

EMN FOCUSSED STUDY 2015

Changes in immigration status and purpose of stay: an overview of EU Member States approaches

Estonian national report

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Disclaimer: The following responses have been provided primarily for the purpose of completing a Synthesis Report for the above-titled EMN Focussed Study. The contributing EMN NCPs have provided information that is, to the best of their knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of an EMN NCPs' Member State.

Following is the input of EE EMN NCP to the EMN 2015 Focussed Study. This document was produced by Helina Maasing the expert of EE EMN NCP. This report was compiled based on public and available information. Furthermore, experts of this topic were consulted.

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General definitions of the EMN Study

'Applicant for international protection'

A third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken. (Art. 2(i) of Directive 2011/95/EU (Recast Qualification Directive))

'Applicant for change of status'

A third-country national who applies to change his/her current status of residence and purpose of stay into another immigration category.

'Change of status' (intended as potentially, but not necessarily, cumulative of the elements 'change in the purpose of stay' and 'switch of immigration status')¹

The situation of a third-country national authorised to stay under a specific immigration status (category) in a given Member State who has applied to remain in the same Member State but under different legal ground (immigration category).

'Economic migration'

Migration mainly for economic reasons or in order to seek material improvements to livelihood.

'Employer'

Any natural person or any legal entity, including temporary work agencies, for or under the direction and/or supervision of whom the employment is undertaken. (Art. 2(d) of Directive 2009/52/EC (Employer Sanctions Directive))

'Employment'

The exercise of activities covering whatever form of labour or work regulated under national law or in accordance with established practice for or under the direction and/or supervision of an employer. (Art. 2(c) of Directive 2009/52/EC (Employer Sanctions Directive))

'Family member'

A third-country national, as specified in Art. 4 of Directive 2003/86/EC (normally members of the nuclear family – i.e. the spouse and the minor children), who has entered the territory of the European Union for the purpose of family reunification. (Recital 9 and Art. 4 of Council Directive 2003/86/EC (Family Reunification Directive))

'Immigrant investor'

A third-country national meeting the criteria set by a Member State and admitted to a Member State for the purpose of making a (substantial) financial investment either in financial products or in a business but without involving in the day-to-day operations or in the management of business.

'Immigrant business owner'

A third-country national meeting the criteria set by a Member State to be admitted to the Member State to i) set up a business and be involved in its management; ii) take over the running of a business or businesses and be involved in its management; iii) or for self-employment.

¹ Definition adapted from http://www.lawfirmuk.net/switchingrules_e.html

'Intra-corporate transferee'²

A third-country national subject to a temporary secondment from an undertaking established outside the territory of a Member State and to which the third-country national is bound by a work contract to an entity belonging to the undertaking or to the same group of undertakings which is established inside this territory.

'Long-stay' visa (or National D-Type visa)

'Long-stay visa' means the authorisation or decision of a Member State required for entry for an intended stay in that Member State of more than three months.

'Person subject of an action to facilitate illegal immigration'

A third-country national subject to an action to facilitate illegal immigration as defined by Articles 1 and 2 of Directive 2002/90/EC, who fulfils the conditions set by Directive 2004/81/EC and is allowed to stay legally on the territory of a (Member) State.

'Rejected applicant for international protection'

A third-country national covered by a first instance decision rejecting an application for international protection, such as decisions considering applications as inadmissible or as unfounded and decisions under priority and accelerated procedures, taken by administrative or judicial bodies during the reference period (Art. 4(2a) of Regulation 862/2007 (Migration Statistics Regulation))

'Researcher'

A third-country national holding an appropriate higher education qualification, which gives access to doctoral programmes, who is selected by a research organisation for carrying out a research project for which the above qualification is normally required. (Art. 2(d) of Council Directive 2005/71/EC (Researchers Directive))

'Residence permit'

Any authorisation issued by the authorities of a Member State allowing a third-country national to stay legally in its territory, in accordance with the provisions of Article 1(2)(a) of Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals.

'Student'

A third-country national accepted by an establishment of higher education and admitted to the territory of a Member State to pursue as their main activity a full-time course of study leading to a higher education qualification recognised by the Member State, including diplomas, certificates or doctoral degrees, which may cover a preparatory course prior to such education according to its national legislation. (Art. 2(b) of Council Directive 2004/114/EC (Student Directive))

'Tolerated status'

The situation of a third-country national in respect of whom a removal order has been suspended or a period for voluntary departure has been granted within the meaning of Recital 12 and Articles 9 and 14 of Directive 2008/115 (Return Directive), in respect of whom a removal order has been suspended under other national legal grounds or permit to stay/reside has been issued according to the national law.

'Victim of trafficking in human beings'

A third-country national subject to an offence regulated by Directive 2011/36/EU, who fulfils the conditions set by Directive 2004/81/EC and is allowed to stay legally on the territory of a (Member) State

² Article 3 c) of the Directive 2014/66/EU

Aim and scope of the EMN Study

(Member) States **regulate immigration flows** by providing, on the basis of their immigration legislation, specific channels for immigration, each of which relate to a specific purpose of stay. Respective to each “purpose” or “reason” for immigration, potential immigrants have to fulfil certain requirements in order to be granted access to the territory and be allowed to stay there. Where third-country nationals no longer meet the criteria linked to the respective authorisation to stay they are normally required to leave or become irregular if they remain on the territory. However, third-country nationals admitted under one channel may seek to change their position in order to meet all the requirements of another status and hence remain legally on the territory of a (Member) State. Changing status for the migrant is likely to be more accessible / cost effective if actioned from within the territory of a (Member) State.

Changes between different purposes of stay may allow an immigrant to change or acquire a new status (i.e. international students allowed to stay and look for work, employed migrants changing to a self-employment / entrepreneur category, asylum seekers changing to labour immigrant status or family-related stays, etc.). The motivations of legislators in opening channels to allow migrants the possibility, under certain circumstances, to change their status may be to make their immigration systems more flexible, responding to skills-matching needs, providing cost- and time-efficient contribution to (temporary) labour shortages, activating and unlocking the potential of existing skills and preventing third-country nationals from turning into an irregular status, a phenomenon that addressed primarily through restrictive measures (return) or so-called “regularisations” or “amnesties”.

Status changes are a **relatively new field of study**: more knowledge is needed on existing possibilities for status changes in the (Member) States, the national experiences with regard to such changes and whether there are benefits in the purpose-based regulation of immigration being made more flexible by enhancing status change opportunities. In many (Member) States, there is **no systematic overview** of whether (and which) status changes are possible and how frequently migrants actually switch from one status to another, and the impacts of such changes on the rights of the migrants themselves. Such information may only indirectly be obtained from a thorough study of immigration law and administrative practice. The aim of this **EMN Focussed Study** is to provide an analysis and further understanding of the conditions in place in EU (Member) States that regulate the changes of status between different categories of third-country nationals.

Scope of the Study

The Study will include those migrants holding an ‘authorisation / right to stay’, who are not in an irregular situation (with the exception of applicants for international protection or other national types of protection who have received a final negative decision) and situations where the change of status takes place inside the territory of the (Member) State without the requirement for the individual to first return to their country of origin. Only, the main migrant categories are dealt with in this Study: family migrants, labour migrants, business migrants, education route, asylum seekers, and victims of trafficking. Other types of residence permits issued by the (Member) States are not focused on.

This Study will not examine issues associated with the abuse of such channels, though it is acknowledged that there may be associated risks in temporary migrants abusing this opportunity and undermining the original purpose of a country’s immigration laws.

Top-line "Factsheet"

- Estonia's immigration legislation allows for third-country nationals, who are staying in Estonia on the basis of a temporary residence permit and are applying for a new temporary residence permit, to submit their application directly to the Police and Border Guard Board for processing. Meaning that they do not need to leave the country, which is the general rule for first time applicants, who need to submit their temporary residence permit application at an Estonian foreign mission.
- As of 2016 all third-country nationals have a transitional period of 90 days (for all temporary residence permit holders) or 183 days (for students, researchers and lectors) after the expiry of the residence permit to stay in the country legally and find another basis for a new residence permit.
- The period when the application for a new temporary residence permit is processed, is considered a legal basis for staying in the country, as of 2016. Previously, only the processing time for the extension of a temporary residence permit was considered as a legal stay in Estonia.
- Amendments made to the Aliens Act to simplify the process of changing immigration status is part of the general policy goal to facilitate and retain talented people to come and stay in Estonia. These were the main reasons behind the recent changes, foreseeing a transitional period for third-country nationals to find a new basis for applying a temporary residence permit in Estonia. Also, retaining foreign students, as a potential workforce in Estonia, was the reason why in 2010 with the new Aliens Act redaction any restrictions were removed for foreign students to change their status to labour immigrants by submitting the application without leaving the country.
- According to our national legislation temporary residence permits are issued to third-country nationals on the following reasons: 1) to settle with a spouse; 2) to settle with a close relative (minor children, adult children who need help, (grand)parents who need help, and a ward); 3) for study; 4) for employment; 5) for enterprise (business owners and self-employed persons); 6) for participation in criminal proceedings (victims of trafficking in human beings); 7) in case of substantial national interest; 8) on the basis of a treaty or; 9) permanently settle in Estonia (as of 2016). Switches between all these permits are possible, if the applicant is fulfilling the requirements of the new residence permit. And the application for status change can be made without leaving the territory of Estonia. Visas are applied at the Estonian consular missions and in case visa is needed for the stay in the country (like in some cases of seasonal work), the applicant has to leave the country for the application process, if (s)he does not have a legal ground to stay in the country.
- In general, rights that different residence permits grant are rather similar. Thus, changing immigration status is not so much the result of different rights given to the applicant, but related to the real purpose, the third-country national is staying in Estonia.
- However, there are more requirements or restrictions for some immigrant groups. For example, all third-country nationals who hold a valid residence permit (except residence permit for substantial national interest) in Estonia have access to the labour market. Restrictions regarding employer, position, work place, and salary are made for those third-country nationals who receive a residence permit for employment (employees, ICTs, Blue card holders) and for asylum seekers, who have the right to work after 6 months from submitting their application.
- Furthermore, there are no differences between different immigrant groups in accessing social security rights. The general regulation requires that all temporary residence permit holders have a private health insurance policy, guaranteeing that any costs related to his or her medical treatment as a result of illness or injury during the period of stay in Estonia will be met. Some third-country nationals are covered with

national health insurance, like employees, self-employed persons for whom social security tax is payed, children under 19 years of age, pregnant women, PhD students who receive support for their studies, etc. Other social benefits/ services are accessible for all third-country nationals who hold a valid residence permit.

- Also, family reunification is possible for all immigrant groups, however some are more favoured. For example, if the general regulation foresees a two year previous living requirement, then some labour migrants, business owners and foreign students have the right to bring their families with them immediately.
- Switches between different residences permit reasons, do not give favourable rules in the new application process. Meaning that each time the applicant must fulfil the same requirements for the new temporary residence permit as any other first time applicant. However, as those third-country nationals who change their immigration status may submit their residence permit application directly to the Police and Border Guard Board, they will pay a slightly lower state fee for processing the application. Also, they do not have to provide documents for information that is already available in the state's information systems about them (like place of residence).
- As changing immigration status has not been in the focus of our immigration policy, there have been no evaluations in this regard. According to the statistical data provided for this study by the Police and Border Guard Board, there have been approximately 200 status changes per year during 2010-2014. Most switches are made from work to family, family to other reasons and from education to work (See table A7 in Annex).

Section 1: Overview of national migration system in place regarding changes of status

This section aims to provide a general overview of the (Member) State national migration system in relation to status changes for third-country nationals from within the territory of the Member State. It aims to provide a brief overview of the debates (being) held in the (Member) States on necessities and possibilities of migration status changes and what policy changes are considered. It also briefly aims to suggest the main drivers/reasons behind changes of status being promoted that can take place from within the territory of the (Member) State (without the third-country nationals being required to leave the (Member) State's territory).

- i. General overview of national migration system in relation to status changes:

Current Estonian migration system allows for all third-country nationals who are staying in Estonia on the basis of a temporary residence permit, apply a new temporary residence permit without leaving the country³. Thus, our migration legislation allows to change an immigration status quite easily, if requirements for the new status are met as well. Before October 2010, there were limitations for third-country national students, who wanted to change their status to labour immigrants. But that was changed with the new Aliens Act in 2010 and now the same regulation as to everyone else applies to them too.

According to our national legislation temporary residence permits are issued to third-country nationals on the following reasons: 1) to settle with a spouse; 2) to settle with a close relative (minor children, adult children who need help, (grand)parents who need help, and a ward); 3) for study; 4) for employment; 5) for enterprise (business owners and self-employed persons); 6) for participation in criminal proceedings (victims of trafficking in human beings); 7) in case of substantial national interest; 8) on the basis of a treaty or; 9) permanently settle in Estonia (as of 2016). As some of the residence permit reasons are not in the focus of this EMN Study, then permits issued for, in case of substantial national interest; on the basis of a treaty; and for permanently settle in Estonia, are not looked in this report.

Switches between all the named permits are possible, if the applicant is fulfilling the requirements of the new residence permit. And the application for status change can be made without leaving the territory of Estonia. Furthermore, recent changes to the immigration legislation that came in force as of January 1st, 2016 foresee a transitional period of 90 days for all temporary residence permit holders or 183 days for students, researchers and lecturers after the expiry of the residence permit to stay in the country legally and find another basis for a new residence permit. Also, the period when the application for a new temporary residence permit is processed, is considered a legal basis for staying in the country, as of 2016. Previously, only the processing time for the extension of a temporary residence permit was considered as a legal stay in Estonia.

ii. Brief overview of national debate in the Member State

There have not been any national debates, which focus was on switching immigration status.

iii. Main drivers / reasons behind changes of status promoted by legislators

Changes that have been made to the immigration legislation and which have affected the simplification of changing residence permit status, are part of the general policy goal to facilitate and retain talented people to come and stay in Estonia⁴. These were the main reasons behind the recent changes, foreseeing a transitional period for third-country nationals to find a new basis for applying a temporary residence permit in Estonia. Also, retaining foreign students, as potential workforce in Estonia, was the reason why in 2010 the new Aliens Act redaction removed any restrictions for foreign students to change their status to labour immigrants by submitting the application without leaving the country.

Section 2: Overview of admission criteria

This section aims to provide an overview of the initial admission criteria or the criteria for issuing a particular authorisation to stay/residence permit applied by Member States in order to admit all categories covered by the scope of the study. It also investigates the rights attached to each status as well as the requirements incumbent on the applicant.

³ Aliens Act Article 216 (1) p 5, RT I 2010, 3, 4

⁴ Explanatory note for the draft amendment of the Aliens Act and other related acts (809 SE), RT I, 23.03.2015, 1, www.riigiteataja.ee

Q1. How does the national legislation of your (Member) State define the categories of third-country nationals covered by this study? Please complete the table below by listing also the admission criteria for each category listed.

National definitions for the following immigrant groups are derived from the immigration legislation (Aliens Act⁵) and modified by the author of this Report.

Category	National definition	Admission criteria
Family	<p><i>Aliens Act regulates the immigration of the following third-country national's family members:</i></p> <p><i>1. Spouse. According to Estonian Family Law Act a marriage is contracted between a man and a woman⁶. Thus, the Aliens Act regulation currently does not include same sex marriages. However, there have been initiations to allow family reunification for same sex couples. A draft legislation is being proceeded in the Parliament, which will give registered partners possibility to apply for a residence permit.</i></p> <p><i>2. Close relative, who can be:</i></p> <ul style="list-style-type: none"> • <i>minor child, who is a person under 18 years of age, unless the person is married, has a separate family or leads an independent life.⁷</i> • <i>adult child, if the child is unable to cope independently due to health reasons or a disability</i> • <i>parent or grandparent, if the (grand)parent needs care.</i> • <i>ward.</i> 	<p>1.Spouse⁸</p> <ul style="list-style-type: none"> • spouses share close economic ties and a psychological dependence, the family is stable and the marriage is not fictitious • spouse is required to have permanent legal income that shall ensure the subsistence of the family in Estonia, or the joint permanent legal income of the spouses shall ensure the subsistence of the family in Estonia • registered place of residence and an actual dwelling in Estonia • at least two years previous residence of the first spouse in Estonia. There are several exceptions from the permanent residency rule, for example for entrepreneurs, BA(some), MA and PhD students, some labour immigrants, EU Blue card holders, etc⁹; • health insurance policy; • purpose for settlement in Estonia is justified. <p>2. Close relative¹⁰:</p> <ul style="list-style-type: none"> • Minor child:

⁵ Aliens Act, RT I 2010, 3, 4, www.riigiteataja.ee

⁶ Family Law Act, Article 1 (1), RT I 2009, 60, 395, www.riigiteataja.ee

⁷ Aliens Act Article 4, RT I 2010, 3, 4, www.riigiteataja.ee

⁸ Aliens Act, Articles 137-149, 117, RT I 2010, 3, 4, RT I, 17.12.2015, 14, www.riigiteataja.ee

⁹ Full list: employment in one of the following cases:

- 1) persons engaged in creative activities who work in a performing arts institution for the purposes of the Performing Arts Institutions Act;
- 2) for employment as a teacher or lecturer in an educational institution which complies with the requirements established by the Estonian law;
- 3) for research activities if an alien has appropriate professional training or experience;
- 4) for employment as a sportsman, coach, referee or sports official for professional activities on the basis of a summons from a respective sports federation;
- 5) for employment as a member of the management body of a legal person registered in Estonia with the duty to perform directing or supervisory functions;
- 6) for employment as an expert, adviser or consultant provided that an alien has appropriate professional training for such activities in the respective field;
- 7) for employment as a fitter of equipment or a skilled worker provided that an alien has the required professional training in the respective field;
- 8) for employment as a top specialist.

¹⁰ Aliens Act, 150-161,117, RT I 2010, 3, 4, RT I, 17.12.2015, 14, www.riigiteataja.ee

Category	National definition	Admission criteria
		<ul style="list-style-type: none"> • parent(s) permanently resides in Estonia or the family arrives together • actual registered place of residence and an actual dwelling in Estonia, unless they arrive together • settling of the child in Estonia should not damage his/her rights and interests and the legal, financial or social status of him/her should not deteriorate as a result of settling in Estonia • in case of sharing custody, a consent of the party sharing custody. • sufficient legal income which would enable family members the subsistence in Estonia. • health insurance policy • purpose for settlement in Estonia is justified. <ul style="list-style-type: none"> • Adult child: <ul style="list-style-type: none"> • child is unable to cope independently due to health reasons or a disability; • parent(s) permanently resides in Estonia or the family arrives together; • actual registered place of residence and an actual dwelling in Estonia, unless they arrive together; • sufficient legal income which would enable the family members the subsistence in Estonia; • health insurance policy; • purpose for settlement in Estonia is justified. <ul style="list-style-type: none"> • Parent or grandparent, if the (grand)parent needs care: <ul style="list-style-type: none"> • settling with whom the residence permit is applied for is required to have a long-stay resident's residence permit; • family member to whom the residence permit is applied for is required to cover the care and treatment costs of the (grand)parent; • (grand)parent cannot receive care in the country of his/her location or in another country

Category	National definition	Admission criteria
		<ul style="list-style-type: none"> • permanent legal income of the family member to whom the residence permit is applied for ensures the subsistence of (grand)parent in Estonia; • health insurance policy; • purpose for settlement in Estonia is justified. <ul style="list-style-type: none"> • Ward: <ul style="list-style-type: none"> • parent(s) permanently resides in Estonia or the family arrives together • actual registered place of residence and an actual dwelling in Estonia, unless they arrive together • sufficient legal income which would enable family members the subsistence in Estonia • in case of sharing custody, a consent of the party sharing custody • health insurance policy • purpose for settlement in Estonia is justified.
Education	<p><i>Aliens Act¹¹ regulates the immigration for education reasons of the following third-country nationals, who:</i></p> <ol style="list-style-type: none"> 1. <i>study:</i> <ol style="list-style-type: none"> 1.1. <i>in a basic school, gymnasium, vocational educational institution, an institution of applied higher education or a university;</i> 1.2. <i>in an educational institution founded on the basis of a treaty.</i> 2. <i>participate in a traineeship:</i> <ol style="list-style-type: none"> 2.1. <i>in a basic school or gymnasium;</i> 2.2. <i>intermediated by vocational education institution, applied higher education institution, university or an international student organization.</i> 3. <i>participate in preparatory courses offered by vocational education</i> 	<ol style="list-style-type: none"> 1. Study: <ul style="list-style-type: none"> • The higher education curriculum has to be state-recognized (only for 1.1.) • The studying should cover the full-time curriculum of the educational institution • documentary evidence in proof that third-country national commences his/her studies, indicating the title and the estimated duration of the study programme, course; • proficiency of the language in which the studies are conducted, is sufficient; • sufficient legal income; • health insurance policy; • a notarial consent of a legal representative for a minor child under age 15 to study in Estonia; • purpose for settlement in Estonia is justified. 2. Traineeship:

¹¹ Aliens Act, Articles 162-175, 117, RT I 2010, 3, 4, RT I, 17.12.2015, 14, www.riigiteataja.ee

Category	National definition	Admission criteria
	<p><i>institutions, applied higher education or a university;</i></p> <p>4. <i>participate in voluntary service within the framework of a youth project or program.</i></p>	<ul style="list-style-type: none"> • should be carried out at a state-recognized (higher) educational institution; • documentary evidence in proof that third-country national commences his/her traineeship and indicating the estimated duration of the traineeship; • sufficient legal income; • health insurance policy; • purpose for settlement in Estonia is justified. <p>Additional requirements:</p> <p>2.1. traineeship is for pedagogical or other study purposes.</p> <p>2.2. traineeship is related to the education to be acquired;</p> <ul style="list-style-type: none"> - the traineeship is not compensated for and; - a contract of traineeship has been concluded between the third-country national and the institution conducting the traineeship. <p>3. Preparatory courses:</p> <ul style="list-style-type: none"> • should be carried out at a state-recognized (higher) educational institution; • documentary evidence in proof that third-country national commences his/her studies, indicating the title and the estimated duration of the course; • sufficient legal income; • health insurance policy; • purpose for settlement in Estonia is justified. <p>4. Voluntary service:</p> <ul style="list-style-type: none"> • youth project or program is recognized by the Ministry of Education and Research; • the activity of the third-country national should not be employment, including that (s)he should not get remuneration for the activity; • the youth association or project is bearing the subsistence costs during his/her residence in Estonia, • health insurance policy (concluded by the youth program or project) • a contract of voluntary service (which reflects the duties of the

Category	National definition	Admission criteria
		<p>volunteer, tutoring conditions, working time, means for covering: travelling, subsistence, accommodation costs and allowances, trainings);</p> <ul style="list-style-type: none"> • purpose for settlement in Estonia is justified.
Research	<i>A third-country national who has appropriate training or experience for the purpose of conducting research in a R&D institution.</i>	<ul style="list-style-type: none"> • R&D institution is recognized by the Ministry of Education and Research have been positively evaluated in at least one field; • hosting agreement or employment contract with the R&D institution; • finances for research work; • permanent legal income for subsistence in Estonia; • health insurance policy; • actual registered place of residence; • purpose for settlement in Estonia is justified.¹²
Blue card	<i>A third-country national who receives a residence permit for a job or position that requires higher qualification (i.e. at least 3 years higher education or at least 5 years of professional experience).</i>	<ul style="list-style-type: none"> • document certifying higher education, or at least five years of working experience; • employment contract with the length of at least one year, or a job offer; • salary at least equal to 1.5 times the annual average gross monthly salary or 1.24 times the annual average gross monthly salary for certain professions; • the consent of Estonian Unemployment Insurance Fund for employing a third-country national (the labour market test); • permanent legal income for subsistence in Estonia; • health insurance policy; • actual registered place of residence; • purpose for settlement in Estonia is justified.¹³
Highly qualified workers	<i>No specific definition. There is no differentiation made between highly qualified workers and employees in immigration legislation. For that reason, both of these immigrant groups are dealt together in this study.</i>	–

¹² Aliens Act, Articles 182-184, 117, RT I 2010, 3, 4, RT I, 17.12.2015, 14, www.riigiteataja.ee

¹³ Aliens Act, Articles 190¹-190¹³, 117, RT I 2010, 3, 4, RT I, 17.12.2015, 14, www.riigiteataja.ee

Category	National definition	Admission criteria
Employee	<i>A third-country national who receives a residence permit for employment working in a position for which (s)he has required the requisite qualifications, training, has a state of health, work experience and the necessary professional skills and knowledge.</i>	<ul style="list-style-type: none"> • employer registered in Estonia; • employer is trustworthy (i.e. employer has tax arrears, punishment in force for misdemeanor for employing an irregular migrant etc.); • minimum salary threshold (depending of the occupation 1.24 times or 2 times of the average of the gross annual salary; averaged salary in the sector; some occupations are exempt from the minimum salary threshold); • labour market test, i.e. permission of the Estonian Unemployment Insurance Fund to hire a TCN; • TCN is required to have the requisite qualifications, training, state of health, work experience and the necessary professional skills and knowledge to assume such position; • permanent legal income for subsistence in Estonia; • health insurance policy; • actual registered place of residence; • purpose for settlement in Estonia is justified; • TCN employees are subject to annual immigration quota.¹⁴
Self-employed	<i>A third-country national who is entered into the commercial register and has invested at least 16,000 euros in Estonia.</i>	<ul style="list-style-type: none"> • capital in the amount of at least 16,000 euros invested in Estonia; • sufficient monetary resources for engaging in enterprise in Estonia; • self-employed person is entered into the commercial register of Estonia; • self-employed person is engaged in activities which would significantly contribute to the development of the Estonian economy; • business plan; • permanent legal income for subsistence in Estonia; • health insurance policy; • actual registered place of residence; • purpose for settlement in Estonia is justified; • self-employed persons are subject to annual immigration quota.¹⁵
Business owner	<i>A third-country national who has invested at least 65,000 euros in business activity in Estonia, which is entered into the commercial register.</i>	<ul style="list-style-type: none"> • capital in the amount of at least 65,000 euros invested in Estonia (start-up companies are excluded from this requirement);

¹⁴ Aliens Act, Articles 176-190, 117, RT I 2010, 3, 4, RT I, 17.12.2015, 14, www.riigiteataja.ee

¹⁵ Aliens Act, Articles 191-197¹, 117, RT I 2010, 3, 4, RT I, 17.12.2015, 14, www.riigiteataja.ee

Category	National definition	Admission criteria
		<ul style="list-style-type: none"> • sufficient monetary resources for engaging in enterprise in Estonia; • company is entered into the commercial register of Estonia; • company is engaged in activities which would significantly contribute to the development of the Estonian economy; • business plan; • permanent legal income for subsistence in Estonia; • health insurance policy; • actual registered place of residence; • purpose for settlement in Estonia is justified; • business owners are subject to annual immigration quota.¹⁶
Seasonal worker	<i>No specific definition. According to the current legislation seasonal workers may work in Estonia based on short-term employment registration.</i>	<ul style="list-style-type: none"> • has a legal basis (visa or visa free regulation) for temporary stay in Estonia; • his/her employment has been registered with the Police and Border Guard Board before the employment commences, • term of employment does not exceed six months during a year; • seasonal work involves the processing of primary agricultural products; • salary payed to seasonal worker is at least 1.24 times the annual average gross monthly salary of the main area of activity of the employer.¹⁷
ICT	<i>Posted employee is a natural person who usually works in a foreign state on the basis of an employment contract, and whom the employer posts to work in Estonia for a specified period of time for the provision of a service¹⁸.</i>	<ul style="list-style-type: none"> • contract concluded in a foreign state concerning the employment relationship; • documents proving the transfer of the person to Estonia; • permanent legal income for subsistence in Estonia; • health insurance policy; • actual registered place of residence; • purpose for settlement in Estonia is justified.¹⁹
Investor	<i>No definition and no regulation.</i>	-
D-type visa holder	<i>A third-country national who has been issued a long-stay visa for single or multiple temporary stay in Estonia with a period of validity up to 12 months.</i>	<ul style="list-style-type: none"> • period of stay up to 180 days within twelve consecutive months unless otherwise provided for by a treaty; • valid travel document; • the purpose and reason of a third-country national's planned stay in Estonia has been proved;

¹⁶ Aliens Act, Articles 191-197¹, 117, RT I 2010, 3, 4, RT I, 17.12.2015, 14, www.riigiteataja.ee

¹⁷ Aliens Act, Articles 106-110, RT I 2010, 3, 4, RT I, 17.12.2015, 14, www.riigiteataja.ee

¹⁸ Working Conditions of Employees Posted to Estonia Act, article 3(1), RT I 2004, 19, 134, www.riigiteataja.ee

¹⁹ Aliens Act, Articles 181, 185, 117, RT I 2010, 3, 4, RT I, 17.12.2015, 14, www.riigiteataja.ee

Category	National definition	Admission criteria
		<ul style="list-style-type: none"> it is proved that visa holder's accommodation and staying expenses are covered during the stay; the intention to leave Estonia at the latest upon termination of the period of stay is proved; it is proved that the costs relating to visa holder's return to his or her country of origin or departure from Estonia into another country into which he or she has a legal basis to enter are covered valid health insurance policy.²⁰
Asylum seeker	<i>Asylum seeker is a third-country national who has submitted an application for asylum in respect to which the Police and Border Guard Board has not made a decision.²¹</i>	<ul style="list-style-type: none"> Conditions regarding to refugee status or supplementary protection status or temporary protection status is established.
Victim of trafficking	<i>A third-country national who has been issued a temporary residence permit for participation in criminal proceedings for assistance in the ascertaining of the facts of the subject of proof of a criminal offence if (s)he is a victim or a witness in a criminal procedure related to crimes of trafficking in human beings.</i>	<ul style="list-style-type: none"> Criminal procedure has been started regarding a offence related to trafficking of human beings; written consent of the victim of trafficking in human being to apply a residence permit for the purpose of participation in the criminal proceedings; victim or witness has previously facilitated the ascertaining of facts relating to the subject of proof of a criminal offence or has given consent for doing so victim or witness has broken off all the relations with the persons who are being suspected or accused of committing the respective offence person does not constitute a threat to public order or national security.²²

Section 3: National legal framework on change of status whilst remaining on the territory of the (Member) State

Section 3.1 aims to understand the changes of status permitted by the national legislation from one immigration category to another in cases where the migrant is not compelled to return to their country of origin. It will focus on the conditions to apply for such changes, while providing information on how the "switch" works in practice (i.e. responsible bodies to process applications/take decisions, where to lodge applications, information available, etc.). This section will also aim to understand whether and what facilitations are in place to ease changes of status (in comparison with first time applicants) by i.e. lifting restrictions, reducing fees and time for application, document

²⁰ Aliens Act Article 60; RT I 2010, 3, 4, RT I, 17.12.2015, 14; Regulation of Minister of the Interior No 82, 18.12.2015 „ Order to issue long-stay visas, deadlines for issue and renew long-stay visas, minimum sums for sufficient financial resources and health insurance contract, and forms for long-term visas application and extension form”, Articles 5-6, RT I, 29.12.2015, 2, www.riigiteataja.ee

²¹ Act on Granting International Protection to Aliens, article 3(1), RT I 2006, 2, 3, www.riigiteataja.ee

²² Aliens Act, Articles 203-210, RT I 2010, 3, 4, RT I, 17.12.2015, 14, www.riigiteataja.ee

requirements/certifications, etc. This part will also examine how a change of status impacts on the rights of a third-country nationals and how (Member) States address the change in / loss of rights.

Finally, Section 3.2 will highlight whether such measures are driven by specific policy goals (i.e. addressing labour shortages, retaining talents, tackling bottleneck occupations, etc.) and understand to what extent they have been based on needs assessment, have been evaluated and the results are achieved

EMN NCPs are asked to answer the following questions, at times guided by a non-exhaustive list of prompts of pre-defined tables.

[Section 3.1: Legal possibilities to changes status from within the \(Member\) State](#)

Q2a. Does your (Member) State allow third-country nationals holding any of the immigration status within the scope of this study to change into any of the other ones whilst remaining on the territory of the (Member) State? EMN NCPs are asked to fill in the table by using one of the options provided in each cell (Yes/No). NB: if **all changes are possible**, please indicate using the following option: **Yes to all**

Explanation for the following table:

Aliens Act article 216 (1) point 5 gives the possibility for third-country nationals who are staying in Estonia on the basis of a temporary residence permit and are now applying for a new temporary residence permit to submit the application directly to the Police and Border Guard Board, i.e. without leaving the country. Therefore, switches between different immigration statuses that can be applied in Estonia are possible.

There are differences in applying a long-term visa (D-type visa). As visas must be applied and are issued by and in the Estonian foreign representations, it is not possible to apply a visa without leaving the country. Thus, changing immigration status from a temporary residence permit to a visa holder is not possible to do in the territory of Estonia and the applicant must leave the country. As the regulation for the seasonal worker is tied with visa regulations, then in case a visa is the basis for a legal stay for a seasonal worker, (s)he must first leave the country to apply a visa and then return as a seasonal worker. This does not apply, in case the visa free regulation applies to the third-country national. For this reason in the following table seasonal worker's column is left empty, as it can be either way and depends on the specific situation of the applicant.

In case seasonal worker, who has registered his/her short-term employment in Estonia, wants to apply a temporary residence permit, then this can be done without leaving the country²³.

The Aliens Act allows to submit a temporary residence permit application in the country, directly to the Police and Border Guard Board for processing, in case the third-country national is staying legally in the country (e.g. based on a D-visa) and now applies a residence permit: 1) for studies on the integrated curricula of the Bachelor's and Master's studies, Master's or Doctoral study²⁴ or 2) for voluntary service²⁵; 3) an EU Blue Card²⁶; 4) for a temporary residence permit for enterprise²⁷; 5) for the purposes of performing the directing or supervisory functions of a legal person governed by private law or a branch of a foreign company²⁸. Furthermore, some family members, researchers, business migrants and labor migrants have the explicit right to submit the residence permit application in the country. For, that reason change from D-type visa to a temporary residence permit holder on different ground is indicated conditionally in the following table.

From \ Into	Family	Education	Research	Blue cards	Employee /highly qualified worker	Self-employed	Business owner	Seasonal worker	ICT	Inves tor	D-type visa holder	Asylum	Victim of trafficking
Family		Yes	Yes	Yes	Yes	Yes	Yes	Select:	Yes	NA	No	Yes	Yes
Education	Yes		Yes	Yes	Yes	Yes	Yes	Select:	Yes	NA	No	Yes	Yes

²³ Aliens Act, Article 216 (1) p 22 , RT I 2010, 3, 4, RT I, 17.12.2015, 14, www.riigiteataja.ee

²⁴ Aliens Act, 216 (1) p 14, RT I 2010, 3, 4, RT I, 17.12.2015, 14, www.riigiteataja.ee

²⁵ Aliens Act, 216 (1) p 14³, RT I 2010, 3, 4, RT I, 17.12.2015, 14, www.riigiteataja.ee

²⁶ Aliens Act, 216 (1) p 15, RT I 2010, 3, 4, RT I, 17.12.2015, 14, www.riigiteataja.ee

²⁷ Aliens Act, 216 (1) p 20, RT I 2010, 3, 4, RT I, 17.12.2015, 14, www.riigiteataja.ee

²⁸ Aliens Act, 216 (1) p 19, RT I 2010, 3, 4, RT I, 17.12.2015, 14, www.riigiteataja.ee

Into From	Family	Education	Research	Blue cards	Employee /highly qualified worker	Self-employed	Business owner	Seasonal worker	ICT	Investor	D-type visa holder	Asylum	Victim of trafficking
Research	Yes	Yes		Yes	Yes	Yes	Yes	Select:	Yes	NA	No	Yes	Yes
Blue card	Yes	Yes	Yes		Yes	Yes	Yes	Select:	Yes	NA	No	Yes	Yes
Employee /highly qualified worker	Yes	Yes	Yes	Yes		Yes	Yes	Select:	Yes	NA	No	Yes	Yes
Self-employed	Yes	Yes	Yes	Yes	Yes		Yes	Select:	Yes	NA	No	Yes	Yes
Business owner	Yes	Yes	Yes	Yes	Yes	Yes		Select:	Yes	NA	No	Yes	Yes
Seasonal worker	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	NA	No	Yes	Yes
ICT	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Select:		NA	No	Yes	Yes
Investor	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
D-type visa	Yes, in some cases	Yes, in some cases	Yes, in some cases	Yes	Yes, in some cases	No	Yes, in some cases	Select:	No	NA		Yes	Yes
Asylum	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Select:	Yes	NA	No		Yes

Into From	Family	Education	Research	Blue cards	Employee /highly qualified worker	Self- employed	Business owner	Seasonal worker	ICT	Inves tor	D-type visa holder	Asylum	Victim of trafficking
Victim of trafficking	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Select:	Yes	NA	No	Yes	

Q2b. If changes of status without leaving the territory of the (Member) State are allowed (Q2a), EMN NCPs are asked to fill in the table below by adding the requested information for each possible switch (and add as many rows as possible switches.).

From	Into	Legal basis	Policy / practice if no legal basis	Do criteria to switch differ from first time applicant?	Criteria for switch (if different from first time applicant)	Quota limitations <i>General note: Estonia has set a general annual immigration quota for TCNs, which is up to 0.1% of the population (approx. 1,300 persons). Mostly, labour and business immigrants go under the quota system. There is no quota for switching the immigration status.</i>
Family	Education	<i>Aliens (law) Act</i>	-	No.	No difference from the criteria listed in Section 1.	No
	Research	<i>Aliens (law) Act</i>	-	No.	No difference from the criteria listed in Section 1.	No
	Blue Card	<i>Aliens (law) Act</i>	-	No.	No difference from the criteria listed in Section 1.	No
	Employee/ highly qualified worker	<i>Aliens (law) Act</i>	-	No.	No difference from the criteria listed in Section 1.	No
	Self-employed	<i>Aliens (law) Act</i>	-	No.	No difference from the criteria listed in Section 1.	No
	Business owner	<i>Aliens (law) Act</i>	-	No.	No difference from the criteria listed in Section 1.	No
	ICT	<i>Aliens (law) Act</i>	-	No.	No difference from the criteria listed in Section 1.	No

From	Into	Legal basis	Policy / practice if no legal basis	Do criteria to switch differ from first time applicant?	Criteria for switch (if different from first time applicant)	Quota limitations
	Asylum seeker	Act on Granting International Protection to Aliens, Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No
	Victim of trafficking	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No
Education	Family	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No
	Research	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No
	Blue Card	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No
	Employee/ highly qualified worker	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No
	Self-employed	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No

General note: Estonia has set a general annual immigration quota for TCNs, which is up to 0.1% of the population (approx. 1,300 persons). Mostly, labour and business immigrants go under the quota system. There is no quota for switching the immigration status.

From	Into	Legal basis	Policy / practice if no legal basis	Do criteria to switch differ from first time applicant?	Criteria for switch (if different from first time applicant)	Quota limitations
	Business owner	<i>Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	No
	ICT	<i>Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	No
	Asylum seeker	<i>Act on Granting International Protection to Aliens, Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	No
	Victim of trafficking	<i>Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	No
Research	Family	<i>Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	No.
	Education	<i>Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	No.
	Blue Card	<i>Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	Yes.

General note: Estonia has set a general annual immigration quota for TCNs, which is up to 0.1% of the population (approx. 1,300 persons). Mostly, labour and business immigrants go under the quota system. There is no quota for switching the immigration status.

From	Into	Legal basis	Policy / practice if no legal basis	Do criteria to switch differ from first time applicant?	Criteria for switch (if different from first time applicant)	Quota limitations
						General note: Estonia has set a general annual immigration quota for TCNs, which is up to 0.1% of the population (approx. 1,300 persons). Mostly, labour and business immigrants go under the quota system. There is no quota for switching the immigration status.
	Employee/ highly qualified worker	<i>Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	Yes.
	Self-employed	<i>Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	Yes.
	Business owner	<i>Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	Yes.
	ICT	<i>Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	Yes.
	Asylum seeker	<i>Act on Granting International Protection to Aliens, Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	No.
	Victim of trafficking	<i>Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	No.
Blue Card	Family	<i>Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	No.

From	Into	Legal basis	Policy / practice if no legal basis	Do criteria to switch differ from first time applicant?	Criteria for switch (if different from first time applicant)	Quota limitations
						General note: Estonia has set a general annual immigration quota for TCNs, which is up to 0.1% of the population (approx. 1,300 persons). Mostly, labour and business immigrants go under the quota system. There is no quota for switching the immigration status.
	Education	<i>Aliens Act (law)</i>	-	No.	No difference from the criteria listed in Section 1.	No.
	Research	<i>Aliens Act (law)</i>	-	No.	No difference from the criteria listed in Section 1.	No.
	Employee/ highly qualified worker	<i>Aliens Act (law)</i>	-	No.	No difference from the criteria listed in Section 1.	No, if the first residence permit was issued under the annual quota system.
	Self-employed	<i>Aliens Act (law)</i>	-	No.	No difference from the criteria listed in Section 1.	No, if the first residence permit was issued under the annual quota system.
	Business owner	<i>Aliens Act (law)</i>	-	No.	No difference from the criteria listed in Section 1.	No, if the first residence permit was issued under the annual quota system.
	ICT	<i>Aliens Act (law)</i>	-	No.	No difference from the criteria listed in Section 1.	No, if the first residence permit was issued under the annual quota system.

From	Into	Legal basis	Policy / practice if no legal basis	Do criteria to switch differ from first time applicant?	Criteria for switch (if different from first time applicant)	Quota limitations
	Asylum seeker	Act on Granting International Protection to Aliens, Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No.
	Victim of trafficking	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No.
Employee	Family	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No.
	Education	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No.
	Research	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No.
	Blue Card	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No, if the first residence permit was issued under the annual quota system and the TCN has not left EE.
	Self-employed	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No, if the first residence permit was issued under the annual quota

From	Into	Legal basis	Policy / practice if no legal basis	Do criteria to switch differ from first time applicant?	Criteria for switch (if different from first time applicant)	Quota limitations
						General note: Estonia has set a general annual immigration quota for TCNs, which is up to 0.1% of the population (approx. 1,300 persons). Mostly, labour and business immigrants go under the quota system. There is no quota for switching the immigration status.
						system and the TCN has not left EE.
	Business owner	<i>Aliens Act (law)</i>	-	No.	No difference from the criteria listed in Section 1.	No, if the first residence permit was issued under the annual quota system and the TCN has not left EE.
	ICT	<i>Aliens Act (law)</i>	-	No.	No difference from the criteria listed in Section 1.	No, if the first residence permit was issued under the annual quota system and the TCN has not left EE.
	Asylum seeker	<i>Act on Granting International Protection to Aliens, Aliens Act (law)</i>	-	No.	No difference from the criteria listed in Section 1.	No.
	Victim of trafficking	<i>Aliens Act (law)</i>	-	No.	No difference from the criteria listed in Section 1.	No.
	Family	<i>Aliens Act (law)</i>	-	No.	No difference from the criteria listed in Section 1.	No.

From	Into	Legal basis	Policy / practice if no legal basis	Do criteria to switch differ from first time applicant?	Criteria for switch (if different from first time applicant)	Quota limitations
						<p>General note: Estonia has set a general annual immigration quota for TCNs, which is up to 0.1% of the population (approx. 1,300 persons). Mostly, labour and business immigrants go under the quota system. There is no quota for switching the immigration status.</p>
Self-employed	Education	<i>Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	No.
	Research	<i>Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	No.
	Blue Card	<i>Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	<i>No, if the first residence permit was issued under the annual quota system and the TCN has not left EE.</i>
	Employee/ highly qualified worker	<i>Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	<i>No, if the first residence permit was issued under the annual quota system and the TCN has not left EE.</i>
	Business owner	<i>Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	<i>No, if the first residence permit was issued under the annual quota system and the TCN has not left EE.</i>
	ICT	<i>Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	<i>No, if the first residence permit was issued under the annual quota</i>

From	Into	Legal basis	Policy / practice if no legal basis	Do criteria to switch differ from first time applicant?	Criteria for switch (if different from first time applicant)	Quota limitations
						General note: Estonia has set a general annual immigration quota for TCNs, which is up to 0.1% of the population (approx. 1,300 persons). Mostly, labour and business immigrants go under the quota system. There is no quota for switching the immigration status.
	Asylum seeker	Act on Granting International Protection to Aliens, Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No.
	Victim of trafficking	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No.
Business owner	Family	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No.
	Education	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No.
	Research	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No.
	Blue Card	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No, if the first residence permit was issued under the annual quota system and the TCN has not left EE.

From	Into	Legal basis	Policy / practice if no legal basis	Do criteria to switch differ from first time applicant?	Criteria for switch (if different from first time applicant)	Quota limitations
						<p>General note: Estonia has set a general annual immigration quota for TCNs, which is up to 0.1% of the population (approx. 1,300 persons). Mostly, labour and business immigrants go under the quota system. There is no quota for switching the immigration status.</p>
	Employee/ highly qualified worker	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No, if the first residence permit was issued under the annual quota system and the TCN has not left EE.
	Self-employed	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No, if the first residence permit was issued under the annual quota system and the TCN has not left EE.
	ICT	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No, if the first residence permit was issued under the annual quota system and the TCN has not left EE.
	Asylum seeker	Act on Granting International Protection to Aliens, Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No.
	Victim of trafficking	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No.

From	Into	Legal basis	Policy / practice if no legal basis	Do criteria to switch differ from first time applicant?	Criteria for switch (if different from first time applicant)	Quota limitations
						General note: Estonia has set a general annual immigration quota for TCNs, which is up to 0.1% of the population (approx. 1,300 persons). Mostly, labour and business immigrants go under the quota system. There is no quota for switching the immigration status.
Seasonal worker	Family	<i>Aliens Act (law)</i>	-	No.	No difference from the criteria listed in Section 1.	No.
	Education	<i>Aliens Act (law)</i>	-	No.	No difference from the criteria listed in Section 1.	No.
	Research	<i>Aliens Act (law)</i>	-	No.	No difference from the criteria listed in Section 1.	No.
	Blue Card	<i>Aliens Act (law)</i>	-	No.	No difference from the criteria listed in Section 1.	No, if the first residence permit was issued under the annual quota system and the TCN has not left EE.
	Employee/ highly qualified worker	<i>Aliens Act (law)</i>	-	No.	No difference from the criteria listed in Section 1.	No, if the first residence permit was issued under the annual quota system and the TCN has not left EE.
	Business owner	<i>Aliens Act (law)</i>	-	No.	No difference from the criteria listed in Section 1.	No, if the first residence permit was issued under the annual quota system and the TCN has not left EE.

From	Into	Legal basis	Policy / practice if no legal basis	Do criteria to switch differ from first time applicant?	Criteria for switch (if different from first time applicant)	Quota limitations <i>General note: Estonia has set a general annual immigration quota for TCNs, which is up to 0.1% of the population (approx. 1,300 persons). Mostly, labour and business immigrants go under the quota system. There is no quota for switching the immigration status.</i>
	ICT	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No, if the first residence permit was issued under the annual quota system and the TCN has not left EE.
	Asylum seeker	Act on Granting International Protection to Aliens, Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No.
Select	Victim of trafficking	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No.
ICT	Family	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No.
	Education	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No.
	Research	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No.
	Blue Card	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No, if the first residence permit was issued under the annual quota

From	Into	Legal basis	Policy / practice if no legal basis	Do criteria to switch differ from first time applicant?	Criteria for switch (if different from first time applicant)	Quota limitations
						General note: Estonia has set a general annual immigration quota for TCNs, which is up to 0.1% of the population (approx. 1,300 persons). Mostly, labour and business immigrants go under the quota system. There is no quota for switching the immigration status.
						system and the TCN has not left EE.
	Employee/ highly qualified worker	<i>Aliens Act (law)</i>	-	No.	No difference from the criteria listed in Section 1.	No, if the first residence permit was issued under the annual quota system and the TCN has not left EE.
	Self- employed	<i>Aliens Act (law)</i>	-	No.	No difference from the criteria listed in Section 1.	No, if the first residence permit was issued under the annual quota system and the TCN has not left EE.
	Business owner	<i>Aliens Act (law)</i>	-	No.	No difference from the criteria listed in Section 1.	No, if the first residence permit was issued under the annual quota system and the TCN has not left EE.
	Asylum seeker	<i>Act on Granting International Protection to Aliens, Aliens Act (law)</i>	-	No.	No difference from the criteria listed in Section 1.	No.
	Victim of trafficking	<i>Aliens Act (law)</i>	-	No.	No difference from the criteria listed in Section 1.	No.

From	Into	Legal basis	Policy / practice if no legal basis	Do criteria to switch differ from first time applicant?	Criteria for switch (if different from first time applicant)	Quota limitations
						General note: Estonia has set a general annual immigration quota for TCNs, which is up to 0.1% of the population (approx. 1,300 persons). Mostly, labour and business immigrants go under the quota system. There is no quota for switching the immigration status.
Asylum seeker	Family	<i>Aliens (law) Act</i>	-	No.	No difference from the criteria listed in Section 1.	No.
	Education	<i>Aliens (law) Act</i>	-	No.	No difference from the criteria listed in Section 1.	No.
	Research	<i>Aliens (law) Act</i>	-	No.	No difference from the criteria listed in Section 1.	No.
	Blue Card	<i>Aliens (law) Act</i>	-	No.	No difference from the criteria listed in Section 1.	Yes.
	Employee/ highly qualified worker	<i>Aliens (law) Act</i>	-	No.	No difference from the criteria listed in Section 1.	Yes.
	Self-employed	<i>Aliens (law) Act</i>	-	No.	No difference from the criteria listed in Section 1.	Yes.
	Business owner	<i>Aliens (law) Act</i>	-	No.	No difference from the criteria listed in Section 1.	Yes.
	ICT	<i>Aliens (law) Act</i>	-	No.	No difference from the criteria listed in Section 1.	Yes.

From	Into	Legal basis	Policy / practice if no legal basis	Do criteria to switch differ from first time applicant?	Criteria for switch (if different from first time applicant)	Quota limitations
	Victim of trafficking	<i>Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	General note: Estonia has set a general annual immigration quota for TCNs, which is up to 0.1% of the population (approx. 1,300 persons). Mostly, labour and business immigrants go under the quota system. There is no quota for switching the immigration status.
Victim of trafficking	Family	<i>Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	No.
	Education	<i>Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	No.
	Research	<i>Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	No.
	Blue Card	<i>Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	Yes.
	Employee/ highly qualified worker	<i>Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	Yes.
	Self-employed	<i>Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	Yes.
	Business owner	<i>Aliens Act (law)</i>	-	No.	<i>No difference from the criteria listed in Section 1.</i>	Yes.

From	Into	Legal basis	Policy / practice if no legal basis	Do criteria to switch differ from first time applicant?	Criteria for switch (if different from first time applicant)	Quota limitations
	ICT	Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	Yes.
	Asylum seeker	Act on Granting International Protection to Aliens, Aliens Act (law)	-	No.	No difference from the criteria listed in Section 1.	No.

General note: Estonia has set a general annual immigration quota for TCNs, which is up to 0.1% of the population (approx. 1,300 persons). Mostly, labour and business immigrants go under the quota system. There is no quota for switching the immigration status.

Q2c. If any of the change of status provided in the tables above alters the level of rights of the third-country national concerned (enhanced or reduced), please fill in the table below, providing a short overview / analysis of the specific situation in your (Member) State. If rights enjoyed are not subject to changes, EMN NCPs are simply asked to enter "no change".

In the following table every status change is looked only once. For example from family to education and not from education to family. In the latter case, the rights should be turned around. In the first row of the table the general regulation regarding the rights are submitted and the possible changes of rights that occur with another residence permit should be looked together with the general regulation. Also, it should be noted that, there are usually always exceptions from the general regulation and it is indicated in the table as best as possible. For further information on these exceptions, you should examine the regulation of the Aliens Act²⁹.

From	Into	Employment	Social security	Education	Duration of stay	Legal assistance	Mobility	Family reunification	Political rights	Other
		<p>General regulation: All third-country nationals holding a temporary residence permit in EE, except a residence permit issued for substantial national interest, are allowed to work and no separate work permit is necessary. Restrictions (or requirements) regarding employer, position and work place, salary, labour market test and quotas apply only to (some) TCN who receive a residence permit for employment, i.e. employees, ICTs, Blue Card holders, researchers. Students may work if employment does</p>	<p>General regulation: All TCN need to have a private health insurance, except those who are covered with national health insurance, e.g. employees/ self-employed persons for whom social security tax is payed, children under 19 years of age, pregnant women, PhD students who receive support for their PhD studies.</p> <p>All people in EE have a right to emergency care.</p> <p>Other social benefits/ services are accessible for all TCNs who hold a valid residence permit in EE.</p>	<p>General regulation: all TCNs, who stay in the country legally have access to education on the same grounds as other residents.</p>	<p>General regulation: Temporary residence permits are issued up to 5 years. The duration of stay varies between different immigration statuses.</p> <p>Transitional period from one residence permit to another is 90 days or 183 days for students, researchers and lecturers.</p>	<p>General regulation: Asylum seekers and victims of trafficking in human beings are provided with free legal assistance.</p>	<p>General regulation: All TCNs who hold a valid temporary residence permit in EE, have the right to move between EU MS within the framework of the Schengen acquis. No restrictions are made to movement in EE.</p>	<p>General regulation: family reunification is possible after 2 years of previous residence, however there are exceptions made for some employees, business owners and foreign students.</p>	<p>General regulation: Only TCNs who reside in Estonia on the basis of a long-term residence permit or permanent residence permit have the right to vote and stand as candidate at local government elections.</p>	<p>Access to long-term resident status: there are more beneficial rules for beneficiaries for international protection, Blue Card holders and less beneficial rules for foreign students in applying long-term resident's residence permit.</p>

²⁹ Aliens Act, RT I 2010, 3, 4, www.riiqiteataja.ee

		<i>not interfere with their studies.</i>								
Family	Education	<p><i>Both have access to labour market.</i></p> <p><i>Reduced rights: TCN students may work on the condition that employment does not interfere with the studies.</i></p> <p><i>No employment restrictions are foreseen for family migrants.</i></p>	<p><i>No change: generally private health insurance is necessary.</i></p> <p><i>In certain cases both groups may be covered with national health insurance.</i></p>	<i>No change.</i>	<p><i>Residence permit for studies is issued for 1 year.</i></p> <p><i>Transitional period: 183 days.</i></p> <p><i>Residence permit for spouse is issued for 1 or 3 years and for other family members no longer than the sponsor's permit is valid.</i></p> <p><i>Transitional period: 90 days.</i></p>	<i>No change.</i>	<i>No change.</i>	<p><i>Enhanced rights for BA (certain exceptions), MA and PhD students: no previous 2 year residence requirement before family reunification.</i></p> <p><i>Some family migrants (e.g. spouse of Estonian citizen) are exempt from the 2 years previous residence as well.</i></p>	<i>No change.</i>	<p><i>Reduced rights: no right to apply a long-term resident's residence permit, i.e. change status from student to long-term resident.</i></p>
Family	Research	<p><i>Both have access to labour market.</i></p> <p><i>Researchers have the right to work on the conditions determined in the residence permit for employment.</i></p>	<p><i>Generally private health insurance is necessary.</i></p> <p><i>If social tax is payed for an employee working as researcher, they receive national health insurance.</i></p> <p><i>Family migrants are covered with national health insurance only on certain cases (e.g. children up to 19 years, pregnant women, etc.).</i></p>	<i>No change</i>	<p><i>Enhanced rights in some cases:</i></p> <p><i>Residence permit for employment as researcher is issued for up to 2 year.</i></p> <p><i>Residence permit for spouse is issued for 1 or 3 years and for other family members no longer than the sponsor's</i></p>	<i>No change</i>	<i>No change</i>	<p><i>Enhanced rights: no previous 2 year residence requirement before family reunification.</i></p>	<i>No change.</i>	<i>No change.</i>

					permit is valid.					
Family	Blue Card	<p>Both have access to labour market.</p> <p>BC holders have to fulfil more requirements: labour market test, salary threshold (1.24 or 1.5 x higher than the average), immigration quota; only employment on a job that requires higher qualification.</p>	<p>Generally private health insurance is necessary.</p> <p>Enhanced rights: If social tax is payed for an employee holding a BC, they receive national health insurance.</p> <p>Reduced rights: no right to receive subsistence allowance.</p> <p>Family migrants are covered with national health insurance only on certain cases. However have no restrictions on receiving other social benefits/services.</p>	No change.	<p>Enhanced rights in some cases: Residence permit for employment as BC holder is issued for up to 2 year+ 3 months.</p> <p>Residence permit for a spouse is issued for 1 or 3 years and for other family members no longer then the sponsor's permit is valid.</p>	No change.	No change.	<p>Enhanced rights: no previous 2 year residence requirement before family reunification.</p> <p>Some family migrants (e.g. spouse of Estonian citizen) are exempt from the 2 years previous residence as well.</p>	No change.	<p>Enhanced rights: residency period in other MS as a BC holder is taken into account for long-term resident's residence permit.</p>
Family	Employee	<p>Both have access to labour market.</p> <p>Employees have to fulfil more requirements: labour market test, salary threshold (1,24 or 2 x higher than the average), immigration quota, restrictions with certain employer and job.</p>	<p>Generally private health insurance is necessary.</p> <p>Enhanced rights: If social tax is payed for an employee, they receive national health insurance.</p> <p>Family migrants are covered with national health insurance only on certain cases.</p>	No change.	<p>Enhanced rights in some cases: Residence permit for employment is issued for up to 2 year.</p> <p>Residence permit for spouse is issued for 1 or 3 years and for other family members no longer then the sponsor's</p>	No change.	No change.	<p>Both groups in some cases have no previous 2 year residence requirement before family reunification.</p>	No change.	No change.

					permit is valid.					
Family	Self-employed	Both have access to labour market.	<p>Enhanced rights: If self-employed person is paying social tax (s)he holds a national health insurance.</p> <p>Family migrants are covered with national health insurance only on certain cases.</p>	No change.	<p>Enhanced rights: Residence permit for self-employed persons is issued for up to 5 year.</p> <p>Residence permit for spouse is issued for 1 or 3 years and for other family members no longer than the sponsor's permit is valid.</p>	No change.	No change.	<p>Enhanced rights: no previous 2 year residence requirement before family reunification.</p> <p>Some family migrants (e.g. spouse of Estonian citizen) are exempt from the 2 years previous residence as well.</p>	No change.	No change.
Family	Business owner	Both have access to labour market.	<p>Generally private health insurance is necessary.</p> <p>Enhanced rights: If social tax is paid for a person holding a residence permit for enterprise, (s)he is covered with national health insurance.</p>	No change.	<p>Enhanced rights: Residence permit for business owners is issued for up to 5 year.</p> <p>Residence permit for spouse is issued for 1 or 3 years and for other family members no longer than the sponsor's permit is valid.</p>	No change.	No change.	<p>Enhanced rights: no previous 2 year residence requirement before family reunification.</p> <p>Some family migrants (e.g. spouse of Estonian citizen) are exempt from the 2 years previous residence as well.</p>	No change.	No change.

Family	ICT	<p>Both have access to labour market.</p> <p>ICTs have to fulfil more requirements: immigration quota, restrictions with certain employer and job, etc.</p>	<p>Generally private health insurance is necessary.</p> <p>Reduced rights for ICTs: no national health insurance.</p> <p>Family migrants are covered with national health insurance only on certain cases.</p>	No change.	<p>Enhanced rights in some cases: Residence permit for employment as an ICT is issued for up to 2 year.</p> <p>Residence permit for spouse is issued for 1 or 3 years and for other family members no longer than the sponsor's permit is valid.</p>	No change.	No change.	No change.	No change.	No change.
Family	Asylum seeker	<p>Reduced rights for asylum seeker: right to employment after 6 months from submitting the application.</p>	<p>No automatic national health care for both groups.</p> <p>Asylum seekers will benefit from the services foreseen for seekers for international protection i.e. health checks, accommodation, subsistence allowance, etc.</p>	No change.	No change.	<p>Enhanced rights: free legal aid.</p>	<p>Reduced rights: no right to move within EU, when the person is a seeker of international protection.</p> <p>After receiving protection status, the movement right is the same as for other migrants.</p>	<p>Asylum seekers have no right for family reunification.</p> <p>After receiving international protection status, they have a right to family reunification: no restrictions apply.</p>	<p>No change after they have received a residence permit in EE.</p>	<p>Enhanced rights: application period is counted in the previous residency period for long-term resident's residence permit.</p>
Family	Victim of trafficking	<p>Both have access to labour market.</p>	<p>No automatic national health care for both groups.</p> <p>Victims of trafficking will benefit from services foreseen for victims,</p>	No change.	<p>Reduced rights: Residence permit for victim of trafficking is</p>	<p>Enhanced rights: free legal aid.</p>	No change.	No change.	No change.	No change.

			including health checks, psychological counselling, etc.		issued for up to 1 year. Residence permit for spouse is issued for 1 or 3 years and for other family members no longer than the sponsor's permit is valid.					
Education	Research	Both have access to labour market, but certain restrictions apply to both groups.	Generally private health insurance is necessary. If social tax is payed for an employee working as researcher, they receive national health insurance. Foreign students are not covered with national health insurance.	No change.	Enhanced rights: Residence permit for employment as researcher is issued for up to 2 year. Residence permit for studies is issued for 1 year.	No change.	No change.	No change, except for some BA students.	No change.	Enhanced rights: no restrictions on applying a long-term resident's residence permit.
Education	Blue Card	Both have access to labour market, but certain restrictions apply to both groups.	Generally private health insurance is necessary. Enhanced rights: If social tax is payed for an employee holding a BC, they receive national health insurance. Foreign students are not covered with national health insurance.	No change.	Enhanced rights in some cases: Residence permit for employment as BC holder is issued for up to 2 year+ 3 months. Residence permit for studies is issued for 1 year.	No change.	No change.	No change, except for some BA students.	No change.	Enhanced rights: residency period in other MS as BC holder is taken into account for long-term resident's residence permit.
Education	Employee	Both have access to labour market, but certain restrictions	Generally private health insurance is necessary. Enhanced rights: If social tax is payed for an	No change.	Enhanced rights in some cases: Residence permit for	No change.	No change.	No change. There are limits to some labour migrants, as	No change.	Enhanced rights: no restrictions on applying a long-term

		apply to both groups.	employee, they receive national health insurance. Foreign students are not covered with national health insurance.		employment as employee is issued for up to 2 years. Residence permit for studies is issued for 1 year.			well as some students (BA).		resident's residence permit.
Education	Self-employed	Both have access to labour market. Enhanced rights for self-employed migrants: no restrictions.	Enhanced rights: If self-employed person is paying social tax (s)he holds a national health insurance. Foreign students are not covered with national health insurance.	No change.	Enhanced rights: Residence permit for self-employed persons is issued for up to 5 year. Residence permit for studies is issued for 1 year.	No change.	No change.	No change, except for some BA students.	No change.	Enhanced rights: no restrictions on applying a long-term resident's residence permit.
Education	Business owner	Both have access to labour market. Enhanced rights for business owners: no restrictions.	Generally private health insurance is necessary. Enhanced rights: If social tax is paid for a person holding a residence permit for enterprise, (s)he is covered with national health insurance. Foreign students are not covered with national health insurance.	No change.	Enhanced rights: Residence permit for enterprise is issued for up to 5 year. Residence permit for studies is issued for 1 year.	No change.	No change.	No change, except for some BA students.	No change.	Enhanced rights: no restrictions on applying a long-term resident's residence permit.
Education	ICT	Both have access to labour market, certain restrictions	No change: both groups are not covered with national health insurance.	No change.	Enhanced rights in some cases: Residence permit for employment is	No change.	No change.	Reduced rights in some cases: ICTs need to reside in the country for 2 year before family	No change.	Enhanced rights: no restrictions on applying a long-term resident's

		<i>apply to both groups.</i>	<i>Private health insurance is necessary.</i>		<i>issued for up to 2 year.</i> <i>Residence permit for studies is issued for up to 1 year.</i>			<i>reunification. The same applies only for some BA students.</i>		<i>residence permit.</i>
Education	Asylum seeker	<i>Reduced rights for asylum seekers: employment right after 6 months after submitting the application.</i>	<i>No automatic national health care for both groups.</i> <i>Asylum seekers will benefit from the services foreseen for seekers for international protection i.e. health checks, accommodation, subsistence allowance, etc.</i>	<i>No change.</i>	<i>Enhanced right: Residence permit for international protection is issued for 1 or 3 years.</i> <i>Residence permit for studies is issued for up to 1 year.</i>	<i>Enhanced rights: free legal aid</i>	<i>Reduced rights: no right to move within EU, when the person is a seeker of international protection. After receiving protection status, the movement right is the same as for other migrants.</i>	<i>Asylum seekers have no right for family reunification. After receiving international protection status, they have a right to family reunification: no restrictions apply.</i>	<i>No change after they have received a residence permit in EE.</i>	<i>Enhanced rights: application period is counted in the previous residency period for long-term resident's residence permit. No restrictions on applying a long-term resident's residence permit.</i>
Education	Victim of trafficking	<i>Both have access to labour market.</i>	<i>No automatic national health care for both groups.</i> <i>Victims of trafficking will benefit from services foreseen for victims, including health checks, psychological counselling, etc.</i>	<i>No change.</i>	<i>Reduced rights: Residence permit for victim of trafficking is issued for up to 1 year.</i> <i>Residence permit for spouse is issued for 1 or 3 years and for other family members no longer than the sponsor's permit is valid.</i>	<i>Enhanced rights: free legal aid.</i>	<i>No change.</i>	<i>Reduced rights in some cases: Victim of trafficking needs to reside in the country for 2 year before family reunification. The same applies only for some BA students.</i>	<i>No change.</i>	<i>Enhanced rights: no restrictions on applying a long-term resident's residence permit.</i>

Research	Blue Card	Both have access to labour market, certain restrictions apply to both groups.	No change.	No change.	Enhanced rights: Residence permit for employment as BC holder is issued for up to 2 year + 3 months. Residence permit for research activity is issued for up to 2 years. As of 2016 researchers have extra 6 months after the end of their permit to stay legally in the country.	No change.	No change.	No change: no previous 2 year residence requirement before family reunification.	No change.	Enhanced rights: residency period in other MS as BC holder is taken into account for long-term resident's residence permit.
Research	Employee	Both have access to labour market, certain restrictions apply to both groups.	No change.	No change.	No change.	No change.	No change.	Reduced rights in some cases: for some labour migrants previous 2 year residence is a requirement before family reunification. Researchers may reunite with their families immediately.	No change.	No change.
Research	Self-employed	Both have access to labour market. Enhanced rights for self-employed	No change.	No change.	Enhanced rights: Residence permit for self-employed persons is	No change.	No change.	No change.	No change.	No change.

		<i>migrants: no restrictions.</i>			<i>issued for up to 5 year.</i> <i>Residence permit for research activity is issued for up to 2 years.</i>					
Research	Business owner	<i>Both have access to labour market.</i> <i>Enhanced rights for business owners: no restrictions.</i>	<i>No change.</i>	<i>No change.</i>	<i>Enhanced rights: Residence permit for business owners is issued for up to 5 year.</i> <i>Residence permit for research activity is issued for up to 2 years.</i>	<i>No change.</i>	<i>No change.</i>	<i>No change.</i>	<i>No change.</i>	<i>No change.</i>
Research	ICT	<i>Both have access to labour market, certain restrictions apply to both groups.</i>	<i>Generally private health insurance is necessary.</i> <i>Reduced rights: ICTs have no national health insurance.</i> <i>For researchers, if social tax is paid for a person holding a residence permit for enterprise, (s)he is covered with national health insurance.</i>	<i>No change.</i>	<i>No change.</i>	<i>No change.</i>	<i>No change.</i>	<i>Reduced rights: ICTs need to reside in the country for 2 years before family reunification.</i> <i>Researchers may reunite with their families immediately.</i>	<i>No change.</i>	<i>No change.</i>

Research	Asylum seeker	<i>Reduced rights for asylum seekers: right to employment after 6 months from submitting the application.</i>	<i>Reduced rights for asylum seekers: no national health insurance. Asylum seekers will benefit from the services foreseen for seekers for international protection i.e. health checks, accommodation, subsistence allowance, etc.</i>	<i>No change.</i>	<i>Reduced right in some cases: Residence permit for international protection is issued for 1 or 3 years. Residence permit for research activity is issued for up to 2 years.</i>	<i>Enhanced rights: free legal aid.</i>	<i>Reduced rights: no right to move within EU, when the person is a seeker of international protection. After receiving protection status, the movement right is the same as for other migrants.</i>	<i>Asylum seekers have no right for family reunification. No change: after receiving international protection status, they have a right to family reunification: no restrictions apply.</i>	<i>No change after they have received a residence permit in EE.</i>	<i>Enhanced rights: application period for asylum is counted in the previous residency period for long-term resident's residence permit.</i>
Research	Victim of trafficking	<i>Both have access to labour market. Enhanced right for victims of trafficking: no restrictions.</i>	<i>Reduced rights for victims of trafficking: no automatic national health insurance coverage, victims of trafficking will benefit from services foreseen for victims, including health checks, psychological counselling, etc. If social tax is paid for working as a researcher, then researchers are covered with national health insurance.</i>	<i>No change.</i>	<i>Reduced rights: Residence permit for victim of trafficking is issued for up to 1 year. Residence permit for research activity is issued for up to 2 years.</i>	<i>Enhanced rights: free legal aid.</i>	<i>No change.</i>	<i>Reduced rights: 2 years previous residence..</i>	<i>No change.</i>	<i>No change.</i>
Blue Card	Employee	<i>Both have access to labour market certain restrictions apply to both groups.</i>	<i>No change.</i>	<i>No change.</i>	<i>Reduced rights: Residence permit for employment is issued for up to 2 year. Residence permit for BC holders is issued for up</i>	<i>No change.</i>	<i>No change.</i>	<i>Reduced rights, except in some cases: Labour migrants need to reside in the country for 2 year</i>	<i>No change.</i>	<i>Reduced rights: no previous residence in another MS is taken into account. For BC holders, residency period in other MS as BC</i>

					to 2 years + 3 months.			before family reunification. BC holder can reunite with their families immediately.		holder is taken into account for long-term resident's residence permit.
Blue Card	Self-employed	Both have access to labour market. Enhanced rights for self-employed migrants: no restrictions.	No change.	No change.	Enhanced rights: Residence permit for self-employed persons is issued for up to 5 year. Residence permit for BC holders is issued for up to 2 years + 3 months.	No change.	No change.	No change.	No change.	Reduced rights: no previous residence in another MS is taken into account. For BC holders, residency period in other MS as BC holder is taken into account for long-term resident's residence permit.
Blue Card	Business owner	Both have access to labour market. Enhanced rights for business owners: no restrictions.	No change.	No change.	Enhanced rights: Residence permit for enterprise is issued for up to 5 year. Residence permit for BC holders is issued for up to 2 years + 3 months.	No change.	No change.	No change.	No change.	Reduced rights: no previous residence in another MS is taken into account. For BC holders, residency period in other MS as BC holder is taken into account for long-term resident's residence permit.

Blue Card	ICT	Both have access to labour market, certain restrictions apply to both groups.	<p>Reduced rights: ICTs have no national health insurance.</p> <p>For BC holder, if social tax is paid for a person holding a residence permit for enterprise, (s)he is covered with national health insurance.</p>	No change.	<p>Reduced rights: Residence permit for employment is issued for up to 2 year.</p> <p>Residence permit for BC holders is issued for up to 2 years + 3 months.</p>	No change.	No change.	<p>Reduced rights: ICTs need to reside in the country for 2 year before family reunification.</p> <p>BC holders may reunite with their families immediately.</p>	No change.	<p>Reduced rights: no previous residence in another MS is taken into account.</p> <p>For BC holders, residency period in other MS as BC holder is taken into account for long-term resident's residence permit.</p>
Blue Card	Asylum seeker	Reduced rights for asylum seekers: right to employment after 6 months from submitting the application.	<p>Reduced rights for asylum seekers: no national health insurance.</p> <p>Asylum seekers will benefit from the services foreseen for seekers for international protection i.e. health checks, accommodation, subsistence allowance, etc.</p>	No change.	<p>Reduced right in some cases: Residence permit for international protection is issued for 1 or 3 years.</p> <p>Residence permit for BC holders is issued for up to 2 years + 3 months.</p>	Enhanced rights: free legal aid.	<p>Reduced rights: no right to move within EU, when the person is a seeker of international protection. After receiving protection status, the movement right is the same as for other migrants.</p>	<p>Asylum seekers have no right for family reunification.</p> <p>No change: after receiving international protection status, they have a right to family reunification: no restrictions apply.</p>	No change after they have received a residence permit in EE.	Beneficial rules for both BC holders and beneficiaries of international protection when applying for long-term resident's residence permit.
Blue Card	Victim of trafficking	Both have access to labour market.	<p>Reduced rights for victims of trafficking: no automatic national health insurance coverage, victims of trafficking will benefit from services foreseen for victims, including health checks, psychological counselling, etc.</p> <p>If social tax is paid for BC holders, then they are</p>	No change.	<p>Reduced rights: Residence permit for victim of trafficking is issued for up to 1 year.</p> <p>Residence permit for BC holders is issued for up</p>	Enhanced rights: free legal aid.	No change.	<p>Reduced rights: 2 years previous residence.</p>	No change.	<p>Reduced rights: no previous residence in another MS is taken into account.</p> <p>For BC holders, residency period in other MS as BC holder is taken</p>

			<i>covered with national health insurance.</i>		<i>to 2 years + 3 months.</i>					<i>into account for long-term resident's residence permit.</i>
Employee	Self-employed	<i>Both have access to labour market. Enhanced rights for self-employed migrants: no restrictions.</i>	<i>No change.</i>	<i>No change.</i>	<i>Enhanced rights: Residence permit for self-employed persons is issued for up to 5 year. Residence permit for employment is issued for up to 2 years.</i>	<i>No change.</i>	<i>No change.</i>	<i>Enhanced rights: no previous 2 year residence requirement for self-employed persons before family reunification. Previous residence period is applicable for some labour immigrants.</i>	<i>No change.</i>	<i>No change.</i>
Employee	Business owner	<i>Both have access to labour market. Enhanced rights for business owners: no restrictions.</i>	<i>No change.</i>	<i>No change.</i>	<i>Enhanced rights: Residence permit for enterprise is issued for up to 5 year. Residence permit for employment is issued for up to 2 years.</i>	<i>No change.</i>	<i>No change.</i>	<i>Enhanced rights: no previous 2 year residence requirement for self-employed persons before family reunification. Previous residence period is applicable for some labour immigrants.</i>	<i>No change.</i>	<i>No change.</i>
Employee	ICT	<i>Both have access to labour market, certain restrictions apply to both groups.</i>	<i>Reduced rights: ICTs have no national health insurance. For employee, if social tax is paid for a person holding a residence permit for</i>	<i>No change.</i>	<i>No change.</i>	<i>No change.</i>	<i>No change.</i>	<i>No change.</i>	<i>No change.</i>	<i>No change.</i>

			enterprise, (s)he is covered with national health insurance.							
Employee	Asylum seeker	Reduced rights for asylum seekers: right to employment after 6 months from submitting the application.	<p>Reduced rights for asylum seekers: no national health insurance.</p> <p>Asylum seekers will benefit from the services foreseen for seekers for international protection i.e. health checks, accommodation, subsistence allowance, etc.</p>	No change.	<p>Reduced right in some cases: Residence permit for international protection is issued for 1 or 3 years.</p> <p>Residence permit for employment is issued for up to 2 years.</p>	Enhanced rights: free legal aid.	<p>Reduced rights: no right to move within EU, when the person is a seeker of international protection. After receiving protection status, the movement right is the same as for other migrants.</p>	<p>Asylum seekers have no right for family reunification.</p> <p>Enhanced rights in some cases after receiving international protection status: no previous 2 year residence requirement for asylum seekers before family reunification.</p> <p>Previous residence period is applicable for some labour immigrants.</p>	No change after they have received a residence permit in EE.	Enhanced rights: application period for asylum is counted in the previous residency period for long-term resident's residence permit.
Employee	Victim of trafficking	<p>Both have access to labour market.</p> <p>Enhanced right for victims of trafficking: no restrictions.</p>	<p>Reduced rights for victims of trafficking: no automatic national health insurance coverage, victims of trafficking will benefit from services foreseen for victims, including health checks, psychological counselling, etc.</p> <p>If social tax is paid for employees, then they are</p>	No change.	<p>Reduced rights: Residence permit for victim of trafficking is issued for up to 1 year.</p> <p>Residence permit for employment is</p>	Enhanced rights: free legal aid.	No change.	<p>No changes: 2 years of previous residence is required before family reunification.</p> <p>Some exceptions for certain labour migrants.</p>	No change.	No change.

			<i>covered with national health insurance.</i>		<i>issued for up to 2 years.</i>					
Self-employed	Business owner	<i>No change. Both have access to labour market.</i>	<i>No change.</i>	<i>No change.</i>	<i>No change.</i>	<i>No change.</i>	<i>No change.</i>	<i>No change.</i>	<i>No change.</i>	<i>No change.</i>
Self-employed	ICT	<i>Both have access to labour market. Reduced rights for ICTs: restrictions foreseen for labour migrants.</i>	<i>Reduced right: no national health insurance for ICTs. For self-employed: if social tax is paid for a person holding a residence permit for enterprise, (s)he is covered with national health insurance.</i>	<i>No change.</i>	<i>Reduced right: Residence permit for employment for ICTs is issued for up to 2 years. Residence permit for self-employed persons is issued for up to 5 year.</i>	<i>No change.</i>	<i>No change.</i>	<i>Reduced right: ICTs need to reside in the country for 2 year before family reunification. Self-employed persons may reunite with their families immediately.</i>	<i>No change.</i>	<i>No change.</i>
Self-employed	Asylum seeker	<i>Reduced rights for asylum seekers: right to employment after 6 months from submitting the application.</i>	<i>Reduced rights for asylum seekers: no national health insurance. Asylum seekers will benefit from the services foreseen for seekers for international protection i.e. health checks, accommodation, subsistence allowance, etc.</i>	<i>No change.</i>	<i>Reduced right: Residence permit for international protection is issued for 1 or 3 years. Residence permit for self-employed persons is issued for up to 5 year.</i>	<i>Enhanced rights: free legal aid.</i>	<i>Reduced rights: no right to move within EU, when the person is a seeker of international protection. After receiving protection status, the movement right is the same as for other migrants.</i>	<i>Asylum seekers have no right for family reunification. No change after receiving international protection status: no previous 2 year residence requirement.</i>	<i>No change after they have received a residence permit in EE.</i>	<i>Enhanced rights: application period for asylum is counted in the previous residency period for long-term resident's residence permit.</i>
Self-employed	Victim of trafficking	<i>No change. Both have access to labour market.</i>	<i>Reduced rights for victims of trafficking: no automatic national health insurance coverage, victims of trafficking will benefit from services foreseen for victims, including health checks,</i>	<i>No change.</i>	<i>Reduced rights: Residence permit for victim of trafficking is</i>	<i>Enhanced rights: free legal aid.</i>	<i>No change.</i>	<i>Reduced rights: Victim of trafficking needs to reside in the country for 2 year before</i>	<i>No change.</i>	<i>No change.</i>

			<p>psychological counselling, etc.</p> <p>If social tax is paid for self-employed persons, then they are covered with national health insurance.</p>		<p>issued for up to 1 year.</p> <p>Residence permit for self-employed persons is issued for up to 5 year.</p>			<p>family reunification.</p> <p>Self-employed persons may reunite with their families immediately.</p>		
Business owner	ICT	<p>Both have access to labour market.</p> <p>Reduced rights for ICTs: restrictions foreseen for labour migrants.</p>	<p>Reduced right: no national health insurance for ICTs.</p> <p>For business owners: if social tax is paid for a person holding a residence permit for enterprise, (s)he is covered with national health insurance.</p>	No change.	<p>Reduced right: Residence permit for employment for ICTs is issued for up to 2 years.</p> <p>Residence permit for enterprise is issued for up to 5 year.</p>	No change.	No change.	<p>Reduced right: ICTs need to reside in the country for 2 year before family reunification.</p> <p>Business owners may reunite with their families immediately.</p>	No change.	No change.
Business owner	Asylum seeker	<p>Reduced rights for asylum seekers: right to employment after 6 months from submitting the application.</p>	<p>Reduced rights for asylum seekers: no national health insurance.</p> <p>Asylum seekers will benefit from the services foreseen for seekers for international protection i.e. health checks, accommodation, subsistence allowance, etc.</p>	No change.	<p>Reduced right: Residence permit for international protection is issued for 1 or 3 years.</p> <p>Residence permit for enterprise is issued for up to 5 year.</p>	Enhanced rights: free legal aid.	<p>Reduced rights: no right to move within EU, when the person is a seeker of international protection. After receiving protection status, the movement right is the same as for other migrants.</p>	<p>Asylum seekers have no right for family reunification.</p> <p>No change after receiving international protection status: no previous 2 year residence requirement.</p>	<p>No change after they have received a residence permit in EE.</p>	<p>Enhanced rights: application period for asylum is counted in the previous residency period for long-term resident's residence permit.</p>
Business owner	Victim of trafficking	<p>No change. Both have access to labour market.</p>	<p>Reduced rights for victims of trafficking: no automatic national health insurance coverage, victims of trafficking will benefit from services</p>	No change.	<p>Reduced rights: Residence permit for victim of trafficking is</p>	Enhanced rights: free legal aid.	No change.	<p>Reduced rights: Victim of trafficking needs to reside in the country for 2</p>	No change.	No change.

			<p>foreseen for victims, including health checks, psychological counselling, etc.</p> <p>If social tax is paid for business owners, then they are covered with national health insurance.</p>		<p>issued for up to 1 year.</p> <p>Residence permit for enterprise is issued for up to 5 year.</p>			<p>year before family reunification.</p>		
ICT	Asylum seeker	<p>Reduced rights for asylum seekers: right to employment after 6 months from submitting the application.</p>	<p>No change: both have no national health insurance.</p> <p>Asylum seekers will benefit from the services foreseen for seekers for international protection i.e. health checks, accommodation, subsistence allowance, etc.</p>	No change.	<p>Reduced right in some cases: Residence permit for international protection is issued for 1 or 3 years.</p> <p>Residence permit for employment as ICT is issued for up to 2 years.</p>	Enhanced rights: free legal aid.	<p>Reduced rights: no right to move within EU, when the person is a seeker of international protection. After receiving protection status, the movement right is the same as for other migrants.</p>	<p>Asylum seekers have no right for family reunification.</p> <p>Enhanced rights after receiving international protection status: no previous 2 year residence requirement for asylum seekers before family reunification.</p> <p>Previous residence period is applicable for ICTs.</p>	<p>No change after they have received a residence permit in EE.</p>	<p>Enhanced rights: application period for asylum is counted in the previous residency period for long-term resident's residence permit.</p>
ICT	Victim of trafficking	<p>Both have access to labour market.</p> <p>Enhanced right for victims of trafficking: no restrictions.</p>	<p>No change: both groups have no automatic health insurance. However, victims of trafficking will benefit from services foreseen for victims, including health checks, psychological counselling, etc.</p>	No change.	<p>Reduced rights: Residence permit for victim of trafficking is issued for up to 1 year.</p> <p>Residence permit for employment is</p>	Enhanced rights: free legal aid	No change.	<p>Enhanced right: no previous 2 year residence requirement.</p> <p>Previous residence period is applicable for ICTs.</p>	No change.	No change.

					issued for up to 2 years.					
Asylum seeker	Victim of trafficking	Enhanced right for victims of trafficking: access to labour market immediately.	No change: both groups have no automatic health insurance.	No change.	<p>Reduced rights in some cases: Residence permit for victim of trafficking is issued for up to 1 year.</p> <p>Residence permit for international protection is issued for 1 or 3 years.</p>	No change.	Enhanced rights: no limits for movement in EU.	Reduced right: Victim of trafficking needs to reside in the country for 2 year before family reunification.	No change in case both have received residence permits in EE.	<p>Reduced rights: no previous residence or application period is counted in the residency period.</p> <p>Application period for asylum is counted in the previous residency period for long-term resident's residence permit.</p>

Q3. If the criteria to change status from within the territory of the (Member) State allowed by your national system differ from those of first time applicants, please list the procedural facilitations in place (in comparison with criteria for first time applicants listed in Section 1) by filling in the table below. EMN NCPs are asked to use the pre-compiled box marked 'example' as reference (and add as many rows as possible switches).

From	Into	Procedural facilitations when compares with first time applicants from the country of origin												
All changes	To all changes	<ul style="list-style-type: none"> • Possibility to apply online • Shortened processing time • Shortened decision time • Reduced fees • Reduced documentary requirements • Reduced prove of means to support • Extended duration of residence permit • Possibility to stay beyond the expiration of the previous residence permit ("tolerated status" for those who have applied before the permit expires) <p>The general requirement is that the applicant must fulfil the requirements set for the temporary residence permit. Requirements are the same for both applicants, for those who apply residence permit for the first time stay in Estonia or who change their immigration status. There can be slight procedural facilitations when comparing first time applicants from the country of origin with the procedural rules for those third-country nationals who want to change one residence permit for another. Third-country nationals who change their immigration status in Estonia have the following advantages:</p> <p>1. Reduced fees for applying a temporary residence permit without leaving the territory of Estonia. Estonian national legislation allows for all third-country nationals who are staying in Estonia on the basis of a temporary residence permit and are applying for a new temporary residence permit, submit the application directly to the Police and Border Guard Board. Other first time applicants have to apply a temporary residence permit at an Estonian consulate or embassy. Therefore, the cost for applying a residence permit in the territory of Estonia is a bit cheaper than the application cost in the foreign representation. In the following table the differences in the cost of a temporary residence permit application are outlined:</p> <p>Table A. Differences in state fees for the application of a temporary residence permit in Estonia and in foreign representation.</p> <table border="1" data-bbox="528 1565 1430 1993"> <thead> <tr> <th></th> <th>In Estonia</th> <th>In foreign representation</th> </tr> </thead> <tbody> <tr> <td>Temporary residence permit</td> <td>64 EUR</td> <td>65 EUR</td> </tr> <tr> <td>Temporary residence permit for TCN under one year of age</td> <td>24 EUR</td> <td>25 EUR</td> </tr> <tr> <td>To settle with spouse who is an Estonian citizen or with a close relative who is an Estonian citizen</td> <td>31 EUR</td> <td>35 EUR</td> </tr> </tbody> </table>		In Estonia	In foreign representation	Temporary residence permit	64 EUR	65 EUR	Temporary residence permit for TCN under one year of age	24 EUR	25 EUR	To settle with spouse who is an Estonian citizen or with a close relative who is an Estonian citizen	31 EUR	35 EUR
	In Estonia	In foreign representation												
Temporary residence permit	64 EUR	65 EUR												
Temporary residence permit for TCN under one year of age	24 EUR	25 EUR												
To settle with spouse who is an Estonian citizen or with a close relative who is an Estonian citizen	31 EUR	35 EUR												

From	Into	Procedural facilitations when compares with first time applicants from the country of origin	
		Temporary residence permit for work	96 EUR 100 EUR
<p>2. Reduced documentary requirements <i>One requirement for all residence permit holders is to register their place of residence in the Population Register within one month from the date of arrival into Estonia on the basis of the residence permit³⁰. Thus, these third-country nationals who are in the process of changing their status likely have registered their place of residence already and therefore do not need to submit a document proving that. As the Police and Border Guard Board can access the Population Register and check the place of the residence of the applicants from there.</i></p> <p>3. Possibility to stay beyond the expiration of the previous residence permit <i>As of 2016 all third-country nationals who have hold a temporary residence permit have a possibility to stay beyond the expiration of the previous residence permit for 90 days or 183 days (students, lecturers and researchers) ("tolerated stay").. Furthermore, as of 2016 the processing time for a new residence permit application is considered a legal ground to stay in Estonia ("tolerated stay"). Previous regulation allowed "tolerated stay" only for the processing period in case of extending a temporary residence permit or applying a long-term resident´s residence permit.</i></p> <p>4. Exceptions from annual immigration quota <i>Third-country nationals who have been granted a temporary residence permit considering the fulfilment of immigration quota in the first time application process and have not left Estonia³¹, do not need to go through the quota system again in the status changing process.</i></p>			

Q4. What is/are the main actor(s) and institution(s) involved in the development of such measures? If multiple authorities are involved, how are they coordinated?

Immigration policy is developed by the Ministry of the Interior in Estonia and implemented by the Police and Border Guard Board. Meaning that, the ministry is working out the policy, which also includes the policy on changing immigration status. Police and Border Guard Board is the institution which processes residence permits applications and issues residence permits to third-country nationals. Thus, in their competence is to issue first time residence permits, extension of the permits, and long-term resident´s residence permits. This also applies to situations in which the permit is applied for on new grounds.

Estonian consulates are processing and issuing long-term (D-type) visas. Consular officers are required to coordinate the issue of a visa with agencies within the area of government of the Ministry of the Interior.³²

³⁰ Aliens Act, Article 121, RT I, 17.12.2015, 14, RT I 2010, 3, 4, www.riigiteataja.ee

³¹ Aliens Act, Article 115 (1) p 10, RT I, 17.12.2015, 14, RT I 2010, 3, 4, www.riigiteataja.ee

³² Aliens Act, Articles 81-82, RT I, 17.12.2015, 14 ,RT I 2010, 3, 4, www.riigiteataja.ee

Q5. Do specific institutional communication channels (i.e. Migration Agencies' websites) offer information on the possibility to change status?

On the webpage (www.politsei.ee) of the Police and Border Guard Board the general information on how to apply a residence permit in Estonia is available. Also, there is more detailed information on the specific requirements that have to be fulfilled to receive a temporary residence permit for specific (e.g. work, study, family, business, etc.) purpose in Estonia. In the description of the requirements for residence permits for different reasons the possibility or exceptions for submitting the application without the need to leave the country and apply directly from the Police and Border Guard Board is pointed out. The Police and Border Guard Board shares more factual information of the requirements for receiving a temporary residence permit for different purposes and less "promotes" the possibility to change status.

There are also leaflets and booklets on the general information on the requirements of different immigration statuses available at migration service offices all over Estonia. Information on residence permits application procedure is available in English, Russian, Estonian, and in addition in French and Arabic on the asylum application procedure.

Section 3.2: Aims of national policies to permit changes of status without leaving the territory of the (Member) State

Q6a. Have the measures in place in your Member State been driven by any specific policy goals (i.e. addressing labour shortages, reducing unemployment, retaining talents, harnessing entrepreneurial skills of third-country nationals, tackling bottleneck occupations, general economic performance targets, etc.)?

Yes

Q6b. If yes, please explain the rationale behind their design/implementation, whether such decision were based on a needs assessment and if specific indicators/target were identified.

Over the years, there have been several changes in the immigration legislation, which aim was to simplify the procedure for applying residence permit for third-country nationals, including change immigration status.

When before 2010, third-country national students had limited right to apply a residence permit for employment, then this limitation was abolished with the new Aliens Act in October 2010³³. Currently, Aliens Act stipulates, that all third-country nationals who are staying in Estonia on the basis of a temporary residence permit and are applying for a new temporary residence permit, can do this at the Police and Border Guard Board³⁴, meaning that they don't have to leave the country. These changes have been made with an overall aim to facilitate the retention of talents. Especially, foreign students, who have already established ties with Estonian society and who have decided to stay here longer for employment, family or other reasons.

Furthermore, the latest amendments to the Aliens Act create an opportunity for third-country nationals to stay temporarily for 90 day in Estonia after the duration of their residence permit expires and find another basis for applying a new residence permit³⁵. Students, researchers and lecturers may stay in the country for 183 days after the expiration of the residence permit³⁶. The aim of these changes is to make the migration regulations more flexible and simplify the procedures³⁷. Also, to retain talents who will bring added value to Estonian economy and contribute to the development of Estonian society. The amendments in the Aliens Act, that foresee the transitional period after the expiration of the temporary residence permit entered into force 1st January 2016.

³³ Aliens Act, Article 11¹ (3), RT I 1993, 44, 637, 14.11.2009, www.riigiteataja.ee

³⁴ Aliens Act, Article 216 (1) p 5, RT I 2010, 3, 4, RT I, 17.12.2015, 14, www.riigiteataja.ee

³⁵ Aliens Act, Article 43 (4), RT I 2010, 3, 4, RT I, 17.12.2015, 14, www.riigiteataja.ee

³⁶ Aliens Act, Article 43 (5), RT I 2010, 3, 4, RT I, 17.12.2015, 14, www.riigiteataja.ee

³⁷ Explanatory note for the draft amendment of the Aliens Act and other related acts (809 SE), RT I, 23.03.2015, 1, www.riigiteataja.ee

Q7a. Have any evaluations or studies in your Member State considered the effectiveness of national measures allowing third-country nationals to change status from within the territory of the (Member) State? Did the evaluations or studies investigate how (Member) States have addressed the change in / loss of rights?

No

Q7b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report. If no, please provide also any other evidence/indicator that may be available in your (Member) State in this regard (media reporting, media debates, assessment by experts/academics, etc.).

There have not been any evaluations that have considered the effectiveness of national measures allowing third-country nationals to change status from within the territory of Estonia. In the framework of the 2012 EMN study "Immigration of International Students"³⁸, the change of status from education to employment was assessed and found that only 5-10% of the international students stayed to work in Estonia after graduation in a year, which was assessed to be very modest number.

Q8a. Have any evaluations or studies in your (Member) State considered the impact of such national measures to national economy?

No

Q8b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report. If no, please provide also any other evidence/indicator that may be available in your (Member) State in this regard (media reporting, media debates, assessment by experts/academics etc.).

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Q9. How are such changes of status perceived in your (Member) State? Please support your argument based on existing evidence (policy documents, political discourses, media coverage, NGO campaigns, case law examples etc.).

According to the recent amendments to the Aliens Act, which aim is to allow third-country nationals to stay in the country after the expiry of their residence permit for 3 or 6 months to find another legal basis for stay. That might include changing their immigration status, e.g. from study to employment or for family reasons.

Thus, the policy makers and legislators are supporting that third-country nationals should have a possibility to look for another legal basis to stay in the country after their first reason for holding a residence permit has expired.

Otherwise, there has not been any (political) debates or campaigns for facilitating changing of immigration status.

Q10a. Is there any evidence or are there any indications that such changes of status contribute to the prevention of irregular stays or to reduce irregularity in your (Member) State?

No.

Q10b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report. If no, please provide also any other evidence/indicator that may be available in your (Member) State in this regard (media reporting, media debates, assessment by experts/academics etc.).

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³⁸ Maasing, H. Immigration of International Students. Estonian National Report. EMN 2012, Tallinn, Estonian Academy of Security Sciences.

Section 4: Challenges, good practices and lessons learned

Section 4.1 examines the existing *challenges and obstacles* for the design and implementation of specific policies allowing third-country nationals to change status whilst remaining on the territory of the Member State as experienced by the legislator / policy maker / practitioner. EMN NCPs may also report on any challenges /barriers reported by third-country national applicants if available through available studies / evaluations (primary research is not expected).

This section should (to the extent possible) understand the obstacles to status change (or the current mainstream legal requirements that prevent status change from within the territory of the (Member) State. EMN NCPs are asked to address any obstacle related to the eligibility criteria or to other macro-level areas such as labour market needs, employment, integration, etc. EMN NCPs are asked to present the findings and analysis of any existing studies or evidence collected in any other way and to provide any available statistics in the corresponding tables Annex 1.

Section 4.2 aims to highlight any *good practices* of the (Member) States that have successfully implemented and managed measures allowing third-country nationals to switch status without leaving the territory of the (Member) State. This section can include also lessons learned from the practical implementation of specific policies, programmes or schemes for the targeted categories of third-country nationals: *lessons learned may address also assessments of the expected and/or unintended (positive and negative) consequences of specific measures.*

Section 4.1: Challenges and obstacles to measures to enable third-country nationals to change status whilst remaining on the territory of the (Member) State

Q11. What are the main challenges/obstacles related to the change of status for third-country nationals whilst remaining on the territory of your (Member) State?

EMN NCPs are not required to engage with immigrant communities, but reference to existing evidence-based research/literature/studies will be necessary to duly complete the table.

Please use the space below for information applicable to **all changes** and/ or the table below for change-specific information if required.

As the process of switching temporary residence permit’s basis is made quite easy, then no know challenges or obstacles can be pointed out.

From	Into	Challenges for national authorities in the design and implementation of measures allowing third-country nationals to change status.	Challenges for applicant to change status at both application stage (e.g. requirements, waiting times, fees, etc.)
Select	Select	-	-

Section 4.2: Good practices and lessons learned

There are several good practises and legislative possibilities foreseen for changing immigration status.

1. Estonia's national legislation does not make any restrictions on changing one residence permit for another, as long as the requirements for the new residence permit are met.
2. Possibility to apply a new residence permit without leaving the country, i.e. switch the status. Estonia's immigration legislation stipulates, that a third-country national who is staying in Estonia on the basis of a temporary residence permit and is applying for a new temporary residence permit, can submit the application directly to the Police and Border Guard Board for processing. Meaning that they do not need to leave the country, which is the general rule for first time applicants, who need to submit their temporary residence permit application at Estonian foreign mission.
3. The third point is also supporting the previous one, as the new amendment in the Aliens Act, which considers the stay of a third-country national legal up to 90 days or 183 days (for students, researchers and lecturers), after his/her residence permit has ended with the arrival of validity. This change was enforced on 1st January 2016 and aimed to give extra time for third-country nationals to find a new legal basis to stay in Estonia. This transition period is foreseen only for those, whose temporary residence permit ended with the arrival of validity and not for those, whose temporary residence permit was revoked or withdrawn.
4. Generally, the rights that accompany different temporary residence permits are the same. Thus, changing immigration status is not so much the result of different rights given to them, but related to the real purpose, the third-country national is staying in Estonia.

ANNEX 1: Statistics

Table A1: Applicants for international protection (2010-2014), Estonia

	2010	2011	2012	2013	2014
Estonia	35	65	75	95	155

Source: Eurostat (migr_asyappctza), data extracted 10.11.15

Table A2: All valid residence permits by reason on 31 December (2010-2014), Estonia

	2010	2011	2012	2013	2014
Total	209 059	205 938	201 895	197 865	194 951
Family reasons	5 889	6 386	6 499	6 610	7 018
Education reasons	528	602	759	649	1 373
Remunerated activities reasons	2 486	3 255	3 059	2 387	2 693

Source: Eurostat, data extracted 19.01.2016

Table A3: Number of "EU Blue Cards" granted (2010-2014)

	2012	2013	2014
Estonia	16	12	15

Source: Eurostat (migr_resbc1), data extracted 09.12.15

Table A4: Issued skilled or highly skilled national labour permits (2010-2014)

(Member) State	2010	2011	2012	2013	2014
Estonia	941	1430	835	863	1237

Source: National data on residence permits for employment. Data by Police and Border Guard Board

Table A5: Total number of victims of trafficking (identified and presumed) by assistance and protection: residence permit based on Directive 2004/81 as well as other granted residence permits (2010-2012)

(Member) State	2010	2011	2012
Estonia	:	0	0

Source: Source: Eurostat (2015) Trafficking in Human Beings, Table A12: Number of victims (identified and presumed) by assistance and protection: residence permit based on Directive 2004/81 as well as other granted residence permits

: Data not available

Table A6: Change of immigration status permits by reason (2010-2014), Estonia

Year	Change from:	Change to:	Estonia
2010	Family status	Education	0
		Remunerated activities	20
	Education	Family	9
		Remunerated activities	27
	Remunerated activities	Family	37
		Education	3
2011	Family status	Education	4
		Remunerated activities	11
	Education	Family	12
		Remunerated activities	21
	Remunerated activities	Family	38
		Education	5
2012	Family status	Education	7
		Remunerated activities	10
	Education	Family	14
		Remunerated activities	24
	Remunerated activities	Family	50
		Education	7
2013	Family status	Education	1
		Remunerated activities	8
	Education	Family	22
		Remunerated activities	21
	Remunerated activities	Family	59
		Education	3
2014	Family status	Education	4
		Remunerated activities	19
	Education	Family	23
		Remunerated activities	37
	Remunerated activities	Family	56
		Education	7

Source: Eurostat (migr_reschange), data extracted 9.12.2015

Table A7: Change of immigration status permits by reason (2010-2014), Estonia

Change from:	Change to:	2010	2011	2012	2013	2014	Data includes only main applicants	Data includes main applicants and dependants	Source / further information
Family status	Education	0	4	7	2	4	x		Police and Border Guard Board (PBGB)
	Research	0	1	1	0	1	x		PBGB
	Blue card	0	0	0	0	0	x		PBGB
	Highly qualified workers/ Employee*	20	10	9	6	17	x		PBGB
	Self-employed/ Business owner**	0	0	0	1	1	x		PBGB
	Seasonal worker	0	0	0	0	0	x		PBGB
	ICT	0	0	0	1	0	x		PBGB
	Investor	NA	NA	NA	NA	NA	x		PBGB
	D-type visa holder	NI	NI	NI	NI	NI	x		PBGB
	Asylum	0	0	0	1	0	x		PBGB
	Victim of trafficking	0	0	0	0	0	x		PBGB
Other: International agreement	112	49	49	54	43	x		PBGB	
Other: sufficient legal income***	2	1	-	-	-	x		PBGB	
Education	Family	9	12	14	22	23	x		PBGB
	Research	3	5	2	4	4	x		PBGB
	Blue card	0	0	1	0	0	x		PBGB
	Highly qualified workers/ Employee*	24	16	20	21	33	x		PBGB
	Self-employed/ Business owner**	0	0	0	0	0	x		PBGB
	Seasonal worker						x		PBGB
	ICT	0	0	1	0	0	x		PBGB
	Investor	NA	NA	NA	NA	NA	x		PBGB
	D-type visa holder	NI	NI	NI	NI	NI	x		PBGB
	Asylum	0	0	2	0	2	x		PBGB
	Victim of trafficking	0	0	0	0	0	x		PBGB
Other: International agreement	0	1	1	2	1	x		PBGB	

Change from:	Change to:	2010	2011	2012	2013	2014	Data includes only main applicants	Data includes main applicants and dependants	Source / further information
	Other: sufficient legal income***	1	1	-	-	-	x		PBGB
Remunerated activities (includes Blue card, highly qualified workers, employees, ICT, business owners, self-employed persons)	Family	37	38	50	60	56	x		PBGB
	Education	3	5	7	3	7	x		PBGB
	Research	-	-	-	-	-	x		PBGB
	Highly qualified workers/ Employee*	-	-	-	-	-	x		PBGB
	Self-employed/ Business owner**	-	-	-	-	-	x		PBGB
	Seasonal worker	-	-	-	-	-	x		PBGB
	ICT	-	-	-	-	-	x		PBGB
	Investor	NA	NA	NA	NA	NA	x		PBGB
	D-type visa holder	NI	NI	NI	NI	NI	x		PBGB
	Asylum	0	2	0	0	0	x		PBGB
	Victim of trafficking	0	0	0	0	0	x		PBGB
Other: International agreement	3	4	5	4	2	x		PBGB	
Other: sufficient legal income***	1	2	-	-	-	x		PBGB	
Asylum	Family	NI	NI	NI	NI	NI			
	Education	NI	NI	NI	NI	NI			
	Research	NI	NI	NI	NI	NI			
	Blue card	NI	NI	NI	NI	NI			
	Highly qualified workers/ Employee*	NI	NI	NI	NI	NI			
	Self-employed/ Business owner**	NI	NI	NI	NI	NI			
	Seasonal worker	NI	NI	NI	NI	NI			
	ICT	NI	NI	NI	NI	NI			
	Investor	NI	NI	NI	NI	NI			
	D-type visa holder	NI	NI	NI	NI	NI			
	Victim of trafficking	NI	NI	NI	NI	NI			
Other (please specify)	NI	NI	NI	NI	NI				
Victim of trafficking	Family	0	0	0	0	0	x		PBGB
	Education	0	0	0	0	0	x		PBGB
	Research	0	0	0	0	0	x		PBGB
	Blue card	0	0	0	0	0	x		PBGB

Change from:	Change to:	2010	2011	2012	2013	2014	Data includes only main applicants	Data includes main applicants and dependants	Source / further information
	Highly qualified workers/ Employee*	0	0	0	0	0	x		PBGB
	Self-employed/ Business owner**	0	0	0	0	0	x		PBGB
	Seasonal worker	0	0	0	0	0	x		PBGB
	ICT	0	0	0	0	0	x		PBGB
	Investor	NA	NA	NA	NA	NA	x		PBGB
	D-type visa holder	NI	NI	NI	NI	NI	x		PBGB
	Asylum	0	0	0	0	0	x		PBGB
	Other: International agreement	0	0	0	0	0	x		PBGB
	Other: sufficient legal income***	0	0	-	-	-	x		PBGB
Other (includes residence permits issued under international agreements, sufficient legal income, beneficiaries of international protection)	Family	11	10	16	23	7	x		PBGB
	Education	2	3	2	1	0	x		PBGB
	Research	0	0	0	1	0	x		PBGB
	Blue card	0	0	0	0	0	x		PBGB
	Highly qualified workers/ Employee	8	9	4	3	2	x		PBGB
	Self-employed/ Business owner	2	0	1	3	0	x		PBGB
	Seasonal worker	0	0	0	0	0	x		PBGB
	ICT	0	0	0	0	0	x		PBGB
	Investor	NA	NA	NA	NA	NA	x		PBGB
	D-type visa holder	NI	NI	NI	NI	NI	x		PBGB
	Asylum	-	-	-	-	-	x		PBGB
	Victim of trafficking	0	0	0	0	0	x		PBGB
Other (please specify)	0	0	0	0	0	x		PBGB	

Note: Please do not leave empty cells, but use the following acronyms where required: NI (no information available), NA (not applicable).

* no separate statistics on highly qualified workers. This group is dealt together with rest of the employees.

** no separate statistics on self-employed persons and business owners, as they both receive a residence permit for enterprise in Estonia. These groups are dealt together in the statistics.

*** from 1.07.2012 this temporary residence permits are not issued on this ground.

Source: Police and Border Guard Board

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Table A8: Number of persons who have changed immigration status 2 times by type of switch (2010-2014)

Change from:	Change to:	2010	2011	2012	2013	2014	Data includes <u>only</u> main applicants	Data includes main applicants and dependants	Source / further information
NI	NI	NI	NI	NI	NI	NI			

Note: In order to fill in columns 'change from' and 'change to' please see examples of changes in tables A6 and A7

Table A9: Number of persons who have changed immigration status 3 times by type of switch (2010-2014)

Change from:	Change to:	2010	2011	2012	2013	2014	Data includes <u>only</u> main applicants	Data includes main applicants and dependants	Source / further information
NI	NI	NI	NI	NI	NI	NI			

Note: In order to fill in columns 'change from' and 'change to' please see examples of changes in tables A6 and A7

Table A10: Number of persons who have changed immigration status more than 3 times by type of switch (2010-2014)

Change from:	Change to:	2010	2011	2012	2013	2014	Data includes <u>only</u> main applicants	Data includes main applicants and dependants	Source / further information
NI	NI	NI	NI	NI	NI	NI			

Note: In order to fill in columns 'change from' and 'change to' please see examples of changes in tables A6 and A7

Box A1: Is the processing time set in the national legislation? If yes, does it differ for different groups of migrants – in legislation and/ or in practice?

If the answer is yes, please fill in the Table A11, specifying in the narrative whether it differs in legislation and/ or practice:

The processing time of a temporary residence permit is set in the regulation of Minister of Interior No 83 "Temporary residence permit application forms and application for the restoration of a temporary residence permit and its renewal and long-term residence permit"³⁹. According to the article 28 of the named regulation, the application for a residence permit is reviewed and a decision to grant or refuse to grant a temporary residence permit is made within two months of the submission of the application or from the elimination of the deficiencies.

The processing time does not differ for the main groups of migrants and there is no differences weather the application is a first time application, renewal of application or change of residence permit reasons. There are some exceptions in the processing time for victims of trafficking in human beings, people applying for international protection and long-term visa applications.

The decision whether to grant or refuse to grant a temporary residence permit is usually made within two months⁴⁰. The decision regarding the process of victim of trafficking is made by the Police and Border Guard Board within 10 days⁴¹. Application for international protection is processed within six months⁴².

D-type visas are processed within 30 days⁴³. In addition short-term employment, which is necessary for seasonal workers is registered by the Police and Border Guard Board generally within 10 days, in a fast procedure in the next working day.

³⁹ Regulation of Minister of the Interior No 83, 18.12.2015, Article 28 "Temporary residence permit application forms and application for the restoration of a temporary residence permit and its renewal and long-term residence permit" RT I, 29.12.2015, 3, www.riiqiteataja.ee

⁴⁰ Regulation of Minister of the Interior No 83, 18.12.2015, Article 28 "Temporary residence permit application forms and application for the restoration of a temporary residence permit and its renewal and long-term residence permit" RT I, 29.12.2015, 3, www.riiqiteataja.ee

⁴¹ Regulation of Minister of the Interior No 30, 14.07.2010, Article 3 „List of data and documents required to be appended to application for initiating proceedings for issuing temporary residence permit on basis of application of public prosecutor's office upon existence of substantial public interest, and format of application of Public prosecutor's Office", RT I 2010, 61, 441, www.riiqiteataja.ee

⁴² Regulation of Minister of the Interior No 87, 18.12.2015 Article 12(2) „List of data and documents required to for applying international protection", RT I, 22.12.2015, 60, www.riiqiteataja.ee

⁴³ Regulation of Minister of the Interior No 82, 18.12.2015 „ Order to issue long-stay visas, deadlines for issue and renew long-stay visas, minimum sums for sufficient financial resources and health insurance contract, and forms for long-term visas application and extension form", www.riiqiteataja.ee

Table A11: The average processing time to change the status (the time span between the application for change of status and the granting of the change of status), by purpose of stay in 2014

From \ Into	Family	Education	Research	Blue cards	Employee/highly qualified worker	Self-employed	Business owner	Seasonal worker	ICT	Investor	D-type visa holder	Asylum	Victim of trafficking
Family		More than a month	More than a month	More than a month	More than a month	More than a month	More than a month	Select:	More than a month	NA	Up to a month	More than a month	Few weeks to a week
Education	More than a month		More than a month	More than a month	More than a month	More than a month	More than a month	Select:	More than a month	NA	Up to a month	More than a month	Few weeks to a week
Research	More than a month	More than a month		More than a month	More than a month	More than a month	More than a month	Select:	More than a month	NA	Up to a month	More than a month	Few weeks to a week
Blue card	More than a month	More than a month	More than a month		More than a month	More than a month	More than a month	Select:	More than a month	NA	Up to a month	More than a month	Few weeks to a week
Employee/highly qualified worker	More than a month	More than a month	More than a month	More than a month		More than a month	More than a month	Select:	More than a month	NA	Up to a month	More than a month	Few weeks to a week
Self-employed	More than a month	More than a month	More than a month	More than a month	More than a month		More than a month	Select:	More than a month	NA	Up to a month	More than a month	Few weeks to a week
Business owner	More than a month	More than a month	More than a month	More than a month	More than a month	More than a month		Select:	More than a month	NA	Up to a month	More than a month	Few weeks to a week
Seasonal worker	More than a month	More than a month	More than a month	More than a month	More than a month	More than a month	More than a month		More than a month	NA	Up to a month	More than a month	Few weeks to a week
ICT	More than a month	More than a month	More than a month	More than a month	More than a month	More than a month	More than a month	Select:		NA	Up to a month	More than a month	Few weeks to a week
Investor	NA	NA	NA	NA	NA	NA	NA	Select:	NA		NA	NA	NA

From \ Into	Family	Educatio n	Resear ch	Blue cards	Employe e/highly qualified worker	Self- employe d	Busine ss owner	Season al worker	ICT	Investo r	D-type visa holder	Asylum	Victim of traffickin g
D-type visa holder	More than a month	More than a month	More than a month	More than a month	More than a month	More than a month	More than a month	Select:	More than a month	NA		More than a month	Few weeks to a week
Asylum	More than a month	More than a month	More than a month	More than a month	More than a month	More than a month	More than a month	Select:	More than a month	NA	Up to a month		Few weeks to a week
Victim of trafficking	More than a month	More than a month	More than a month	More than a month	More than a month	More than a month	More than a month	Select:	More than a month	NA	Up to a month	More than a month	

Note: Please fill in the table using one of the options provided (by clicking on the cell):

- A few days***
- From a few days to a week***
- Up to two weeks***
- Up to a month***
- More than a month***
- NI – no information available***
- NA – not applicable***