addition information about the option on voluntary return in case the application will have a negative outcome or if the asylum-seeker will withdraw the application in order to return to the his/her sending country. The center does not disseminate detailed information</li> </ul>

<sup>17</sup> The project is not eligible for nationals of EU MS, Estonian citizens, persons to whom have been issued forced return decision by the Estonian Police and Border Guard Board official and who do not desire to return voluntarily.

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		<ul style="list-style-type: none"> <li>• on its web-page;</li> <li>• information leaflets and handouts;</li> <li>• shares information about VARRE project to persons staying illegally in Estonia;</li> <li>• counselling by phone;</li> <li>• personal counselling in the office both in Tallinn and Narva.</li> </ul> <p>➤ Estonian Refugee Council disseminates general information for refugees and asylum-seekers:</p> <ul style="list-style-type: none"> <li>• on the web-page;</li> <li>• personal counselling;</li> <li>• compiling information sheets for refugees.</li> </ul>	<p>about the AVR programme, it has an assisting role in information sharing.</p> <p>➤ MISA disseminates information about assisted voluntary return for migrants who are staying legally in the country. MISA does not deal with information sharing for migrants who are going to be expelled or are irregular migrants.</p> <p>➤ Estonian Refugee Council is on daily basis working with wide support of asylum-seekers and refugees, including information sharing about IOM VARRE project.</p>
Diaspora groups	Y/N	Ethnic communities do not disseminate information but information sheets have been dealt out so they can share information within the community if needed.	To provide information for their community for members who would prefer to leave Estonia or are obliged to do so, information about VARRE project.
Faith-based groups	N		
Migrant-led groups	N		
Other community groups	N		
Libraries	N		
Social / health / education services	N		
Case workers	Y	Information sharing when the return decision has been handed over and if necessary, the person is guided to IOM VARRE project.	Officials of PBGB working on cases of migrants staying in Estonia irregularly (including asylum-seekers who's applications have been refused), are the first ones to disseminate information about voluntary return.
Legal advisors	Y	Legal Aid Clinic of Human Rights Centre disseminates information as follows: <ul style="list-style-type: none"> <li>• personal counselling and legal aid;</li> <li>• sharing information about IOM VARRE project.</li> </ul>	The general goal of the Legal Aid Clinic is to provide free legal aid in order to ensure fair, quick and appropriate asylum procedure as the lawyers will represent the asylum seeker in court hearings. The project has been

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			carried out since 2011 and is funded by EU Refugee Fund and the Ministry of the Interior.
Ombudsman / citizens advice bureaus	N		
(Advisory services of) trade unions / employer associations	N		
Embassies (third-country and EU)	Y	Embassies provide information on voluntary return: <ul style="list-style-type: none"> <li>• personal counselling both in the embassies and by phone;</li> <li>• providing materials about IOM VARRE project via embassies.</li> </ul>	Once or twice in a year, officials of the PBGB and IOM carry out trainings for diplomates working in the Estonian embassies in order to raise awareness about voluntary return. The role of embassies is rather to disseminate materials concerning this option.
Shopkeepers / Internet café workers / etc.	N		
Other actors (specify)	Y	Local municipalities do not provide information about VARRE project but they still have information about IOM VARRE project available and they can guide persons to this project. In addition, information material and other materials about the project are available in municipalities.	According to Aliens Act <sup>18</sup> , municipalities are obliged to inform the PBGB about persons who are staying or working on the territory of respective municipality without legal grounds. As a result, a PBGB is the first institution that is informed by the municipality about a person staying illegally in the country. Both PBGB and IOM Office in Estonia inform municipalities about assisted voluntary return programmes once a year.

<sup>18</sup> [RT I 2010, 61, 437](#) § 294 lg 2

3.2 TOOLS USED TO DISSEMINATE INFORMATION ON (VOLUNTARY) RETURN TO IRREGULAR MIGRANTS NOT IN CONTACT WITH THE AUTHORITIES

Q13. Provide information on the tools through which information on (voluntary) return is made available in your Member State.

Table 2. Tools used in the Member State for disseminating information on (voluntary) return

	Y/N	Description including whether this is a current, past or future tool	Actor(s) designing / funding	Actor(s) managing / delivering	Link to further information
Leaflets / brochures	Y	IOM Estonia VARRE Project - to improve of assisted voluntary return IOM Estonia published leaflets in EST/ENG/RUS and brochures in 14 languages most commonly used by returnees.	Materials are developed by IOM Estonia and supported by European Return Fund and co-financed by Ministry of the Interior.	Materials are available via IOM VARRE Project homepage, PBGB prefectures, at the borderpoints and detention center, in asylum seekers accomodation center and embassies.	Materials and additional information is available in IOM VARRE <a href="#">homepage</a> .
Poster campaigns	N				
Media campaigns	N				
Websites	Y	IOM Estonia VARRE Project - <a href="http://www.iom.ee/varre/index.php?lang=eng">http://www.iom.ee/varre/index.php?lang=eng</a>	Supported by European Return Fund and co-financed by Ministry of the Interior.	IOM Estonia	
Dedicated social media pages (e.g. Facebook page for returnees or for diaspora groups)	N				
Online discussion forums	N				
Helplines / info lines	Y	<ul style="list-style-type: none"> <li>IOM Estonia VARRE Project - <a href="http://www.iom.ee/varre/index.php?lang=eng">www.iom.ee/varre/index.php?lang=eng</a></li> <li>PBGB general info line - <a href="http://www.politsei.ee/en/kontakt/kliendiinfo.dot">www.politsei.ee/en/kontakt/kliendiinfo.dot</a></li> </ul>	<ul style="list-style-type: none"> <li>Supported by European Return Fund and co-financed by Ministry of the Interior.</li> <li>Finaced by state budget</li> </ul>	IOM Estonia	

		<ul style="list-style-type: none"> <li>MISA general consultation of migration-related issues – <a href="http://www.meis.ee/migratsioon-noustamine-eng">http://www.meis.ee/migratsioon-noustamine-eng</a></li> </ul>	<ul style="list-style-type: none"> <li>Financed by different ministries and funds.</li> </ul>		
Drop-in clinic (face-to-face)	N				
Community visits and	N				
Other tools	N				

### 3.3 SPECIFIC CAMPAIGNS AND STRATEGIES

Q14. Did any of the tools listed in Q13 above form part of a specific strategy or campaign implemented in your Member State to better disseminate information on (voluntary) return? If yes, please state:

No (media) campaigns have been organized in Estonia. Information is provided personally, one-to-one.

### 3.4 ACCESSIBILITY OF THE INFORMATION

Q15. Please consider the accessibility of all information on (voluntary) return disseminated to irregular migrants in the Member State.

In Estonia, information about voluntary return possibilities is disseminated for irregular migrants mainly by PBGB and IOM Office in Estonia, other institutions and offices have mainly a supporting function. Integration and Migration Fund (MISA) disseminates information about voluntary return to persons who stay in Estonia legally but wish to return to their home country.

General information can be found on the homepage of PBGB in three languages: Estonian, Russian and English. Information for irregular migrants and return decision has been translated from [Estonian](#) into [English](#), [German](#), [Russian](#), [French](#) and [Spanish](#) languages.

In addition, information about assisted voluntary return programme is available on the homepage of PBGB. It says that irregular migrants for whom a percept to leave has been issued can turn to IOM Office for information and assistance for return.

Information for persons who have been granted international protection will find information in four languages: – [Russian](#), English, [French](#) and [Arabic](#). According to the information on these fact sheets, they have to turn to IOM Office in Estonia for more information about assisted return.

PBGB has a free information line, with information available in Estonian, Russian, English and Finnish. The telephone line is open on all weekdays (Mon-Sun) from 8:00 to 19:00. Contact can also be made by e-mail. Answers are sent in 2-3 office days. Answers are sent in an official style.

As a result of a telephone call to the information line of PBGB<sup>19</sup>, that they do not provide information about voluntary return themselves but they will direct the person to competent authorities as PBGB prefectures, Integration and Migration Foundation, IOM Office in Estonia and its VARRE Project. In addition, fact sheets about VARRE project can be found free and are available in the majority of prefectures.

IOM Office in Estonia has created a link on their homepage to the page of VARRE Project, including general information about the project, about who are welcome to participate in the programme, what kind of assistance and services are specifically offered for participants, how to apply for participation, information about country of origin, statistics on participants in the programme and several links to useful homepages for more information. The homepage of VARRE Project is downloadable in three languages: Estonian, Russian and English. Information sheets about VARRE Project are available in 14 languages: English [ENG](#); Russian [RUS](#); French [FRA](#); Georgian [GEO](#); Turkish [TUR](#); Spanish [ESP](#); Chinese [CHINA](#); Arabic [ARABIC](#); Pashto [PASHTO](#); Hindi [HINDI](#); Kurdish [KURDI](#); Farsi [FARSI](#); Azerbaijani [AZER](#); Portuguese [PORT](#) languages.

Contact information is also available on the homepage of IOM: information can be provided both by phone (mobile) as well as e-mail. Using a mobile phone is not free but it is always possible to make a collect call to IOM. The number

<sup>19</sup> Telephone interview with an official on PBGB information line, 27.05.2015

is accessible all days 24h. Replies to e-mail are sent within 1-2 days. There is also information about location of IOM Estonia office in case the person would like to turn directly to the office. The style of answers can rather be described as friendly but not too much or too familiar.

IOM has also information available for persons who stay in the country legally but would prefer to return to their country of origin, they are advised to turn to Integration and Migration Fund (MISA).

### 3.5 CONTENT OF THE INFORMATION

Q16. What is the content of the information made available in Member States. Specifically, where can irregular migrants go to find information on different aspects of voluntary return?

**Table 3. Content of the information disseminated to irregular migrants by Member States**

	National authorities responsible for return	Organisations with an official role in implementing and/or promoting AVR(R) programmes	Diaspora groups, faith-based groups, migrant-led groups, other community groups	Case workers	Legal advisors
The legal obligations of the returnee (i.e. their status, their obligation to return and how they can ensure compliance with return decisions)	PBGB (prefectures, detention centre) accomodation center, border points (airport, external border) individuaal consultations and PBGB homepage	If necessary IOM Estonia provides individual consultations	-	Provides individual consultations	Provides consultations
Information on AVR(R) programmes available in the Member State	PBGB officials, direct persons into IOM project	IOM Estonia homepage and ohter informative materials (leaflets, brochures)	-		
Information on eligibility conditions for AVR(R) programmes			-		
Where the irregular migrant should go for more information (signposting)	PBGB (prefectures, detention center, accomodation center) individual consultations and PBGB homepage	If necessary IOM Estonia provides individual consultations	-		
Other voluntary return options (i.e. options for voluntary return without assistance)		-	-		
What the irregular migrant can expect at the airport on returning	PBGB provides illustrative information orally	IOM Estonia provides illustrative information orally	-		

What the irregular migrant can expect in the country of return (e.g. registration with third-country authorities labour market access, housing, etc.)	-	If necessary IOM Estonia provides individual consultations	-	-	-
Individually tailored information <sup>20</sup>	-	If necessary IOM Estonia provides individual consultations	-	-	-
Other information (concerning return of vulnerable groups)	If necessary PBGB provides individual consultations	If necessary IOM Estonia provides individual consultations	-	-	-

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<sup>20</sup> Note that tailored is most likely to be available through helplines and drop-in clinics, although it may be possible to tailor information to some extent through online services.

### 3.6 TARGETING OF THE INFORMATION

Q17. Please specify which (if any) of the approaches described in Q13 – Q16 above have been used specifically to target irregular migrants not in contact with the authorities. What was the rationale for using this approach to target this particular group?

There is no additional information – information is provided personally one-to-one and the person has to turn to PBGB for information himself or herself.

Q18. Do any of the approaches described in Q13 - Q16 above target any other groups (e.g. specific types of irregular migrant, e.g. vulnerable groups, failed asylum applicants, particular nationalities, etc?) If so, please describe below through what methods / approaches they target these groups, and also discuss the rationale for targeting these particular groups.

No additional information, information sharing is personal, one-to-one.

## Section 4: Case studies on information provision to irregular migrants with whom the authorities do not have contact

The purpose of this section is to look at TWO or more selected practices, projects or approaches employed in the Member State to disseminate information on (voluntary) return in order to identify promising practices in dissemination of information to irregular migrants not in contact with the authorities and to learn lessons about what has and has not worked. Member States are requested to identify at least one "successful" approach and one "less successful" approach, stating the criteria they apply to define "successful".

Q19. Cross-referring to the approaches outlined in section 4, please describe in further detail at least TWO practices, projects or approaches employed in your Member State since 2010 to disseminate information on (voluntary) return:

- ★ one practice / project / approach that has proven particularly effective in reaching out to irregular migrants not in contact with the authorities; and
- ★ one practice / project / approach that has not been (very) effective in reaching out to irregular migrants not in contact with the authorities.

Estonia does not have examples of practices used to disseminate voluntary return information to irregular migrants not in contact with the authorities.

## Section 5: Effectiveness of different approaches to disseminating information on (voluntary) return

### 5.1 INDICATIONS / EVIDENCE FROM THE TESTIMONIES OF IRREGULAR MIGRANTS AND RETURNEES

Q20. Does your Member State collect any (monitoring and/or evaluation) information from those returning voluntarily (e.g. at airports, when participating in AVR programmes, after they have returned) about the information they received prior to return and/or how useful they found this information (yes / no)? If yes, please describe:

- a. Who collects/ed this data,
- b. Who the data is/was collected from (e.g. those participating in AVR, those returning to specific countries),
- c. The situation in which the data is/was collected (e.g. on return, on considering return, at the airport), and
- d. The method used (e.g. survey, interviews, etc.), as well as
- e. The date / frequency of the data collection (e.g. is this done monthly, annually, or was it part of a one-off project) and
- f. Any caveats as to the quality of the data<sup>21</sup>.

Yes, IOM Estonia gathers information from participants in VARRE project about where they received or found information on AVR programme. Information is gathered before the person leaves Estonia, as they have to fill in a feed-back sheet. All participants have to fill in a feed-back sheet. 98% of IOM clients are irregular migrants or persons whose applications have been refused, or persons who stay in the country without a legal ground. 2% of persons counselled have a legal ground for stay in Estonia. During 2010-2014 counselling of 15-60 persons was carried out per year and in total 84 assisted voluntary returns was supported. In one case during the project period on return of a person with special needs was supported.

<sup>21</sup> For example, for migrants returning through AVR programmes, where surveys are conducted before the AVR programme is complete (e.g. at airports), it may affect the responses received as – for example – returnees might feel pressured into providing a positive response even where they have a negative perception of the information provided.

Q21. If the above-mentioned information is available, please present the results, in particular any information on:

- a. The most common tool through which the returnee accessed information (e.g. through friends, via the Internet, via a leaflet),
- b. The extent to which they understood the information (e.g. was it presented in a user-friendly format, was it in their own language),
- c. The extent to which the information was comprehensive. Did they have to seek further information elsewhere and if so, why,
- d. The extent to which they trusted the information and whether there was anything about the way in which the information was provided that acted as an obstacle to their trusting it,
- e. The timing of the information provision and whether it would have been of any use if the information had been provided at an earlier stage,
- f. Whether the information influenced their decision to return home or not.

Based on feedback sheets it can be said, that in 74% of all cases information about assisted return programme was found via PBGB (detention center and prefectures), 13% received information in Vao accommodation center for asylum seekers, 10% have found information independently on the internet and 2% with the support of the local municipality.

## 5.2 OTHER INDICATIONS / EVIDENCE OF EFFECTIVENESS

*The purpose of Q22 to Q24 is to allow Member States to include any additional information on the effectiveness of the approaches described under section 4 that are not covered in section 5. This sub-section should not repeat information already included in section 5. Please only include new information here.*

Q22. Are there any other indications / evidence available of the effectiveness of the different practices / approaches described in section 4 at increasing awareness amongst irregular migrants who are not in contact with the authorities about their options regarding voluntary return and/or at providing such migrants with a comprehensive understanding of their options so as to be able to make a balanced, well-informed decision about voluntary return.

Possible sources of evidence include:

- i. Statistics on use of the information tools (e.g. users of hotline number, webpage visits, Facebook page hits / 'likes', leaflets distributed, number of leaflets downloaded / requested, etc.),
- ii. Evaluations / research,
- iii. Personal testimonies from returnees / irregular migrants who made use of the services (where identified in secondary sources e.g. studies, social media pages, websites, etc.),
- iv. Opinions / perspectives of stakeholders on the effectiveness of their resources - you may gather this information through primary research (i.e. interviews with the authorities, with NGOs supporting irregular migrants accessing the services, etc.).

The information is not available as Estonia does not implement any special approach among irregular migrants who are not in contact with the authorities.

Q23. Please also describe any factors that make these approaches successful / not-so-successful tools for disseminating information on (voluntary) return to irregular migrants not in contact with the authorities.

N/A

Q24. Please describe any specific challenges associated with the approach to disseminating information implemented by the national authorities directly in raising awareness of irregular migrants not in contact with the authorities?

The main challenge pointed out by an expert of PBGB is how to reach irregular migrants. On the other hand, the number of irregular migrants is low and all cases should be approached on an individual bases.

### 1 5.3 Lessons learnt

Q25. Are there any lessons to be extracted (by Member States completing this Common Template) from the findings presented above that could be taken on board by other Member States?

*Please consider both lessons about what went well and what went less well, as well as lessons about how the practice / project / approach could be improved in the future.*

N/A

## Annex National statistics on return and number of irregular third-country nationals

**Table A.1.a: National Statistics on the number of third-country nationals returning, by year and by type of migrant**

	Year					source	Method used to reach the estimates, as well as any caveats as to their likely accuracy
	2010 (total )	2011 (total )	2012 (total )	2013 (total )	2014 (total )		
<b>a. Third-country nationals returning by physical transportation out of the Member State, on the basis of a return decision (forced return) <sup>22</sup></b>	66	111	155	268	196	PBGB	Precise statistics
<b>b. Number of third-country nationals returning voluntarily within the time-limit fixed for that purpose in the return decision<sup>23</sup> (voluntary departure)</b>	N/A	347	397	396	310	PBGB	Precise statistics
<b>c. Number of irregularly-staying third-country nationals returning via AVR packages (assisted voluntary return)</b>	7	8	29	17	23	IOM Estonia (VARRE project)	Precise statistics
<b>d. Number of irregularly-staying third-country nationals returning via AVRR packages (assisted voluntary return and reintegration) – where different from (c)</b>	0	2	15	11	6	IOM Estonia (VARRE project)	Precise statistics

**Table A.1.b: National Statistics on the number of third-country nationals not in contact with the national authorities, by year and by type of migrant**

	Year					source	Method used to reach the estimates, as well as any
	2010 (total )	2011 (total )	2012 (total )	2013 (total )	2014 (total )		

<sup>22</sup> I.e. an administrative or judicial decision or act, stating or declaring the stay of a third-country national to be illegal and imposing or stating an obligation to return.

<sup>23</sup> In accordance with the provisions of Directive 2008/52/EC (Return Directive) the time-limit shall be of 30 days. Ireland and United Kingdom do not take part in the Directive, are not bound by its rules and therefore may apply different time limits on voluntary departure.

							caveats as to their likely accuracy
<b>a. Number of irregular migrants who were previously known to the authorities, but whose place of residence is no longer known to the authorities (absconding).</b>	N/A	N/A	N/A	N/A	N/A		
<b>b. Number of irregular migrants whose residence on the territory has never been known to the authorities (clandestine entry)</b>	N/A	N/A	N/A	N/A	N/A		

## Annex 1 Description of data-collection methods used

Table A.2: Data-collection methods used

Sources of info / method	Used? (Y/N)	List the sources: for secondary sources, cross-refer to bibliography; for primary sources list the stakeholders involved	Type of information provided (refer to question numbers / sections if useful)
<b>Evaluations</b>	N		
<b>Studies</b>	Y	Summel, A Illegal immigration and the prevention of it in Estonia, Academy of Security Sciences 2003	Section 1
<b>Other reports</b>	Y	EMN Country Factsheet 2013	Section 2
<b>Legislation</b>	Y	<a href="#">Obligation to Leave and Prohibition on Entry Act</a> <a href="#">Act on Granting International Protection to Aliens Regulated by Ministry of Interior regulation Nr 62 § 1 p 2</a> (Estonian only)	Section 1, 2, 3
<b>Policy documents</b>	Y	Explanatory letter nr 354 to amendments of Act on Granting International Protection to Aliens and other bills connected to that. (Estonian only) <a href="#">Multiannual Programme of European Return Fund 2008-2013</a> (Estonian only) <a href="#">AMIF framework programme</a> (Estonian only)	Section 2, 3
<b>'Mystery shopper'</b>	N		
<b>Interviews with stakeholders (list the stakeholders)</b>	Y	Mr Egert Belitšev Integrated Border Management Bureau, Development Department, PBGB  Ms Eve Alte, IOM Estonia VARRE project, project manager	Mainly information concerning statistics and content control / Entire document  Mainly information concerning statistics, leaflets and IOM work / Entire document
<b>Consultation with national stakeholder (list them)</b>	N		
<b>Consultation with national network</b>	N		

<b>Other (specify)</b>		N		
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