



EMN Focussed Study 2013

*“The Organisation of Reception Facilities for Asylum
Seekers in the different Member States”*

Estonian National Report

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.

Top-line “Factsheet”
(National Contribution)
Executive Summary
(Synthesis Report)

The present study is a survey conducted within the framework of the European Migration Network, (henceforth EMN), concerning the reception services offered to asylum seekers by different EU member states, and it is also Estonia’s contribution to the joint survey “*The Organisation of Reception Facilities for Asylum Seekers in the different Member States*” carried out by the EMN.

Member States of the European Union have made efforts to develop a unified European migration and asylum policy. The topic has been addressed in several documents, e.g. the Hague Programme¹ adopted in 2004, the European Pact on Immigration and Asylum², as well as the Stockholm Programme³ of 2009. A number of directives have been adopted⁴. In 2000, the European Refugee Fund was established and in 2010, the European Asylum Support Office (EASO) started operating in Malta, supporting the efforts of Member States to adopt a more unified asylum policy.

The so-called asylum conditions directive, according to which Member States have to create decent living standards for asylum seekers, is the basis for creating the Common European Asylum System CEAS. However, regardless of the harmonized reception standards at the EU level and in state legislation, Member States are having difficulties guaranteeing unified reception conditions for all seekers.

The aim of the present study is to inform the general public, the European Commission and the EASO about the organisations which are receiving asylum seekers in different countries, to bring about good practices and describe the developed reception systems that enable efficient and flexible operation, while maintaining the quality of reception services and control over expenses. It is the aim of Estonia in the context of the present survey to give an overview of the situation in Estonia regarding the reception system offered to asylum seekers.

Estonia is a small country in the European Union and since 1997, the number of persons seeking asylum has remained very low, although the number of applications is steadily growing year by year. While in the years 2001-2008, 7-14 persons applied for asylum in Estonia annually, in 2009 and 2010 the number of applications grew significantly and 2011 presented another significant growth compared to the previous year. In 2012, already 77 first applications were presented. Although the number of asylum seekers has grown considerably in the last years, Estonia has remained the country with the smallest number of asylum seekers since its ascension to EU in 2004, and last but one in the EU in asylum seekers per million inhabitants in 2012 (the smallest, i.e.

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005PC0184:et:HTML>

² <http://register.consilium.europa.eu/pdf/en/08/st13/st13440.en08.pdf>

³ [http://www.europarl.europa.eu/meetdocs/2009_2014/documents/libe/dv/p7_ta\(2009\)0090_/p7_ta\(2009\)0090_.et.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/libe/dv/p7_ta(2009)0090_/p7_ta(2009)0090_.et.pdf)

⁴ The Reception Conditions Directive (2003/9/EC) establishes minimum requirements for the reception of asylum seekers. The Asylum Procedures Directive (2005/85/EC) establishes minimum requirements for the procedures of granting and withdrawing refugee status in Member States. The Qualification Directive (2004/83/EC) describes minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.

last place in the EU is taken by Portugal – 30 persons per million inhabitants – while the number is highest in Malta – 4980 persons per million inhabitants).⁵

Applications for asylum are handled in Estonia by the Police and Border Guard Board. The Ministry of Social Affairs is responsible for reception arrangements, organising the offered services in cooperation with several partners from the public and private sectors as well as non-governmental organisations.

Considering the statistics on asylum seeking in Estonia, the state has needed only one reception centre for asylum seekers. As the reception centre is located in Ida-Viru county, 220 kilometres from Tallinn, where the asylum seeking procedure is handled, temporary housing facilities have also been created for asylum seekers for the duration of the proceedings (not more than 2-3 days) in Tallinn, at the Police and Border Guard Board on Vilmsi Street. An applicant, who submits his or her application while residing in an expulsion centre, a prison or a detention facility or in the course of a removal procedure, will not be placed into the reception centre. In that case the applicant will remain in the expulsion centre, prison or detention facility until the end of the asylum procedure. If a third-country national who submitted the application while in prison or a detention facility is relieved from serving their penalty in prison or a detention centre, the person will be directed to the reception centre⁶. A person, who submitted the application while in an expulsion centre, will remain in the same institution until the end of the proceedings.

In Estonia, the bases for granting international protection to an alien, the legal status of an alien who is applying for international protection and of an alien who has been granted international protection and the legal bases for his or her temporary stay, residence and employment in Estonia are regulated by the Act on Granting International Protection to Aliens (henceforth AGIPA). According to AGIPA⁷, any alien can seek asylum in Estonia who is a third-country national or a stateless person⁸.

According to section 12, subsection 2 of the AGIPA, it is the task of the reception centre to arrange reception services for asylum seekers, including accommodation, supply of foodstuffs, translation services, healthcare, information regarding their rights and duties, necessary transportation and other essential services.

The Estonian asylum seekers reception system is undergoing significant changes – the activities of the reception centre as a state institution have been terminated and a tender carried out to find a reception centre service provider (until April 21, 2013, the Illuka Reception Center for Asylum Seekers was a state agency administered by the Ministry of Social Affairs). The tender was won by AS Hoolekandeteenus. Starting from 2014, the reception centre (accommodation centre) will be located in Vao village (Väike-Maarja parish, Lääne-Viru county).

There are also plans to develop a first reception centre, which Estonia is lacking at present. The Ministry of Internal Affairs has demonstrated readiness⁹ to take over the functions of an initial reception centre from the Ministry of Social Affairs and to establish a unified detention centre that will guarantee initial custody of asylum seekers.

Methodology

⁵ Source: Eurostat

⁶ On the basis of the AGIPA, section 33, subsection 1.

⁷ AGIPA, section 2, subsections 1, 2

⁸ In the context of the AGIPA, a third-country national is an alien who has the citizenship of country other than an EU Member State, a member of the European Economic Area or the Swiss Confederation.

⁹ Explanatory Memorandum of the Act of Amendment of the Act on Granting International Protection to Aliens and other Subsequent Acts.

The present survey has been compiled according to the specifications and structure of “*The Organisation of Reception Facilities for Asylum Seekers in the different Member States*”.

The Ministry of Social Affairs as the guarantor of the fulfilment of asylum seekers reception centre services has been involved in the compilation of the survey; also the Minister of Social Affairs is the conductor of governmental surveillance over the services of the reception centre.

Additional materials used in the survey are public.

Abbreviations used:

RCAS	Illuka Reception Centre for Asylum Seekers, in terms of this study <i>collective open reception centre</i>
PBGB	Police and Border Guard Board
PBGB Vilmsi	Accommodation facilities of the Police and Border Guard Board on Vilmsi Street, in terms of this study <i>collective initial/transit reception centre</i>
PBGB EC	Police and Border Guard Board Expulsion Centre, in terms of this study <i>collective initial/transit reception centre</i>
AGIPA	Act on Granting International Protection to Aliens

Q1. Please indicate in Table 1 below what type of reception facilities exist in your (Member) State.

As of the end of 2012, the following reception facilities were available in Estonia for asylum seekers:

- 1 asylum seekers reception centre (henceforth RCAS),
- 1 temporary accommodation facility of the Police and Border Guard Board on Vilmsi Street (henceforth PBGB Vilmsi), and
- 1 Police and Border Guard Board Expulsion Centre (henceforth PBGB EC), where besides the persons to be removed, asylum seekers who have applied for asylum while staying in the expulsion centre are also accommodated.

So far Estonia has not established an initial reception centre for asylum seekers.

As of 2012, the only RCAS in Estonia was located in Illuka municipality in Ida-Viru county, in the village of Jaama (the present situation is described above). The centre is located 220 kilometers from Tallinn, the closest town being Jõhvi, 50km away.

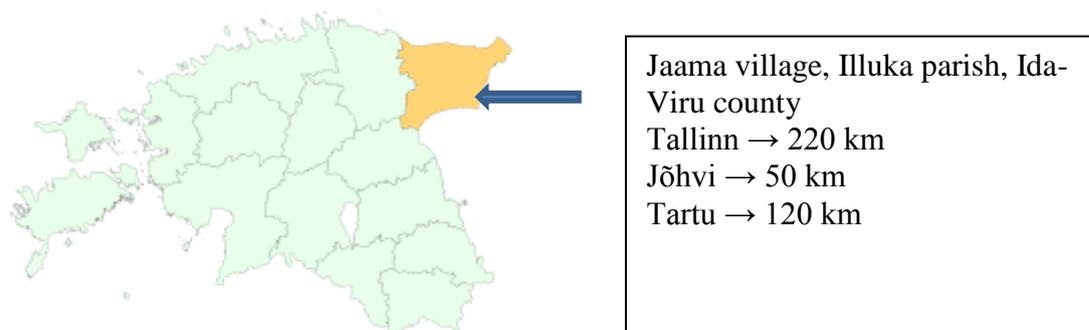


Figure 2. Location of RCAS in Estonia

The Illuka centre accommodates 35 persons. The occupancy rate of the centre has fluctuated significantly over the years. As the number of asylum applications has increased in recent years, the number of people in the centre has also risen since 2010. Since its opening in 2000, the centre has

been full only once, in July 2011, when there were 34 people staying in the centre. The average occupancy rate of the centre was 20% in the years 2000-2009, while it has significantly risen since 2010 and now the average occupancy stands at 48%. Considering the consistent growth in the number of asylum applications, there is reason to believe that the occupancy rate of the RCAS will increase in the future. Capacity problems should be solved when the reception centre moves to Väike-Maarja parish in early 2014, where an apartment building belonging to AS Hoolekandeteenused will become a reception centre.

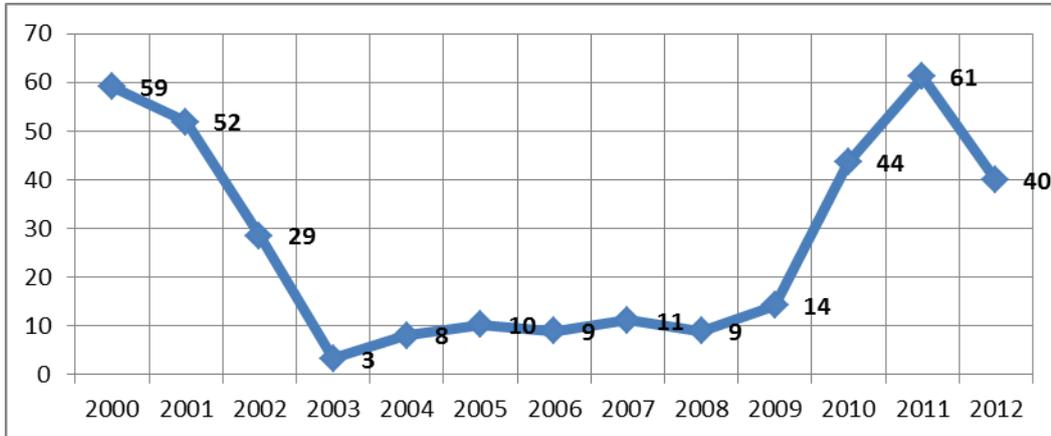


Figure 3. Occupancy of the RCAS in the years 2000-2012, %
Source: Ministry of Social Affairs

An applicant is obliged to live in the RCAS during the asylum proceedings, except in cases where the applicant is staying in the PBGB EC. An applicant may live outside RCAS upon written permission of the PBGB if:

- 1) a person living legally in Estonia guarantees the accommodation and subsistence of the applicant;
- 2) the applicant has sufficient funds to guarantee his or her own accommodation and subsistence;
- 3) accommodation of the applicant outside of the RCAS is necessary for guaranteeing his or her safety.

As a rule, an applicant staying in the RCAS during asylum proceedings is expected to stay in the centre at night-time¹⁰. The time from 10 PM to 6 AM is considered night-time. During daytime, asylum seekers are unattended and free to leave the building. Daytime movement is also not restricted for asylum seekers who are accommodated in Tallinn for the time of the proceedings; in the night-time the applicants are obliged to stay in the accommodation facilities. The PBGB EC is a restricted institution and persons placed there do not have the freedom to leave its premises except with a special permit from the centre's director.

After the initial proceedings and if the asylum application of an alien is not obviously ungrounded and there are no reasons for rejecting the application, an official of the PBGB will have to arrange the accommodation. The asylum seeker is accommodated in the RCAS. Outside working hours, including on weekends and public holidays, the applicant can be accommodated in the accommodation facilities of PBGB Vilmsi if necessary. The PBGB official informs the RCAS of the arrival of the asylum seeker and arranges the transport of the applicant to the RCAS in cooperation with the latter's staff.

¹⁰ The RCAS may permit the applicant to remain outside of the centre at nighttime in the following cases:

- 1) for medical assistance;
- 2) for staying with a family member requiring unavoidable medical assistance;
- 3) upon grounded request from a person who is staying in Estonia legally.

In case your (Member) State offers a different type of facility which is not listed in the table below, please include and describe this by adding additional rows to the table below. Please also indicate how many of these facilities exist and indicate what their capacity is and how many applicants were accommodated in these facilities per year starting from 1 January 2008 to 31 December 2012.

Should your (Member) State not be able to provide the maximum capacity, please provide a brief explanation for this and specify the actual number of applicants accommodated in a certain type of facility on an annual basis for the period 2008-2012.

Table 1 Different types of Reception Facilities

Type of accommodation	Does this type of facility exist in your Member State?	If so, how many of these facilities existed at the end of 2012?	Specify the maximum number of applicants the facilities could accommodate	Number of applicants accommodated in such facilities per year during 2008-2012
Collective initial/transit reception centres	Yes. 1.PBGB Vilmsi ¹¹ 2. The PBGB EC ¹²	2	1.PBGB Vilmsi can accommodate 13 persons 2. The PBGB EC can accommodate 80 persons	1. At PBGB Vilmsi since 2010 an average of 50-60 persons per year 2. The PBGB EC has accommodated 39 applicants during the given period: 2008 – 2; 2009 – 14; 2010 – 7; 2011 – 8 and 2012 – 8 persons
Collective open reception centres¹³	Yes.	1 The RCAS (up to April 21, 2013, after which the duties will be taken over by AS Hoolekandeteenused)	35	In 2011, 54 persons were accommodated in the RCAS ; in 2012, 59 persons ¹⁴
Special reception centres or facilities for vulnerable groups (e.g. victims of torture or specific vulnerable	No	N/A	N/A	N/A

¹¹ As the distance of the RCAS to the place of the proceedings in Tallinn is over 200 km, it is practical to accommodate asylum seekers in Tallinn in the facilities of PBGB Vilmsi, in rooms designated for this purpose, for the duration of the proceedings (2-3 days).

¹² In case a person submits an asylum application while staying in the PBGB EC, he or she will remain in the PBGB EC for the duration of the asylum proceedings.

¹³ Open centres means that applicants are free to enter and leave the centre whenever they want.

¹⁴ For the years 2008-2010, there are no person-based statistics: In 2008, there was an average of 3.2 persons in the RCAS (occupancy rate of the centre being 9%), in 2009 it was 5 persons (occupancy rate 14%) and in 2010, 15 persons (occupancy rate 44%).

female applicants)				
Special separate reception centres for unaccompanied minors	No ¹⁵	0	N/A	One person has been accommodated.
Private houses or flats: arranged and paid for by competent authorities	No	N/A	N/A	N/A
Private hotels: arranged and paid for by competent authorities	No	N/A	N/A	N/A
Individually arranged accommodation such as houses, flats, hotels and/or possibilities of staying with friends and/or family¹⁶	Yes	N/A	N/A	In 2008-2012 53 persons in total, 10 people as a yearly average.
Other premises for the purpose of accommodating applicants for international protection which are arranged and paid for by the competent authorities	Yes, only for people who need separate accommodation for security reasons, e.g. people under the care of victim support services ¹⁷	N/A	Maximum number of persons has not been determined.	4

Significant changes took place in the arrangement of reception conditions from the end of 2012. The activities of the RCAS as a state agency were terminated and the Ministry of Social Affairs conducted a tender for finding a reception centre service provider; the tender was won by AS Hoolekandeteenused, with whom a contract was concluded for providing reception centre services until the end of 2017. AS Hoolekandeteenused is a 100% state-owned company offering welfare

¹⁵ There was one unaccompanied minor in Estonia who needed accommodation. The person was accommodated in Haiba children's home.

¹⁶ Please specify whether applicants receive (or have the possibility of receiving) a financial allowance in case they have individually arranged their accommodation.

¹⁷ According to section 3, subsection 1 of the Victim Support Act, the preservation or improvement of the subsistence abilities of a person who has been subjected to careless or malevolent treatment, physical, mental or sexual violence.

services all over Estonia. The company does not have prior experience with the sphere of asylum services. The changes also foresee that the service provider should assist persons under international protection with settling in local municipalities and provide them with essential services, e.g. learning Estonian, translation services, finding accommodation, etc. This means an extension of the duties of the RCAS, as the reception centre did not previously have these responsibilities. Starting from 2014, the reception centre (accommodation centre) will be located in Vao village (Väike-Maarja parish, Lääne-Viru county). Vao is a village 125 kilometers from Tallinn, which is much closer than the previous RCAS at Illuka. The geographical location of the RCAS should also improve the accessibility of support services for asylum seekers (e.g., the closest school is located 5 kilometers away from Vao, while at the moment, Illuka basic school is located 27 km from Jaama village).

Although, according to the Act on Granting International Protection to Aliens (henceforth AGIPA), the Ministry of Social Affairs is obliged to organize the work of an initial reception centre in addition to the reception centre, no initial reception centre¹⁸ has been established in Estonia as of the end of 2012. On October 1, 2013, an amendment of AGIPA will come into effect that will create the function of an initial reception centre. For this, the initial reception centre administrated by the Ministry of Social Affairs (an institution that does not exist in reality at the moment, but is mentioned in legal acts) and the PBGB EC (administrated by the Ministry of Internal Affairs) will be united, to allow for the detention of asylum seekers for initial procedures or if such measures are necessary for upholding public order or protecting national security. The creation of an initial reception centre for asylum seekers and the extension of the expulsion centre are also in the action programme of the Government of Estonia for 2011-2015¹⁹, which foresees the establishment of a joint detention centre at Tallinn Prison. The Ministry of Internal Affairs has demonstrated readiness to take over the functions of an initial reception centre from the Ministry of Social Affairs and to establish a unified detention centre that will guarantee initial custody of asylum seekers. As there has been no initial reception centre thus far, this has caused a situation where asylum seekers are placed into the RCAS without surveillance, where they can freely leave and move on to the Schengen Area without any control. In 2012, 17 asylum seekers left without authorization, which was 25% of all asylum seekers in Estonia²⁰.

Q2. Which authority(ies) carry financial responsibility over the reception facilities?

(a) State authorities – Yes, the main financial responsibility is on Ministry of Social Affairs, since April 2013 – AS Hoolekandeteenused. The Ministry of Social Affairs has concluded a contract with AS Hoolekandeteenused for performing the services until the end of 2017.

(b) Local authorities / regional governments - No

(c) External service provider such as NGOs, actors from the private sector or any other kind of third party involvement? Yes, since April 2013 – AS Hoolekandeteenused.

¹⁸ According to section 12, subsection 1 of the AGIPA, the task of an initial reception centre is to arrange for the following assistance to applicants during asylum proceedings or proceedings of temporary protection:

- 1) temporary accommodation;
- 2) supply of foodstuffs or provision of food, supply of essential clothing, other necessities and toiletries;
- 3) emergency care and medical examinations;
- 4) essential translation services;
- 5) information regarding their rights and duties;
- 6) transportation necessary for the performance of acts pursuant to procedure established by law;
- 7) provision of other essential services.

¹⁹ <http://valitsus.ee/et/valitsus/tegevusprogramm>

²⁰ Explanatory Memorandum of the Act of Amendment of the Act on Granting International Protection to Aliens and other Subsequent Acts

http://www.riigikogu.ee/?page=en_vaade&op=ems&enr=354SE&koosseis=12

In Estonia, financial responsibility for fulfilling the tasks of a reception centre for asylum seekers is undertaken by the Ministry of Social Affairs, whose agency the Illuka reception centre was (until April 21, 2013, since then, the task is fulfilled by AS Hoolekandeteenused on the basis of an administration contract concluded with the Ministry of Social Affairs). Governmental surveillance over the provider of RCAS services is conducted by the Minister of Social Affairs.

Financial responsibility for the temporary accommodation of asylum seekers in PBGB Vilmsi and in the PBGB EC is taken by the Ministry of Internal Affairs, whose agency PBGB is.

Q3. Which authorities carry executive responsibility²¹ over the facilities:

(a) **State authorities** – Yes, The Ministry of Social Affairs is responsible for the reception arrangements, organising the services in cooperation with several partners from the public and private sectors as well as non-governmental organisations. the. until April 21 2013, the Illuka Reception Centre for Asylum Seekers

(b) **Local authorities / regional government** – No

(c) **External service provider such as NGOs, actors from the private sector or any other kind of third party involvement?** – yes, the Ministry of Social Affairs through until April 21 2013 the Illuka Reception Centre for Asylum Seekers and since April 2013 through AS Hoolekandeteenused.

In Estonia, responsibility for fulfilling the tasks of a reception centre for asylum seekers is taken by the Ministry of Social Affairs, whose agency the RCAS was (until April 21 2013, since then, the task is fulfilled by AS Hoolekandeteenused on the basis of an administration contract concluded with the Ministry of Social Affairs). Responsibility for the temporary accommodation of asylum seekers in PBGB Vilmsi and in the PBGB EC is undertaken by the Ministry of Internal Affairs, whose agency PBGB is.

Q4. In case reception facilities are run by local authorities/regional governments or with the involvement of an external service provider (e.g. NGOs or actors from civil society), please indicate whether the reception facilities are centrally coordinated (i.e. does one single authority still carry overall responsibility for the reception of applicants for international protection?)

Although Estonia has handed over the reception services to an external service provider, the Ministry of Social Affairs is still conducting surveillance over the provider of reception centre- According to the AGIPA²², it is the Ministry of Social Affairs who guarantees the fulfilment of the tasks of a reception centre, and so in this sense the whole reception system for asylum seekers is coordinated by the Ministry of Social Affairs.

Except in cases where a person submits an asylum application while staying in an expulsion centre²³, whereby he or she will remain in the expulsion centre for the duration of the asylum proceedings, and his or her asylum reception is coordinated by the PBGB, which is an agency of the Ministry of Internal Affairs.

Q5. In case reception facilities are run by local authorities/regional governments or with involvement of an external service provider (e.g. NGOs or actors from civil society), how is their involvement regulated?

Have any formal coordination mechanisms between the different actors been signed (for example cooperation agreements stipulating the division of competences)?

²¹ Executive responsibility refers to the day-to-day running of the reception facilities and would also for example include quality control of the services provided in the facility.

²² AGIPA, section 12, subsection 3

²³ AGIPA, section 33, subsection 1

No.

According to legislation²⁴, the Minister of Social Affairs may transfer the fulfilment of the tasks of a reception centre to a self-employed person or a legal entity as so-called reception centre service providers, on the basis of a contract concluded in accordance with the Administrative Cooperation Act. Since April 2013, the provision of reception centre services has been transferred to AS Hoolekandeteenused on the basis of an administration contract.

Section 2

Take up of Reception Facilities: Factors determining access to the different types of facilities

Q6. Please provide a short overview of which applicants for international protection are entitled to reception facilities provided by the State. Please complete Table 2 below:

In Estonia, the bases for granting international protection to an alien, the legal status of an alien who is applying for international protection and of an alien who has been granted international protection and the legal bases for his or her temporary stay, residence and employment in Estonia are regulated by the Act on Granting International Protection to Aliens. According to the act²⁵, any alien who is a third-country national or a stateless person can seek asylum in Estonia.

All asylum seekers are obliged to live in the RCAS during their asylum proceedings. An applicant may live outside the RCAS upon written permission of the PBGB if:

- 1) a person living legally in Estonia guarantees the accommodation and subsistence of the applicant;
- 2) the applicant has sufficient funds to guarantee his or her own accommodation and subsistence;
- 3) accommodation of the applicant outside of the reception centre is necessary for guaranteeing his or her safety.²⁶

Applicants who live outside of the RCAS will not receive services named in the AGIPA, except emergency care.

The applicant may be temporarily accommodated in the facilities of PBGB Vilmsi, if this is required for performing the asylum procedures.²⁷

An applicant who submits his or her application while staying in an expulsion centre, a prison or a detention facility or in the course of a removal procedure, will not be placed into the reception centre but will remain in the expulsion centre, prison or detention facility until the end of the asylum procedure. If an alien who submitted the application while in prison or a detention facility is relieved from serving their penalty in prison or a detention centre, the person will be directed to the reception centre.²⁸

Table 2 Categories of applicants entitled to reception facilities

Different categories of applicants depending on <i>type/stage of</i>	Entitled to reception facilities (Yes/No)	Are these applicants entitled to standard or
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²⁴ AGIPA, section 12, subsection 4

²⁵ AGIPA, section 2, subsections 1, 2

²⁶ AGIPA, section 34, subsections 1, 2

²⁷ AGIPA, section 32, subsection 2

²⁸ AGIPA, section 33

<i>procedure</i>		specific reception facilities²⁹?
Applicants under Dublin II³⁰	Yes	Standard
Applicants in admissibility procedures³¹	Yes	Standard
Applicants subject to accelerated procedures	Yes	Standard
Vulnerable groups of applicants³² (with specific psychological/medical assistance needs)	Yes	Specific
Unaccompanied minors awaiting decision for international protection	Yes	Specific
Unaccompanied minors who have exhausted the procedure for international protection and are awaiting return	Yes	Specific
Applicants who have lodged an appeal procedure	Yes	Standard
Applicants who have lodged a subsequent application	Yes	Standard
Applicants who have received a positive decision on their international protection application³³	Yes, receivers of international protection may remain in the RCAS or in a place designated by the Ministry of Social Affairs or an agency thereof for up to 4 months prior to settling in a local municipality.	Standard
Applicants who have exhausted the procedure for international protection and who are awaiting return	Yes, if the negative decision is not under appeal, for up to 10 days in the RCAS or until placed in the PBGB EC.	Standard
Other (e.g. applicants from other EU Member States, families with children with an irregular migrant status, applicants from safe third countries of origin etc. Please	Yes, if the staying of the applicant in the RCAS is necessary for national security and the upholding of public order.	Standard

²⁹ Specific reception facilities refer to facilities which divert from mainstream reception facilities, e.g. depending on the type of applicant, or stage/procedure.

³⁰ Applicants under Dublin II means those applicants for which a Dublin procedure has been initiated and who are awaiting a Dublin decision determining the responsible country for examining the asylum claim.

³¹ Admissibility procedures refer to the stage of the application in which (Member) States determine whether an application will or will not be considered in substance based on the criteria laid down in Article 25 of Directive 2005/85/EC (the Asylum Procedures Directive) which stipulates circumstances in which Member States are allowed to declare application as inadmissible and are subsequently not required to examine the application.

³² The Reception Conditions Directive makes reference to the following categories of applicants under vulnerable groups: unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, persons who have been subjected to torture, rape, or other serious forms of psychological, physical, or sexual violence.

³³ If possible please specify for what duration they are still entitled to reception facilities.

specify)		
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Q7. From the aforementioned categories of applicants who are entitled to reception, can any be excluded from reception facilities for particular reasons (e.g. because the applicant has sufficient financial means, or because the applicant has misbehaved in a reception facility, or any other reasons)?

Generally there is no reason to decline the services offered by the RCAS to persons who have the right and obligation to stay in the RCAS. Asylum seekers, to whom the PBGB has granted the right to live outside of the reception centre, do not receive financial support or other services arranged by the RCAS. Emergency care is guaranteed on general terms in such cases. If an asylum seeker is living outside of the RCAS for reasons of safety, he or she is guaranteed access to the same services as an asylum seeker living inside the RCAS.

Q8. a) Does your (Member) State carry out an assessment of vulnerability which could result in assignment to special reception facilities for vulnerable groups of applicants?

No. In Estonia, the AGIPA does not define persons who qualify as having special needs or as a vulnerable asylum seeker, therefore the European Council Directive 2003/9/EC adopted on January 27, 2003 is taken as the basis, Article 17 of which defines: vulnerable persons are minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.

Before changes in legislation that became effective in 2008, minors older than 13 years were accommodated in the same reception centres as adults. In 2008, changes were implemented in the Act of granting protection to aliens, which also concerned unaccompanied minors. Based on Article 17 of the EU Directive 2005/85/EÜ, regulations concerning the procedures applied to unaccompanied minors were changed, especially regarding the conducting of interviews. According to the Act of granting protection to aliens, only court (the so-called Family Law court) has the right to decide on the care of minors (appointing a legal representative and a curator).³⁴

Unaccompanied minors younger than 16 years are placed into replacement home services³⁵. An unaccompanied child caught crossing the border and not carrying a relevant permit by a legal representative is placed, on the basis of an accompanying letter from a police institution, into the nearest social welfare institution (if there is no suitable social welfare institution in the territorial operating area of the police institution, the child can be detained as an exception in the facilities of the police institution to meet the movement restriction requirements set forth in legislation).³⁶

Victim support services apply for victims of human trafficking, where an asylum seeker who is a victim of human trafficking may be placed into asylum and other services offered depending on his or her needs.³⁷ There is no asylum service for pregnant women. In case the asylum seeker is a victim of e.g. domestic violence, she can turn to a women's asylum.

Estonia has had minimal experience regarding unaccompanied minors over the years. Since 1997, six unaccompanied minors have submitted an asylum application in Estonia. In most cases, it transpired that the applicant was an adult or left the country unauthorised before the end of the

³⁴ Reception in Estonia of unaccompanied minors and asylum seekers who have been parted from their parents <http://www.just.ee/orb.aw/class=file/action=preview/id=56511/Saatjata+laste+ja+vanematest+lahutatud+varju+paigataotlejate+vastuv%F5tt+Eestis.pdf>

³⁵ According to the Social Welfare Act

³⁶ Reception in Estonia of unaccompanied minors and asylum seekers who have been parted from their parents <http://www.just.ee/orb.aw/class=file/action=preview/id=56511/Saatjata+laste+ja+vanematest+lahutatud+varju+paigataotlejate+vastuv%F5tt+Eestis.pdf>

³⁷ According to the Victim Support Act

asylum proceedings. In 2001, one and in 2009 one unaccompanied minor applied for asylum. In 2011, two unaccompanied minors applied for asylum in Estonia, one of them a citizen of Somalia, who was granted international protection in 2012, and the other a citizen of Afghanistan, who left the RCAS before the asylum decision was taken. In 2012, 2 unaccompanied minors from Vietnam applied for asylum in Estonia, but they also left the RCAS before the asylum decision was taken. Over the years, there have been several other vulnerable persons presenting themselves – pregnant women, minors and persons with mental health disorders.

According to the Victim Support Act³⁸ and the Social Welfare Act³⁹, the provision of victim support services to an unaccompanied minor and a victim of human trafficking, etc. is guaranteed by the Social Insurance Board, which is an agency of the Ministry of Social Affairs. In providing social welfare services, the Social Insurance Board cooperates with state and municipal authorities and legal persons, involves and instructs victim support volunteers and organises the instruction of volunteers. According to the Victim Support Act, victim support services are a public service that aims at the preservation or improvement of the subsistence abilities of persons (persons under 18 years of age) who have been subjected to careless or malevolent treatment, physical, mental or sexual violence⁴⁰. There was 1 unaccompanied minor in Estonia, who was accommodated in Haiba children's home by way of exception.

Q8. b) If yes, please indicate whether the assessment of vulnerability is:

- a) **Obligatory and laid down in law** No
- b) **Standard practice** Yes
- c) **Optional (Yes/No)**No

Neither the Act of providing protection to aliens nor its adjoining regulations define the procedure of determining the special needs of an asylum seeker. In reality, the special needs are determined in four ways, which form a part of the application proceedings:

- applicants are asked in the asylum application to declare present and past major health disorders and any existing disabilities that may require special treatment;
- in the course of the health check that is carried out after arrival to the asylum centre;
- by the observation of the people in the centre by officials of the reception centre, although it is not clear how trained the officials are to determine various kinds of special needs
- in the course of the asylum seeking interview by the officials carrying out the proceedings.⁴¹

Q9. Which authority/(ies) carry responsibility for deciding on the allocation of applicants for international protection to different reception facilities? Q10. How do these authorities allocate

³⁸ Victim Support Act, section 3, subsection 1

³⁹ Social Welfare Act

⁴⁰ According to section 3, subsection 2 of the Victim Support Act, victim support consists of:

- 1) counselling victims;
- 2) providing assistance to victims in communicating with state and local government authorities and legal persons;
- 3) guaranteeing safe accommodation;
- 4) guaranteeing supply of foodstuffs;
- 5) guaranteeing necessary healthcare services;
- 6) providing necessary material support;
- 7) providing necessary psychological support;
- 8) providing translation services required for receiving services that form a part of the victim support services;
- 9) providing other services necessary for the physical and psycho-social recovery of the victim.

⁴¹ https://www.siseministerium.ee/public/IBS_Parimate_praktikate_uuring.pdf

applicants to different types of reception facilities?

The PBGB decides on the accommodation of the asylum seeker – but as there is only one open reception centre in Estonia, applicants are accommodated in the Illuka RCAS as a rule. For this, a PBGB official produces a statement of accommodation of the applicant. If the applicant requires accommodation during a weekend or on a public holiday, the PBGB official may decide upon accommodation of the person in PBGB Vilmsi. For accommodation in PBGB Vilmsi, the official will produce an accommodation permit.

If the person has been accommodated in the RCAS, the RCAS is authorised to decide if the applicant needs any additional accommodation opportunities.

AS Hoolekandeteenused as the provider of reception centre service is authorised to decide upon the accommodation of unaccompanied minors and the provision other services. If the unaccompanied minor is also a victim of human trafficking, then the Social Insurance Board.

Q11. Is the process for assignment of applicants to different reception facilities:

a) Laid down in legislation (Yes/No); Yes, the AGIPA regulates the detention of an applicant in an initial reception centre⁴² and stay at the offices of police⁴³, the stay of the applicant in a reception centre, prison or house of detention⁴⁴, the stay of the applicant at reception centre and outside of the reception centre⁴⁵.

b) Outlined in soft law/guidelines (Yes/No): No

c) Not outlined in official documents, but there is a standard practice in place (Yes/No): No

Q12. Provided there is sufficient capacity, does your (Member) State offer the applicant a choice as regards reception facility/location?

An applicant cannot choose between different RCASs, because there is only one RCAS in Estonia. If the asylum seeker has sufficient financial means or his or her subsistence is guaranteed by a person legally living in Estonia, he or she can apply for a permit to stay outside of the RCAS. The granting of a permit to stay outside the centre is decided by the Police and Border Guard Board. A person may also be accommodated separately for reasons of security.

Q13. a) Does your (Member) State provide for a possibility to relocate applicants for international protection to different reception facilities after initial assignment to a reception centre?

It is a theoretical possibility, but the final decision is taken by the Police and Border Guard Board.

Q13. b) If yes, which of the below criteria are applied, or a combination thereof, for relocation to a different reception centre:

i) Capacity/bed management issues –

Yes, alternative accommodation possibilities have been mapped for a situation where the RCAS is overcrowded, in the immediate vicinity of the RCAS in Illuka parish (hotel, motel). Starting from April 2013, AS Hoolekandeteenused is obliged to guarantee accommodation conditions for 100 asylum seekers within 24 hours.

ii) Change in family profile (e.g. birth of a child) No

⁴² As of the year 2013, no initial reception centre has been established in Estonia

⁴³ AGIPA, section 32

⁴⁴ AGIPA, section 33

⁴⁵ AGIPA, section 34

- iii) *Medical or special need reasons, Yes*
- iv) *Incidents at centres which may require transfer to alternative accommodation, Yes*
- v) *Time limits (procedural-driven), No*
- vi) *Programme for voluntary return to the country of origin, No*
- vii) *Any other reasons? Yes.*

During the asylum proceedings, the Police and Border Guard Board may temporarily accommodate the applicant in the place where the proceedings are being carried out, in an accommodation room prepared for this purpose.

Section 3 Quality:

National Legislation on Material Reception Conditions

Q14. According to national legislation in your (Member) State, what are applicants for international protection who are accommodated in reception facilities entitled to in terms of the following reception conditions:

- a) *Food;*
- b) *Clothing;*
- c) *Financial allowance⁴⁶.*

According to the AGIPA, it is the task of a reception centre to guarantee the provision of the following services as support as is necessary to the applicant during the asylum proceedings or proceedings of temporary protection:

- 1) accommodation;
- 2) supply of foodstuffs or provision of food, supply of essential clothing, other necessities and toiletries, and supply of money for urgent small expenses within certain limits to applicants residing in the reception centre and to applicants residing outside the reception centre⁴⁷;
- 3) emergency care and medical examinations;
- 4) essential translation services and Estonian language instruction;
- 5) information regarding their rights and duties;
- 6) transportation necessary for the performance of acts pursuant to procedure established by law;
- 7) provision of other essential services⁴⁸.

All asylum seekers must undergo a mandatory health check upon arrival to the reception centre. However, the medical check concentrates on the state of physical, not mental, health. During the check, applicants have to pass the so-called epidemiological filter that contains tests of tuberculosis, HIV, etc, and a blood analysis.

Q15. Please indicate in Table 3 below for each type of reception facility in place in your (Member) State: the available surface per applicant (in square meters); the supervision rate (number of staff per applicant); and specify whether applicants have the possibility to take part in organised leisure activities.

Table 3 Other quality criteria for reception facilities that relate to the applicant's experience of being accommodated in a reception facility

⁴⁶ Please explain what costs the financial allowance is intended to cover (e.g. does it cover accommodation costs, does it include pocket money etc) and specify whether the financial allowance is provided de facto and/or whether it can be used to remunerate applicants who carry out work (small tasks) within the reception facility.

⁴⁷ Financial support given to applicants on the basis of section 36 of AGIPA is equal to the subsistence level that is calculated on the basis of minimal consumer expenses. Support for the second and every subsequent member of family is 80 percent of the support provided for the first member of the family. Support is paid out only to applicant family members.

⁴⁸ AGIPA, section 12, subsection 2

Type of accommodation	Available surface per applicant in square meters	Supervision rate (number of staff per applicant)	Possibility of leisure activities? Yes/No. If yes, briefly describe
Collective initial/transit reception centres	The PBGB EC has an area of 617.3 m ² , so 7.7 m ² per person.	The PBGB EC has 10 employees ⁴⁹ , so 1 official per 8 persons.	Yes, although not organised by the Board regularly. There is a library, a TV, board games, football, novuss etc.
Collective open reception centres	The RCAS has an area of 635,5 m ² , so 18,15 m ² per person.	There are 2 officials working in the RCAS ⁵⁰ , so 17.5 persons per 1 official.	Yes, organised by support organisations, but not regularly. The centre has a computer, a TV (cable TV with French, Russian, English channels), a sports room (exerciser, table tennis, pool, badminton, football, volleyball equipment), a library. Asylum seekers accommodated in the centre are active in hobby gardening (vegetables in the garden) and handicraft.
Special reception centres or facilities for vulnerable groups (e.g. victims of torture or specific vulnerable female applicants)	-	-	-
Special separate reception centres for unaccompanied minors	-	-	-
Private houses or flats: arranged and paid for by competent authorities	-	-	-
Private hotels: arranged and paid for by competent authorities	-	-	-
Individually arranged accommodation such as	N/A	N/A	N/A

⁴⁹ The total number of officials working in the PBGB EC, these employees attend to asylum seekers as well

⁵⁰ The officials of the RCAS work only with asylum seekers.

<i>houses, flats, hotels and/or possibilities of staying with friends and/or family</i>			
<i>Other premises for the purpose of accommodating applicants for international protection which are arranged and paid for by the competent authorities</i>	<i>As the accommodation will be ad hoc in such case, there is no specific information about the room area of accommodation provider.</i>	<i>As the accommodation will be ad hoc in such case, there is no specific information about the staff size of accommodation provider.</i>	<i>As the accommodation will be ad hoc in such case, there is no specific information about the leisure activities offered by accommodation provider.</i>

Q16. Has your (Member) State developed guidelines or a handbook in relation to the reception offered to applicants for international protection?

Yes. Upon arrival to the RCAS, asylum seekers are acquainted with the internal rules of the institution⁵¹. The persons accommodated in PBGB Vilmsi and the PBGB EC are also acquainted with the internal rules⁵².

In the course of initial asylum proceedings, each asylum seeker is informed about his or her rights and duties, opportunities of accommodation, learning opportunities, opportunities for medical care and legal support. The information is also available on the information pages of the PBGB [homepage](#) (the information pages are in Estonian, English, Russian, French, Urdu, Hindi, Arabic, Kurmanji and Dari)⁵³.

An asylum proceedings handbook has been compiled for in-office use by officials.

Q17. What control mechanisms are in place to ensure that reception conditions are provided according to the standards specified in national legislation or other protocols/regulations?

Governmental surveillance over the provider of reception centre services is conducted by the Minister of Social Affairs.

Independent monitoring is carried out by the Chancellor of Justice on the grounds of rights granted to him⁵⁴ performing check visits to the institutions. On a check visit, the Chancellor of Justice will check how the basic rights of the persons detained/accommodated in the centre are protected, fulfilling also the function of a national preventive institution stipulated in Article 3 of Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The Chancellor of Justice is an institution for the prevention of mistreatment in Estonia.

Q18. Has there been a public debate about the quality of reception facilities in your Member State in the period from 2008 onwards - to date?

⁵¹ The internal rules of the RCAS are for in-office use.

⁵² The documents are for public use <https://www.riigiteataja.ee/>

⁵³ The information materials were prepared in the course of the MINAS-5 project

⁵⁴ [Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#) . The Chancellor of Justice is a preventive institution for mistreatment in Estonia. The Chancellor of Justice is both the supervisor of constitutional order and a general petitional organisation.

Public debate concerning specifically the quality of reception services offered to asylum seekers has remained moderate. On his check visits⁵⁵ to the RCAS and the PBGB EC, the Chancellor of Justice has made advisory proposals to the directors general of the reception centre and the PBGB respectively, which have also been covered by media. The RCAS is mostly criticised for its distance from centres of activity in Estonia⁵⁶ – another problem is the infrequent bus connection with the closest town of Jõhvi, irregular lessons of Estonian and the access to medical care with translation provided.⁵⁷

The PBGB EC has been severely criticised lately because of the tensions arising from the institution being overcrowded⁵⁸. The daily newspaper “Postimees” has started wide online debates from 2013. In the first half of the year, 3 debates concerning refugees were held.

In the first debate on the subject “Estonia should offer better living conditions to refugees”⁵⁹, member of The Estonian Reform Party and MEP Kristiina Ojuland took part and was opposed by members of a debating society. Ojuland stressed that in her opinion the asylum policy of Estonia was highly developed, providing the right of asylum to those that actually need it. Estonia has fulfilled its obligations regarding refugees to a reasonable extent, in good faith and in accordance with its capability. The opposing party brought out the argument that although refugee rights have been stipulated in legislation, they do not operate in practice (e.g. language learning and availability of medical aid).

In the second debate on the subject “As a refugee in Estonia and an Estonian refugee⁶⁰”, professor Katrin Nyman-Metcalf of the Tallinn University of Technology and members of a debating society discussed whether the experiences of Estonians abroad oblige us to be refugee-friendly?

In April of 2013, “Postimees” covered an online debate on the subject “For and against a conservative refugee policy in Estonia!”⁶¹ Marko Pomerants (Pro Patria and Res Publica Union), Chairman of the Legal Affairs Committee of Parliament, and political scientist Oudekki Loone from Tallinn University debated. In the debate, Pomerants stressed that although Estonia supports a conservative refugee policy, the whole refugee policy must be of a higher standard and offer better integration support for refugees. This does not necessarily mean financial support, but rather the level of services.

Q19. Does primary research exist in your Member State, evaluating the quality of reception facilities?

In general, yes, the Institute of Baltic Studies has been commissioned by the Ministry of Internal

⁵⁵ Additional information about the check visits can be found on the homepage of the Chancellor of Justice: <http://oiguskantsler.ee/et/seisukohad/pohiseaduslikkuse-jarelvalve>

⁵⁶ <http://arvamus.postimees.ee/459920/alo-raun-eesti-oma-siber>

⁵⁷ <http://humanrights.ee/inimoiguste-aruanne-2/inimoigused-eestis-2011/varjupaigataotlejad-ning-rahvusvahelise-kaitse-saanud-isikud/>

⁵⁸ <http://www.epl.ee/news/eesti/partel-preinvalts-harku-valjasaatmiskeskuses-on-ulerahvastatuse-tottu-pingeid.d?id=65906346>

⁵⁹ <http://arvamus.postimees.ee/1120410/online-vaitluse-1-osa-eesti-pakkugu-pagulastele-paremaid-elamistingimusi> and <http://arvamus.postimees.ee/1120570/online-debati-2-osa-ojuland-vs-vaitlusselts>

⁶⁰ <http://arvamus.postimees.ee/1143746/online-vaitluse-1-osa-valiseestlaste-kogemus-kohustab-eestit-pogenikusobralikkusele> and <http://arvamus.postimees.ee/1143972/online-vaitluse-2-osa-pagulasena-eestis-ja-eestlane-paguluses>

⁶¹ This debate was held as a result of cooperation of Postimees, the Estonian Debating Society, the Ministry of Internal Affairs, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the European Refugee Fund: <http://arvamus.postimees.ee/1197174/online-vaitluse-1-osa-eesti-konservatiivse-pagulaspoliitika-poolt-ja-vastu> and <http://arvamus.postimees.ee/1197290/online-vaitluse-2-osa-kumb-jaab-peale-marko-pomerants-voi-oudekki-loone>

Affairs to evaluate satisfaction with asylum-related questions from the point of view of the service provider - “Reception Conditions for Asylum Seekers with Special Needs: Best Practices”⁶², as well as the asylum seeker “The Satisfaction and Evaluation of Expectations of Asylum Seekers Regarding Services and Conditions Offered to Them”⁶³. Also the “Evaluation of Support Services Provided to Asylum Seekers and Persons Receiving International Protection” by the NGO Estonian Advice Center to be published this year.

The Human Rights Center publishes a chapter on the situation of refugees and asylum seekers in Estonia in their annual reports⁶⁴.

Section 4 Flexibility

Q20 Please fill out the national statistics in Table 4 below:

Table 4 National statistics on flexibility

	2008	2009	2010	2011	2012
Total number of applicants entitled to reception	The RCAS accommodates all applicants, except in cases when the person submits the application while residing in the PBGB EC, in which case he or she will remain in the RC for the duration of the proceedings.	Same as in 2008	Same as in 2008	Same as in 2008	Same as in 2008
Total number of applicants accommodated in reception facilities	An average of 3.2 persons per month staying in the RCAS	An average of 5 persons per month staying in the RCAS	An average of 15 persons per month staying in the RCAS	An average of 21.4 persons per month staying in the RCAS. A total of 54 persons accommodated in the RCAS	An average of 14 persons per month staying in the RCAS. A total of 59 persons accommodated in the RCAS
Maximum number of applicants that could be accommodated in reception facilities	RCAS can accommodate a maximum of 35 persons	Same as in 2008	Same as in 2008	Same as in 2008	Same as in 2008

⁶² [Reception Conditions for Asylum Seekers with Special Needs: Best Practices, 2011](https://www.siseministeerium.ee/public/IBS_Parimate_praktikate_uuring.pdf) available on https://www.siseministeerium.ee/public/IBS_Parimate_praktikate_uuring.pdf

⁶³ [The Satisfaction and Evaluation of Expectations of Asylum Seekers Regarding Services and Conditions Offered to Them, 2011](#)

⁶⁴ <http://humanrights.ee/inimoiguste-aruanne-2/>

Average occupation rate in reception facilities	Average occupancy of the RCAS 9%	14%	44%	61%	40%
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In the PBGB EC, persons to be removed and asylum seekers are accommodated on two floors – the ground floor is for women, minors and families, and other vulnerable groups the first floor for male detainees. In general, four persons are accommodated in a room with two two-storey beds. As the centre is a restricted institution, security of the centre is guaranteed by the Guard Service of the PBGB Law Enforcement Department’s Guard Bureau Expulsion Centre.

The RCAS is also a two-storey building, where asylum seekers can move freely. Rooms of public usage include a kitchen, a study room, a computer room and washing facilities/toilets.

Q 21. Please describe any pressure that your (Member) State may have experienced in relation to the reception of applicants for international protection during the period 2008-2012 and briefly explain possible reasons for such pressure. (Note that annual statistics from Eurostat on the number of applications for international protection, first decisions, etc. over the years 2008-2012 will be incorporated in the relevant section of the Synthesis Report. Hence, if relevant, you may refer to a period of pressure by comparing the number of applications with the capacity of your (Member) State’s reception system).

In general, as the number of applicants is rising in the country, so the tension caused by it can be more strongly felt. Social tensions related to the growth in the number of applicants are alleviated by the online debates around the subjects of refugees and asylum seekers mentioned in Q18. Taking into account the growing number of applicants, an initial reception centre will be established (does not exist in Estonia yet) and the RCAS will be located closer to Tallinn, as well as have more space (the centre to be established in Väike-Maarja parish will accommodate 35 asylum seekers).

Q 22. Which flexibility mechanisms are foreseen and/or have been used in case there are shortages or surpluses in reception facilities? Please answer this question by indicating in Table 5 below whether any of the below mechanisms exist in your Member State and whether they have been actually used:

Table 5 Flexibility Mechanisms

Type of mechanism	Does this exist in your (Member) State? (Yes/No)	If yes, please describe	Has this mechanism been used? (Yes/No) If yes, please describe
Early warning mechanism⁶⁵ (including any software programmes monitoring capacity and occupancy in reception facilities)	No, just the intercommunication between institutions.	-	-
Additional reception centres acting as buffer	No	-	-

⁶⁵ An early warning mechanism refers to a monitoring system, e.g. a mechanism that monitors the inflow of applicants for international protection, evaluating in particular whether the (Member) State possesses the necessary capacity to deal with increased (or decreased) pressure. Such a monitoring system would enable identification of possible shortcomings (or excess capacity) at an early stage. An early warning mechanism could for example include a.o. any software programmes monitoring capacity and occupancy rate in reception facilities.

capacity			
Emergency plans	Yes.	Until 2013, the emergency action plan devised by the Ministry of Social Affairs in 2011 is used – “Massive immigration of refugees to the country”. ⁶⁶ In 2013 a new risk analysis on the emergency situation “Massive immigration of refugees to the country” was developed, also the 2013 emergency situation action plan is renewed.	No, has never been used.
Budget flexibility (to in- or decrease the budget when necessary)	Yes.	Yes. If needed, additional financial means can be applied for from the reserve of the Government of Estonia.	Yes. In 2011, additional financial means were applied for twice, related to the growth in the number of asylum seekers.
Fast-tracking procedures⁶⁷	Yes.	The PBGB has trained reserve officials to act in case of a massive immigration of refugees.	Has not been used in practice, has only been used when preparing an educational film for training materials.

⁶⁶ From 2013, the order of the Government of Estonia No 208 from April 25, 2013 “A List of Emergency Situations for Which a Risk Analysis and an Action Plan Are Produced, and the Designation of Competent Executive Authorities to Produce the Risk Analysis and the Action Plan” is effective with the list entry - Massive Immigration of Refugees to the Country. The production of risk analysis and action plan is coordinated by the Ministry of Social Affairs. The risk analysis has the following content - a large number of foreigners arriving to the country without authorisation, as a result of which the daily work of institutions responsible for solving the situation is paralysed and which may cause serious and extensive malfunctions in the sustained functioning of an essential service (including malfunctioning of the maintenance of public order).

⁶⁷ (e.g. by contracting more case-workers to decide on applications to create or close reception facilities)

Application of different standards/modalities of reception conditions in emergency situations⁶⁸	Yes.	-	Has not been used.
Provision of financial vouchers/allowance to cover costs of private accommodation	N/A	N/A	N/A
Review for specific categories of applicants who obtain priority access to reception	N/A	N/A	N/A
The use of excess space for other purposes	N/A	N/A	N/A
Other?	N/A	N/A	N/A

Q 23. Please indicate best practices in handling (disproportionate) pressure as well as ability to adjust to fluctuating numbers of applications over time. Where possible, please refer to the use (and effectiveness) of any of the aforementioned flexibility mechanisms.

Since 2004, Estonia has had the possibility to use the means of the European Refugee Fund. Supported by these means, a number of projects have been carried out to the present day, related to improving the reception conditions of asylum seekers and efficiency of the asylum proceedings, increasing preparedness for mass immigration, increasing the efficiency of international cooperation and informing the public about asylum issues. From 2004 up to the end of 2012, over 30 projects have been implemented with the support of the European Refugee Fund and the Ministry of Internal Affairs, all of which are either directly or indirectly related to improving the asylum proceedings and reception conditions.⁶⁹

The share of state funding (which does not include external means) is rather remarkable in financing support services provided to asylum seekers – most of the services are financed from the budgetary means of the Ministry of Social Affairs, which is understandable as the RCAS is an agency of this Ministry. Additionally, smaller state budgetary means are given by the Ministry of Education and Research (support services at school and in kindergarten) and the Ministry of Internal Affairs (translation services). The role of external means is proportionally smaller – 7 services (healthcare service, psychological counselling, translation services, legal counselling, an adaptation programme, finding employment and hobby activities) are financed from the European Refugee Fund. There are practically no services funded from the means of non-governmental organisations, except provision

⁶⁸ Article 14 paragraph 8 of the Reception Conditions Directive 2003/9/EC stipulates that: “Member States can exceptionally set modalities for material reception conditions different from those provided for in Article 14 for a reasonable period which shall be as short as possible, when: an initial assessment of the specific needs of the applicant is required; material reception conditions, as provided for in article 14, are not available in a certain geographical area; housing capacities normally available are temporarily exhausted; the asylum seeker is in detention or confined to border posts. The different conditions must cover in any case basic needs”.

⁶⁹ [Asylum and Migration Fund. Activities planned for the period 2014-2020](#), available on Ministry of the Interior, www.siseministerium.ee

of food and elementary clothing as well as other necessities and toiletries by Finnish missionaries and the congregation of Haljala⁷⁰.

Section 5 Efficiency

Q24. Please fill in the national statistics Table 6 below (please provide figures or, if not possible, estimates thereof):

Table 6 National Statistics on Efficiency

	2008	2009	2010	2011	2012
National budget allocated to the reception of applicants for international protection	77 050 euros	64 724 euros	63 945 euros	104 872 euros	104 580 euros
Total costs of reception	N/A	N/A	N/A	N/A	N/A
Total direct costs⁷¹	N/A	N/A	N/A	N/A	N/A
Total indirect costs⁷²	N/A	N/A	N/A	N/A	N/A
Total costs of reception including Dublin cases	N/A	N/A	N/A	N/A	N/A
Total costs of reception excluding Dublin cases	N/A	N/A	N/A	N/A	N/A
Inflow of new applicants to reception facilities	N/A	N/A	N/A	N/A	N/A
Inflow/return of applicants who have temporarily left a reception facility	N/A	N/A	N/A	N/A	N/A
Outflow of applicants from reception facilities, who do not return later	N/A	N/A	N/A	N/A	N/A
Share of applicants in reception facilities who have received a final decision on their application	N/A	N/A	N/A	N/A	N/A
Tolerance time for extended stay of applicants in reception facilities who have already received a final decision on their application	The Ministry of Social Affairs or one of its agencies arranges the settling of a receiver of international protection into a local municipality within four months from the day of issuing a residence permit to the alien. In case of a	Same as in 2008.			

⁷⁰ According to the survey "Evaluation of Support Services Provided to Asylum Seekers and Persons Receiving International Protection" by the NGO Estonian Advice Center. The survey will be published by the end of 2013.

⁷¹ Direct costs refer to explicitly defined costs and budgets for the reception of applicants for international protection in each (Member) State.

⁷² Indirect costs refer to costs that are not directly measurable (as costs are borne by a wide range of stakeholders and further relate to the applicant's access to general public services).

	negative decision, if the person remains in the country illegally, the accommodation permit is based on agreement (approx 10 days). As a rule, the PBGB will handle the person then.				
Median⁷³ range of an applicant's stay	3-4 months	3-4 months	3-4 months	3-4 months	3-4 months
Interquartile⁷⁴ ranges of an applicant's stay	N/A	N/A	N/A	N/A	N/A

Q25. Are cost (estimations) available for the flexibility mechanisms used in your Member State (see Question 22)?

In the Ministry of Social Affairs, the PBGB's prognosis of the growth in the number of asylum seekers is used as a basis when calculating the budget of expenses related to the reception of asylum seekers.

Section 6
Conclusions
(Maximum 2 pages)

⁷³ The median is the numerical value separating the higher half of the distribution of the lower half (middle value).

⁷⁴ The interquartile ranges refer to the value of the first quartile (25 percentile) and the third quartile (75 percentile) in a distribution.

Q26. Please summarise the organisation of reception facilities in your (Member) State, indicating main strengths and weaknesses (please specify any evidence for these findings)

The PBGB, which is an agency of the Ministry of Internal Affairs, handles asylum applications in Estonia. The Ministry of Social Affairs is responsible for the reception arrangements, organising the services in cooperation with several partners from the public and private sectors as well as non-governmental organisations. Various NGOs have offered their services to the RCAS. Regular project-based visits to the reception centre are made by the legal experts and trainees of the Estonian Human Rights Centre (EHRC), support persons (mentors) of the Johannes Mihkelson Centre (JMC) and workers of the Estonian Refugee Council organise hobby activities, etc. Trainees of the legal clinic project of EHRC visited the centre, providing legal counselling to asylum seekers (including help with finding a representative). E.g. in 2012, a total of 34 members of the target group were counselled by EHRC; 10 cases were transferred to 2013. The support persons of the JMC try to acquaint the inhabitants of the centre with the country where they are staying, the asylum proceedings, help with transport if necessary, etc. The first function of a support person in the centre is to create an environment where the applicant can trust the support person and then get necessary information from him or her. E.g. in 2012, support persons counselled almost 50 members of the target group (including asylum seekers as well as refugees and their family members)⁷⁵.

The report “Services Offered to Asylum Seekers with Special Needs”, prepared by the Institute of Baltic Studies in 2011, brings out deficiencies of services provided to asylum seekers with special needs: language barrier in the reception centre, as a result of which the asylum seekers staying in the reception centre have difficulties expressing themselves, filling statements/applications in Estonian and explaining problems to the management of the reception centre. No thorough introduction interview is conducted in the centre that would give the inhabitant of the centre an overview of the asylum procedure, various services available (and not available) for the applicant as well as the potential subsequent transfer process when international protection has been granted. All of this creates a situation where the applicants expect help rather from the outside, from NGOs.⁷⁶

The “Evaluation of Support Services Provided to Asylum Seekers and Persons Receiving International Protection” by the NGO Estonian Advice Center⁷⁷ lists propositions for developing a better and more efficient system of support services in Estonia. The evaluation mapped strengths and weaknesses of the asylum seekers reception system of Estonia. The weaknesses include: little and unsystematic language learning; distance of medical services (lack of psychological counselling, lack of dental services); a weakness of the accommodation was the distance of the centre from Tallinn (there are no children’s playroom in the centre); transport problems (transport expenses are compensated to the applicant for just 1 time per week for a trip to Jõhvi, all other expenses are up to the applicant to cover); more attention should be paid to people with special needs (such as the accessibility of buildings); there are not many translators of “untraditional” languages in Estonia and finding them is time-consuming. The evaluation pointed out that 9 of the services provided to asylum seekers (accommodation, provision of food, provision of necessities, emergency care, health check, psychological counselling, translation services, support services in kindergarten and school, hobby activities) can be considered sufficient and 6 services (healthcare service, informing of rights and duties, support services on secondary school level, teaching of Estonian, an adaptation programme, finding employment) need improving. At the same time the

⁷⁵ <http://humanrights.ee/inimoiguste-aruanne-2/inimoigused-eestis-2012/pagulaste-ja-varjupaigataotlejate-olukord/>

⁷⁶ <http://humanrights.ee/inimoiguste-aruanne-2/inimoigused-eestis-2012/pagulaste-ja-varjupaigataotlejate-olukord/>

⁷⁷ The survey “Evaluation of Support Services Provided to Asylum Seekers and Persons Receiving International Protection” by the NGO Estonian Advice Center. The survey will be published by the end of 2013.

general awareness of and interest around asylum seekers is growing.

According to the Ministry of Social Affairs, the strengths and weaknesses of the asylum system are the following: it can be considered a strength that Estonia is a small country and the network of people active with the subject area is small and strong, which adds flexibility.

It can be considered a weakness that the asylum subject area is divided between the governing areas of two ministries (this may cause communication problems and misunderstandings). Also, the distance of the RCAS from Tallinn, where the proceedings actually take place. Finding staff for Illuka, finding translators/interpreters and providing medical aid. The accommodation problems of persons who have received a positive asylum decision are not less important.

Q27. Please summarise whether your (Member) State has experienced pressure on its reception facilities (in terms of both in-and outflow, and duration of the processing time of applications) and indicate what measures have been most successful in handling such pressure

The greatest tension was felt in the RCAS in 2011 because of overcrowding. The Harku Expulsion Centre felt the greatest tension in 2012, also caused by overcrowding. By now the situation is calmed down.

The Chancellor of Justice conducts regular check visits to the RCAS as well as PBGB EC.

After a check visit to RCAS in 2010, the Chancellor of Justice made several propositions for improving the asylum seeker reception system - the Chancellor of Justice advised the reception centre to arrange the translation of provided medical help into a language understandable by the asylum seeker. He also recommended guaranteeing the informing of an asylum seeker of the results of consultations and examinations conducted as a part of general or special medical care services directly, i.e. without the mediation of a reception centre official. Also not to make it compulsory for asylum seekers to inform reception centre officials of the contents of their medical data as a prerequisite of seeing a doctor.⁷⁸

On his check visits to the PBGB EC in 2010 and 2012, the Chancellor of Justice stressed the importance of taking into account the special needs of minors in the expulsion centre – e.g. an opportunity to obtain education for persons of a compulsory school attendance age, suitable hobby activities for their age, accommodation and provision of food according to the requirements of their age. In the case of detention of minors, there is also the need for educational and instructional supervision besides the traditional guaranteeing of security in a detention institution. Minors present in the centre were lacking a centre official who would always be present, there was no hobby instructor nor any other kind of instructional supervision.

The Chancellor of Justice has the right to perform follow-up inspections on the following of his recommendations in the course of six months from making the recommendations.

Q28. Please describe best practices in controlling costs of reception facilities whilst ensuring quality (maximum half a page)

Until 2013, the Ministry of Social Affairs did not have a monthly applicant-based budget system, which was a great drawback (the accounting was expense and need-based). Now there is the capability of planning – the expenses of one applicant is some 270 euros.

⁷⁸ http://oiguskantsler.ee/sites/default/files/ylevaade_2012.pdf

Annex 1 Reception Conditions in different Reception facilities

Please fill out the table below concerning the rights granted to applicants for international protection as laid down in national legislation in different reception facilities.

Table A1.1 Reception conditions in different reception facilities

	Collective initial/transit reception centres ⁷⁹	Collective open reception centres ⁸⁰	Special reception centres/facilities for vulnerable groups	Special separate receptions centres for UAMs	Private houses or flats ⁸¹	Private hotels ⁸²	Individually arranged accommodation ⁸³	Other premises	Comments
Food	Yes	No ⁸⁴ , but for 1-2 days per month, food is received for free from the Food Bank	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Clothing	Yes	Yes	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Financial allowance⁸⁵	No	76 euros and 60 cents per month ⁸⁶ , first family member receives 100%, every	N/A	N/A	N/A	N/A	N/A	N/A	N/A

⁷⁹ The data concern PBGB EC

⁸⁰ The data concern RCAS

⁸¹ Arranged and paid for by competent authorities.

⁸² Arranged and paid for by competent authorities.

⁸³ E.g. houses/flats/hotels and/or staying with friends and family.

⁸⁴ RCAS does not offer cooking services, but persons are given money to buy food. There is a kitchen where food can be prepared.

⁸⁵ Please explain what this consists of.

⁸⁶ Official subsistence level in Estonia and the money is meant for food

		subsequent member of the family receives 80 % of the sum							
Emergency health care	Yes	Yes	N/A						
Medical care	Yes	Yes, used to be a general practitioner in Jõhvi, now closer, at Kuremäe	N/A						
Psychological care	Yes, a psychologist visits the centre 2 times a month	No (the service is offered by support organisations)	N/A						
Free legal assistance	Yes	Information regarding a person's rights and duties	N/A						
Interpretation services	Generally no, except the right of asylum seekers for translation and interpretation support in proceedings	Essential translation services	N/A						
Access to education	For children Yes, for adults No	Yes, children only. Teaching Estonian	N/A						
Access to vocational training	No	No	N/A						
Access to employment	No	After 12 months if the PBGB has not reached	N/A						

t (after which period of time?)		a decision							
Other? Please add	*transport to special doctor *hairdresser service on location	*transport to proceedings in Tallinn, for children to school or to doctor * 1 free bus ticket per week to Jõhvi (closest centre) *medication prescribed by the doctor is compensated 100% *toiletries (washing powder, toothpaste etc) are distributed for free. * the opportunity to use a support person ⁸⁷ – there are over 10 support persons in Estonia handling asylum seekers and protection receivers.	N/A						

⁸⁷ Support person service is provided by the Johannes Mihkelson Centre and the NGO Estonian Refugee Council; the tasks include transporting of the person when looking for employment/going to a doctor, translating and interpreting, introducing Estonian culture, solving education issues, helping with formalising documents of family members, handling reuniting of family.

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- Victim Support Act
- Social Welfare Act
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- The internal rules for Accommodation in Police and Border Guard Board rooms in Vilmsi
- The internal rules for Reception Center for Asylum Seekers (not for public use)
- The order of the Government of Estonia No 208 from April 25, 2013 “A List of Emergency Situations for Which a Risk Analysis and an Action Plan Are Produced, and the Designation of Competent Executive Authorities to Produce the Risk Analysis and the Action Plan”
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