



European Migration Network (EMN)

EMN Focussed Study 2014

Good Practices in the return and reintegration of irregular migrants: Member States' entry bans policy & use of readmission agreements between Member States and third countries

Estonian National Report



Tallinn 2014

Following is the input of EE EMN NCP to the EMN Focussed Study. This document was produced by Helina Maasing the expert of EE EMN NCP. Experts from the Police and Border Guard Board were consulted during the compiling process of this document. The web version is available at www.sisekaitse.ee/emn.

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.

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Executive Summary

Overview of the National Contribution – introducing the study and drawing out key facts and figures from across all sections of the Focussed Study, with a particular emphasis on elements that will be of relevance to (national) policymakers.

This report is the national input to the EMN 2014 Focussed Study “Good Practices in the return and reintegration of irregular migrants: Member States’ entry bans policy & use of readmission agreements between Member States and third countries”. The overall aim of this study is to understand the extent to which countries use entry bans and readmission agreements as policy measures to enhance their national return policies. The Study takes a practical approach by exploring how entry bans and readmission agreements are applied in practice, distinguishing between their voluntary and coercive elements. The study also analyses how effective the two measures are both from the point of view of the returnee as well as the Member States.

Focus of this Study is on the entry bans accompanying a return decision under the Directive 2008/115/EC (so called Return Directive) and not on national entry bans or entry bans as additional sanctions.

In Estonia, entry bans are issued by the Police and Border Guard Board or by the Estonian Internal Security Service. Legislation on entry bans, the Obligation to Leave and Prohibition on Entry Act, does not expressly point out the grounds for imposing an entry ban. General idea of the legal provisions is that entry ban shall be imposed, unless is it disproportionate taking account every case. Thus, entry bans are not imposed automatically. The case-officer has a right of discretion when applying an entry ban. That means the age and health, personal, economic and other ties with Estonia and connection with return country, social and cultural integration, impact to the person’s family is taken into account.

In Estonia both types of entry bans can be imposed, i.e. entry bans that apply to the entire Schengen territory or only in Estonian territory. Generally, entry bans that are imposed to an irregular migrant ordered to leave Estonia are entered into the SIS database and they are valid in the entire Schengen area; however the territory may be limited only to Estonia, when necessary and entered to the national database.

Since 2011, when Estonia started to implement the Return Directive (first full year), around half of the orders to leave issued to an irregular migrant has been accompanied by an entry ban. In 2011 260 entry bans were imposed by the Police and Border Guard Board, which makes 54% of the orders to leave issued that year. In the following years’ entry ban accompanied 48% of the orders to leave.

There have not been huge challenges with the entry bans imposed by Estonia or other Member States. One challenge that was pointed out by the Police and Border Guard Board is the issue of name transcriptions. Estonia has noted a problem with name transcription, especially with Slavic names, which can be written in different ways. Also some third-country nationals have taken a new travel document with a new name. Because of that there have been some incidents where third-country nationals, who have a valid entry ban, have returned to Estonia or to other Schengen countries with a new name and therefore no alert has been turned up. To avoid problems with name transcription, Estonian officials enter to the database possible alias’ of the person’s name. That can be considered a good practise in the fight of keeping “unwanted” people away from Estonian and/or Schengen territory. However, so far, Estonia has not measured the effectiveness of the entry bans.

The second part of the study concentrates on the use of EU as well as Member States’ separate bi- or multilateral readmission agreements in the return process. Again Estonian Police and Border

Guard Board is designated as the competent authority to make applications for readmission to third countries in individual cases of forced return. Usually irregular migrants are returned under the bi- or multilateral readmission agreements if they are already in the enforcement procedure. The current practise of the Police and Border Guard Board is to use the readmission agreements with third countries in cases where the returnee has no valid travel document. In other cases irregular migrants are sent back to a third country not on the basis of readmission agreements, even there might be an agreement with the respective country. The number of persons sent back to a third-country under a readmission agreement, is quite modest. This indicates, that most of the returns are organised without a readmission agreement.

Final part of the study looks into the possibility for migrants to receive reintegration assistance, when entry ban is imposed to them or they are in the readmission procedure. In the Voluntary Assisted Return and Reintegration programme (VARRE) implemented by IOM Tallinn all beneficiaries who meet the requirements of the programme can apply for the reintegration assistance. Entry ban is not an obstacle for applying reintegration assistance, however if the person is already in the enforcement procedure they have no right to this assistance. In this respect the IOM Tallinn is cooperating with the Police and Border Guard Board, and all VARRE beneficiaries have to be approved by the Estonian Police and Border Guard Board.

Section 1 Entry bans

This section reviews the national legal framework for imposing entry bans, in particular the grounds for issuing an entry ban (including criteria/indicators for assessing whether the grounds apply in individual cases), the categories of third-country national who can be issued such a ban, and the territorial scope of the entry ban. It also provides an overview of the authorities responsible for the imposition and decision-making of entry bans. The practical implementation of entry bans is explored by reviewing the extent to which Member States use a graduated approach, where entry bans are withdrawn or suspended depending on individual circumstances and the category of third-country national. Cooperation between Member States when implementing entry bans is addressed by reviewing whether Member States enter an alert into the SIS following imposition of an entry ban and by reviewing the information exchange/consultation processes including existing information sharing mechanisms between Member States. The section finally also includes questions about the perceived or actual effectiveness of entry bans, the main challenges associated with entry bans and any evidence of good practice.

SECTION 1.1 NATIONAL LEGAL FRAMEWORK ON ENTRY BANS: GROUNDS FOR IMPOSITION OF ENTRY BANS AND CATEGORIES OF THIRD-COUNTRY NATIONAL SUBJECT TO ENTRY BANS

Q1. In your Member State, which scenario applies to the imposition of entry bans?

a) Entry bans are automatically imposed in case the return obligation has not been complied with OR no period of voluntary departure has been granted

(Yes/No)

b) Entry-bans are automatically imposed on all return decisions other than under a)

(Yes/No)

c) Entry bans are issued on a case by case basis on all return decisions other than a)

(Yes/No)

When imposing an entry ban with the return decision, officials have the right of discretion, i.e each time before the entry ban is issued circumstances like age and health of the person, ties with the country and effect on the family life, etc. are assessed. Therefore, if imposing an entry

ban is disproportionate taking into account all the relevant circumstances, the prohibition on entry may be applied in the return decision for a shorter term or leave it unapplied. Thus, entry bans are not imposed automatically on all return decisions, but issued on a case by case basis.

Q2a. What are according to national legislation in your Member State the grounds for imposing entry bans? Please answer this question by indicating whether the grounds defined in national law include the following listed in the table 1.1 below. In the final column, please add more detailed information on the criteria/indicators used to decide whether particular grounds apply in individual cases:

Estonian legislation on entry bans does not expressly point out the grounds for imposing an entry ban. General idea of the legal provisions is that entry ban will be imposed, unless is it disproportionate taking into account every case. Thus, the grounds listed in table 1.1. may be the reasons for imposing an entry ban, however these are not obligatory grounds for imposing an entry ban by itself (for this reason Y/N is indicated). Each case is assessed individually by the case-officer before applying an entry ban to a returnee. Upon an order to apply an entry ban and the determination of the period of validity of the entry ban the case-officer has the obligation to take the following circumstances into account:

- 1) the duration of the third-country national's legal stay in Estonia;
- 2) the age of the person;
- 3) the condition of health of the person;
- 4) personal, economic and other ties which the third-country national has with Estonia and which are deserving of protection;
- 5) the consequences of imposing the entry ban for the family members of the person;
- 6) the social and cultural integration of the person;
- 7) the connections of the third-country national to the country of origin;
- 8) the circumstances which are the basis for application of the entry ban;
- 9) holding a residence permit of a Member State of the EU, a member state of the EEA area or the Swiss Confederation;
- 10) other relevant considerations.¹

Thus, each time an entry ban is imposed the above mentioned circumstances are assessed before.

Table 1.1: Grounds for imposing entry bans

Grounds for imposing entry bans	Yes/No	Please provide information on the criteria/indicators used to decide whether particular grounds apply in individual cases
Risk of absconding ²	Y/N	In the new version of the OLEPA the term risk of absconding is defined and the following indicators are named: - Third-country national has not left Estonia and/or Schengen area after the deadline of voluntary departure has arrived; - Third-country national has submitted

¹ Obligation to Leave and Prohibition on Entry Act § 31, [RT I 1998, 98, 1575](#)

² As stipulated in the Return Directive Article 11 (1) (a) in combination with Article 7(4).

		<p>false data or forged documents to receive a legal basis for stay;</p> <ul style="list-style-type: none"> - There is a reasonable doubt about the person's identity or his/her citizenship; - Third-country national has repeatedly and intentionally committed criminal offence or another offence which resulted in imprisonment; - Third-country national has not followed the surveillance measures applied to him/her to ensure the implementation of the order to leave; - Third-country national has informed the law enforcement bodies of not complying with the order to leave; - Third-country national has entered Estonia while he/she has a valid entry ban; - Third-country national has been detained while crossing the external border illegally and he/she has not received a basis to legally reside in Estonia.
<p>The third-country national concerned poses a risk to public policy, public security or national security³.</p>	<p>Y/N</p>	<p>In the national migration legislation there are some indicators pointed out which shall be considered as a threat to the national security. However, these shall not preclude considering other facts as a threat to the national security.</p> <p>Threat to national security⁴ is considered:</p> <ul style="list-style-type: none"> - Submission of falsified documents or false information; - Third-country national does not observe the constitutional order or Estonian laws; - The activity of the person has been directed or there is good reason to believe that such activity is being directed against the Estonian state and the security thereof; - Third-country national has incited or there is good reason to believe that he/she may incite national, racial, religious or political hatred or violence; - Third-country national is in the active service of the armed forces of a foreign state;

³ As stipulated in the Return Directive Article 11 (1) (a) in combination with Article 7(4).

⁴ Aliens Act § 124, [RT I 2010, 3, 4](#)

		<ul style="list-style-type: none"> - Third-country national has been repeatedly punished pursuant to criminal procedure for intentionally committed criminal offences; - Third-country national belongs to a criminal organisation, or is connected with the illegal conveyance of narcotics, or persons across the border, or is a member of a terrorist organisation or involved with their activities; - Third-country national is employed or believe to be employed by an intelligence service of a foreign state; - Third-country national has participated in punitive operations against civil population or committed crimes against humanity or a war crimes. <p>In addition indicators against threat to public order might be:</p> <ul style="list-style-type: none"> - Entry ban exists in respect of third-country national; - Stay of the person may endanger the morality/ rights/ interests of other persons; - The stay of the person may constitute a risk to public health; - Third-country national has violated the conditions regarding the entry into Estonia or stay in Estonia; - The actual purpose of the entry into Estonia does not correspond to the alleged purpose; - There is reason to believe that the third- country national shall not depart from Estonia upon the expiry of the basis of stay; - Third- country national has failed to pay for the costs of his or her stay in Estonia or the departure from Estonia.
The application for legal stay was dismissed as manifestly unfounded or fraudulent ⁵	Y/N	Submission of falsified documents or false information.
The obligation to return has not been complied with ⁶	Y/N	Peron has not left Estonia or the Schengen area.
Other (e.g. please indicate and add rows as appropriate)	Y/N	

Q2b. What are the national grounds based upon which your Member State can decide **not** to issue an entry ban? Please answer this question by indicating whether the grounds defined in national law include the following listed in

⁵ As stipulated in the Return Directive in Article 11(1)(a) in combination with Article 7(4).

⁶ As stipulated in the Return Directive Article 11(1)(b).

the table 1.2 below. In the final column, please add more detailed information on the criteria/indicators used to decide whether particular grounds apply in individual cases:

Current regulation states that if the term for applying the entry ban is disproportionate taking into account all the relevant circumstances, the entry ban may be unapplied or applied for a shorter term⁷. According to the Obligation to Leave and Prohibition on Entry Act (OLEPA) that enters into force in October 2014, entry ban is not imposed for humanitarian reasons. The Act does not specify what the humanitarian reasons are, thus the case-officer has the right of discretion regarding imposing or not imposing an entry-ban, by assessing the circumstances pointed out in Q2a.

Besides the case-officer's right of discretion the OLPEA Article 30 is stipulating grounds for not imposing entry bans in the context of national entry bans. However, these grounds are also being taken into account when imposing an entry ban in the framework of the Return Directive. According to the OLEPA Article 30 entry ban shall not be applied:

- 1) with regard to a third-country national less than 13 years of age;**
- 2) with regard to a third-country national who is of Estonian origin;**
- 3) with regard to a third-country national whose application for asylum in Estonia has been accepted for hearing or who has been granted asylum in Estonia.**

In addition to that, there is special regulation for persons who have been issued a temporary residence permit pursuant to Council Directive 2004/81/EC⁸. Consequently, a victim or witness in criminal offences concerning trafficking in human beings who has been issued a temporary residence permit pursuant to Council Directive 2004/81/EC, the entry ban is applied only if the person poses a danger to public order or national security.

Table 1.2: Grounds for not imposing entry bans

Grounds for not imposing entry bans	Yes/No	Please provide information on the criteria/indicators used to decide whether particular grounds apply in individual cases
Humanitarian reasons	Y	All the circumstances named in Q2a are assessed before imposing or not imposing the entry ban. Thus, the age, health, personal, economic and other ties with Estonia and connection with return country, social and cultural integration, impact to the person's family is taken into account.
Right to family life (Article 8 ECHR)	Y/N	Impact to the third-country national's family life is taken into account before deciding imposing

⁷ Obligation to Leave and Prohibition on Entry Act § 7⁴ (2), [RT I 1998, 98, 1575](#)

⁸ Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities; OJ L 261, 6.8.2004, p. 19–23

		the entry ban.
Health reasons	Y/N	Health of the third-country national is assessed before deciding to impose the entry ban.
Minors less than 13 years of age	Y	Age is taken into account, when deciding to impose the entry ban. Usually, entry ban is not imposed to minors.
Third-country national who is of Estonian origin	Y	Third-country national is a descendant of an Estonian or is ethnic Estonian.
Asylum seekers and persons granted international protection in Estonia	Y	The third-country national has been granted an international protection status in Estonia.
Victims or witnesses taking part in criminal offences concerning trafficking in human beings (unless there is a risk of national security or public order)	Y	Third-country national has been issued a temporary residence permit under directive 2004/81/EC.

Q3. Please provide a short overview of the categories of third-country national that can be issued an entry ban by completing the table 1.3 below:

Estonian legislation does not make any difference regarding the categories of third-country nationals who can be issued an entry ban, except those named in Q2. The general principle is that entry ban is imposed with the return decision, unless it is disproportional. There is no difference whether the person complies voluntarily or not with the return decision. However the willingness to comply with the return decision or not is taken into account, when assessing the need to impose an entry ban.

In the new regulation of the legislation on entry ban, a possibility is given to the irregular migrant, who has left the country within the deadline set for voluntary departure, to ask the Minister of Interior to revoke his/her entry ban.

Table 1.3: Categories of third-country national who can be issued an entry ban

Categories of third-country national who can be issued an entry ban⁹	Who comply voluntarily with return decision (Y/N)	Who do not cooperate with return decision (Y/N)
Third-country nationals staying illegally on the territory of a Member State (including residence/visa over-stayers, rejected applicants for international protection, third-country nationals who	Y	Y

⁹ Based on Article 2 Return Directive

entered the territory illegally)		
Third-country nationals who are subject to a refusal of entry in accordance with Article 13 of the Schengen Borders Code	Y*	Y
Third-country nationals who are apprehended or intercepted by the competent authorities in connection with the irregular crossing by land, sea or air of the external border of a Member State and who have not subsequently obtained an authorisation or a right to stay in that Member State	Y*	Y
Third-country nationals who are subject to return as a criminal law sanction or as a consequence of a criminal law sanction	Y*	Y
Other (please indicate and add rows as appropriate)	Y	Y

* The current regulation of the OLEPA Article 7² (2) does not foresee voluntary return in this case. However the new regulation of OLEPA entering into force 1st October 2014, allows to set a deadline for voluntary return in this case as well. As the legislation is changing soon, the Police and Border Guard officials in practise already use the voluntary return option.

Q4. Specify the territorial scope of entry bans that are imposed by your Member State, i.e. do they apply to the entire EU territory or do they only cover the national territory of the Member State? If both types of entry bans can be imposed, please indicate that this is the case.

In Estonia both types of entry bans can be imposed, i.e. entry bans that apply to the entire Schengen territory or only in Estonian territory. Generally, entry bans that are imposed to an irregular migrant ordered to leave Estonia are entered into the SIS database and they are valid in the entire Schengen area. However, if some (humanitarian) circumstances exist, e.g. the person holds a residence permit of another Member State, then the entry ban may be limited only with Estonian territory. In case these circumstances appear after the alert is entered into the SIS database, the territorial scope can be changed to national territory afterwards by the request of another Member State.

Q5. Which institution(s) in your Member State decides whether or not to issue an entry ban on third-country nationals who are the subject of a return decision? Please specify whether this concerns for example the police, border police, immigration service, asylum agency etc.

The issue of an entry ban on third-country nationals who are the subject of a return decision is made by the Estonian Police and Boarder Guard Board or by the Estonian Internal Security Service. These are, the same institutions who are issuing the precept to leave (return decision) where the obligation to leave Estonia is imposed on the third-country national. In the same decision where the obligation to leave is imposed, the term for voluntary compliance with the

obligation to leave is determined, a warning is made with regard to the irregular migrant about application of the enforcement penalty in case of a failure to comply with the precept to leave, a warning is made about the enforcement execution of the obligation to leave and in case of necessity the entry ban is applied with regard to the third-country national¹⁰.

SECTION 1.2 PRACTICAL APPLICATION OF ENTRY BANS

Q6. Who informs third-country nationals of the imposition of the entry ban and what procedure is used to convey this information? Please specify

Decision on imposing the entry ban is made in the return decision, which is an administrative act, issued by the Police and Border Guard Board or the Estonian Internal Security Service. All administrative acts are delivered to the participants in proceedings pursuant to the procedure prescribed by law or a regulation or according to the choice of delivery indicated in the application either by post, by the administrative authority which issued the document or electronically¹¹. Thus, the Police and Border Guard Board or the Internal Security Service informs the third-country national on the decision to apply an entry ban regarding him/her, mainly by post or e-mail or informs the person personally.

Also on the public webpage of the Ministry of Interior information of foreigners regarding whom an entry ban is issued is searchable. If name, date of birth or personal code and citizenship is known about the person, then it is possible to find information on the term of the entry ban imposed to the person, change of the term, and the suspension of the entry ban, if this information is not only for internal use¹².

Q7. Do third-country nationals who have been imposed an entry ban have the possibility to appeal the decision? (Yes/No) Specify whether this is laid down in national law (make reference to the national legislation and the provision) and specify the concerned court of appeal

Third-country nationals to whom the entry ban is imposed have the possibility to appeal the decision. According to the Obligation to Leave and Prohibition to Enter Act Article 13 an appeal against [...] the decision to amend the prohibition on entry or the term of its validity applied by the precept may be filed by an alien with an administrative court pursuant to the procedure provided for in the Code of Administrative Court Procedure within ten days as of the date of notification of the precept or decision.¹³ Thus, the third-country national can turn to the administrative court to appeal the entry ban separately or together with the decision which ordered the person to leave the country.

There is also a possibility to submit a complaint regarding the Police and Border Guard Board's decision on imposing the entry ban to the Ministry of Interior. The Minister of the Interior, or a higher official of the Ministry of the Interior authorized by the Minister have the possibility to revoke the prohibition on entry or shorten the period of validity of the prohibition on entry at the justified request of the third-country national [...], if the circumstances forming the basis for

¹⁰ Obligation to Leave and Prohibition on Entry Act § 7 (2), [RT I 1998, 98, 1575](#)

¹¹ Administrative Procedure Act § 25, [RT I 1998, 98, 1575](#)

¹² Regulation on keeping the National Register of Prohibitions on Entry § 20, [RT I 2007, 47, 331](#)

¹³ Obligation to Leave and Prohibition to Enter Act § 13, [RT I 1998, 98, 1575](#)

application of the entry ban have changed or ceased to exist, or for humanitarian reasons if this does not pose a threat on national security or public order¹⁴.

Q8. Please indicate whether entry bans can be withdrawn or suspended in your Member State, specifying the categories of third country national who may be withdrawn/suspended from an entry ban, and explain the circumstances or reasons for this by filling out the table 1.4 below:

Entry bans that are issued with the return decision can be withdraw or suspended in Estonia. There is a common legislative regulation for suspending or withdrawing all kinds of entry bans (national, as criminal sanction, accompanying the return decision). Current regulation of OLEPA stipulates that Minister of the Interior, or a higher official of the Ministry of the Interior authorised by the Minister may revoke the entry ban if the circumstances forming the basis for application of the entry ban have changed or ceased to exist, or for humanitarian reasons, or suspend the entry ban if the arrival and short-term stay of the third-country national in Estonia is unavoidably necessary¹⁵.

The new regulation of the OLEPA that will enter into force on 1st October 2014, adds another ground for withdrawing or suspending the entry ban. Namely, third-country nationals who have left the Schengen area within the timeframe issued for them for voluntary departure in the return decision and can prove they actually left may ask the Ministry of Interior to revoke or suspend their entry ban. Corresponding application should be submitted with the evidence of leaving the territory of Estonia or Schengen area, to the Police and Border Guard Board. If third-country national cannot provide the supporting documents or evidence of leaving the territory of the Schengen area, then the Police and Border Guard Board has the possibility to not review the application and not to send the application to the Minister of Interior for final decision.

There is no exhaustive list of the categories of third-country national who can be exempted from an entry ban. As mentioned before there is a right of discretion of the case-officer to impose an entry ban. Thus, the categories of migrants in Table 1.4. may be exempted from the entry ban, but is not mandatory, i.e. every case is assessed individually.

Table 1.4: withdrawal and suspension of entry bans

Categories of third-country national who can be exempted from an entry ban	Entry ban can be withdrawn or suspended (Y/N)	If yes, please provide information on the criteria/indicators used
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¹⁴ Obligation to Leave and Prohibition to Enter Act § 32, [RT I 1998, 98, 1575](#)

¹⁵ Obligation to Leave and Prohibition to Enter Act 32 ja 32¹, [RT I 1998, 98, 1575](#)

Third-country nationals who can demonstrate that they have left the territory of the member State in full compliance with a return decision	Y (as of October 2014)	<ul style="list-style-type: none"> - A stamp in the travel document, that proves the crossing of the external order; - Data on border crossing entered in the border database; - etc.
Victims of trafficking in human beings who have been granted a residence permit pursuant to Council Directive 2004/81/EC (provided they do not represent a threat to public policy, public security or national security)	Y, however to this group entry ban should not be imposed.	<ul style="list-style-type: none"> - Residence permit under the directive 2004/81/EC is issued to the migrant.
Minors	Y	
Unaccompanied Minors	Y	
Disabled people	Y	
Elderly people	Y	
Pregnant women	Y	
Single parents with minor children	Y	
Persons with serious illness	Y	
Persons with mental disorders	Y	
Persons who have been subjected to torture, rape, or other serious forms of psychological, physical or sexual violence (e.g. victims of female genital mutilation)	Y	
Other humanitarian reasons, (please indicate and add rows as appropriate)	Y	
Other individual cases or certain categories of cases for other reasons (please indicate and add rows as appropriate)		

Q9. Is the institution responsible for the imposition of the entry ban the same as the authority that is competent to decide on withdrawal/suspension? Yes/ **No**. If not, or in case other actors are involved, please specify which ones and comment on the cooperation between the two actors.

As pointed out in Q5 entry bans are imposed by the Estonian Police and Boarder Guard Board or by the Estonian Internal Security Service. However the withdrawal or suspension is decided by the Minister of the Interior, or a higher official of the Ministry of the Interior authorized by the Minister.

A request to amend the period of validity of the entry ban, revoke or suspend the entry ban can be made to the Minister:

- by the third-country national himself,**
- on the justified proposal of a governmental authority or a state agency;**
- at the request of the competent authority of a member state of the Schengen Convention, except Estonia,**
- by a court (only in case of suspension).**

The new regulation of the legislation on entry ban adds the Police and Border Guard Board to the withdrawal/suspension decision process. Thus, first the third-country national has to submit an application to the Police and Border Guard Board to withdraw or suspend the entry ban, with the corresponding evidence. If the ground for withdrawal or suspension on the entry ban exists, then Police and Border Guard Board submits the application to the Minister of Interior for final decision.

SECTION 1.3 COOPERATION BETWEEN MEMBER STATES

Q10. Does your Member State enter an alert into the SIS when an entry ban has been imposed on a third-country national? (e.g. see Article 24 (3) of Regulation No 1987/2006 – SIS)? (**Yes/No**)

Please specify whether;

- a) Alerts are entered into the SIS as standard practice**
- b) Alerts are entered into the SIS on a regular basis
- c) Alerts are entered into the SIS on a case-by-case basis

Data on entry bans imposed on a third-country national is entered to the SIS database as a standard practise. According to the OLEPA Article 33 section 2 upon application, amendment of the period of validity and the suspension of the entry ban with regard to the third-country national, the prohibition on entry shall be entered into the national database of entry bans and the data of the entry bans shall be communicated to the Schengen information system pursuant to the Schengen Convention. Thus, the data on entry bans are first entered to the National Register of Prohibitions on Entry, where it is forwarded to the SIS database. Entry bans, which are imposed to be valid only on the territory of Estonia, are not entered into the SIS system, and only stay in the national database.

Furthermore, the OLEPA stipulates other groups of migrants regarding whom the entry ban is not entered to the SIS system. Following the OLEPA Article 33 section 3 data of the prohibition on entry shall not be communicated to the Schengen information system if:

- 1) the entry ban applies with regard to the citizen of a Member State of the EU, citizens of the member states of the EEA or the Swiss Confederation;**
- 2) the validity of the entry is restricted to the territory of the Republic of Estonia by the order of the Minister of the Interior or a higher official of the Ministry of the Interior authorised by the Minister.**

Upon revocation of the entry ban the data about the prohibition on entry shall be deleted from the Schengen information system.

Q11a. Does your Member State share information on the use of entry bans with other Member States? (**Yes/No**)

- | | |
|--|-----------------|
| a) Your Member State exchanges information as a standard practice | Yes / No |
| b) Your Member State exchanges information on a regular basis | Yes / No |
| c) Your Member State exchanges information on a case-by-case basis | Yes / No |

There is no regular information sharing with other Member States regarding the entry bans. Estonia shares information on the use of entry bans with other Member States on a case-by-case basis. The information is usually shared via the SIRENE contact points, which in Estonia is situated in the Police and Border Guard Board's Central Criminal Police office. However, if case-officer who imposed the entry ban is connected directly by colleagues from other Member countries, the information exchange can be bilateral.

Q11b. What type of information is shared with other Member States? Please indicate whether any or all of the following types of information are shared:

- Number of entry bans imposed (**Yes/No**)
- Identity of the individuals who have been imposed an entry bans (**Yes/No**)
- Reasons for imposing the entry bans (**Yes/No**)
- Decision to withdraw an entry ban and reasons for this (**Yes/No**)
- Decision to suspend an entry ban and reasons for this (**Yes/No**)
- Any other information (please specify)

As information on entry bans is shared on case-by-case basis, then the content of the information request depends of the interest of the other party. For example in case an alert comes up then additional information on the person may be asked (e.g. biometric data). Usually colleagues of different Member States may consult each other on the reasons the entry ban was imposed, withdrawn or suspended.

Q11c. How is information shared with other Member States? Please provide an overview of the existing mechanisms to share information (e.g. via the Schengen Information System, bilateral exchange of information either face-to-face, over the telephone, via e-mail, other?)

Common practise is that information on entry bans entered to the SIS database is shared by the SIRENE national contact point. However, there can be a direct contact, either face-to-face, over the telephone, via e-mail, etc with the case-officer who imposed the ban with his/her colleagues from other Member States when interest of the same person arises.

Q12a. Article 11 (4) stipulates that "where a Member State is considering issuing a residence permit or other authorisation offering a right to stay to a third-country national who is the subject of an entry ban issued by another Member State, it shall first consult the Member State having issued the entry ban and shall take account of its interests in accordance with Article 25 of the Convention implementing the Schengen Agreement". Please describe the processes how these consultations take place; indicate which authorities are involved as well as the method of consultation.

Aliens Act stipulates that temporary residence permit shall be refused if the entry ban into the

Schengen area is applied with regard to a third-country national by a member state belonging to the common visa area of the European Union and the alert has been entered into the Schengen information system according to the Schengen Convention¹⁶. However, the Act makes an exception when the entry of the person into Estonia or his/her residence in Estonia is necessary on humanitarian grounds or for the performance of international obligations¹⁷.

In case there is a hit in the SIS regarding a person, then a consultation process is started with the Member State who has issued the entry ban. The consultation process is started and conducted through the SIRENE contact point.

Q12b. Has your Member State ever issued a residence permit or any other authorisation offering a right to stay to a third-country national who is the subject of an entry ban imposed by another Member State? (**Yes/No**); If yes, please indicate the number of residence permits issued to third-country nationals in these circumstances.

Estonian legislation makes an exception with respect to persons who have a valid entry ban issued by another Member State and who now apply a temporary residence permit in Estonia. According to the Aliens Act § 126 a third-country national with a valid entry ban in the Schengen area, may be issued a temporary residence permit if the entry of this person into Estonia or his or her residence in Estonia is necessary on humanitarian grounds or for the performance of international obligations.

In practise there have been few cases when another Member State has imposed an entry ban regarding a person with undetermined citizenship (stateless person) who has a right to reside in Estonia and who cannot be removed from Estonia. Thus, in the consultation process Estonia has asked the respective Member State to remove the entry ban from the SIS and has issued a residence permit in Estonia.

Q12c. In case your Member State has issued a residence permit or any other authorisation offering a right to stay to a third-country national who is the subject of an entry ban imposed by another Member State, please specify the circumstances based on which such decisions were taken.

According to the Aliens Act, which regulates the issuance of residence permits, a temporary residence permit may be issued as an exception to a third-country national with an alert in SIS regarding a valid entry ban, in case the entry of the person into Estonia or his/her residence in Estonia is necessary on humanitarian grounds or for the performance of international obligations.

In practise there have been cases when another Member State has imposed an entry ban regarding a stateless person who has a right to reside in Estonia and who cannot be removed from Estonia. For that reason a temporary residence permit was issued to these persons.

¹⁶ Aliens Act § 126 (2) (3), [RT I 2010, 3, 4](#), www.riigiteataja.ee

¹⁷ Aliens Act § 126 (2) (3), [RT I 2010, 3, 4](#), www.riigiteataja.ee

SECTION 1.4 EFFECTIVENESS OF ENTRY BANS

Q13. Has your Member State conducted any evaluations of the effectiveness of entry bans? (Yes/**No**) If yes, please provide any results pertaining to the issues listed in the table 3.5 below. The full bibliographical references of the evaluations can be included in an Annex to the national report.

In Estonia, the effectiveness of entry bans has not been evaluated or researched. Thus, we cannot fill in Table 1.5.

Table 1.5: Entry ban's effectiveness

Aspects of the effectiveness of entry bans	Explored in national evaluations (Y/N)	Main findings
Contribute to preventing re-entry	N	
Contribute to ensuring compliance with voluntary return ¹⁸	N	
Cost-effectiveness of entry bans	N	
Other aspects of effectiveness (please specify)	N	

Q14. The following indicators have been developed in order to measure the effectiveness of entry bans as a means for enhancing the ability of (Member) States to carry out sustainable returns, or provide proxy measures of their effectiveness. If your Member State collects any statistics that would permit the population of these indicators, please indicate this is the case and provide the statistics for the last 5 years. The statistics should be provided as a total number from January 1st until December 31st of each year.

Table 1.6: National statistics on entry bans

Indicators (refer to 12 month period, if possible data should be disaggregated by category of third-country national)	Y/N	2009	2010	2011	2012	2013
Number of entry bans imposed : - Total* - imposed by the Police		267	996	1081	507	799

¹⁸ i.e. to what extent does the graduated approach (withdrawal or suspension of the entry ban) contribute to encouraging third-country nationals to return voluntarily

and Border Guard Board**		(104)	(70)	(260)	(281)	(291)
- imposed as international sanctions		(159)	(55)	(775)	(170)	(449)
- imposed by the court		(0)	(5)	(17)	(28)	(41)
- imposed by the Estonian Internal Security Service		(4)	(865)	(23)	(25)	(6)
Number of decisions to withdraw an entry ban***				4+5	10+14	3+12
Number of decisions to suspend an entry ban				2	1	0
Number of persons who are the subject of an entry ban who have been re-apprehended inside the territory (not at the border) ****				13	19	12
Proportion of persons issued an entry ban who have returned voluntarily – out of the total number of persons that were issued an entry ban*****						
Proportion of persons who were not issued an entry ban who have returned voluntarily – out of the total number of persons that were imposed a return decision*****						

*Total number of entry bans imposed by different authorities in Estonia (includes entry ban imposed by the Government, Estonian Internal Security Service, Police and Border Guard Board, Courts, other actors);

** Number of entry bans imposed by the Police and Border Guard Board. Data as of 2011 is related to the entry bans according to Return Directive.

***entry bans withdrawn + term of the entry ban was shorten

**** Statistics is collected based on the order to leave decisions; the real number of the hits might be bigger.

***** This data is not collected.

Source: Police and Border Guard Board

Q15. Please indicate whether your Member State has encountered any of the following challenges in the implementation of entry bans and briefly explain how they affect the ability of entry bans to contribute to effective returns.

Table 1.7: Practical challenges for the implementation of entry bans

Challenges associated with entry bans	Y/N	Reasons
It is difficult to ensure compliance with entry bans on the part of the third-country national concerned	N	
It is difficult to monitor compliance with entry bans	N	
It is difficult to secure the cooperation of other MS in the implementation of entry bans ¹⁹	N	
It is difficult to secure the cooperation of the country of origin in the implementation of entry bans	N	
Other challenges (please specify and add rows as necessary)	Y	<p>Estonia has noted a problem with name transcription, especially with Slavic names, which can be written in different ways. Also some third-country nationals have taken a new travel document with a new name. Because of that there have been some incidents where third-country nationals, who have a valid entry ban, have returned to Estonia or to other Schengen countries with a new name (or name transcription) and therefore no alert has been turned up.</p> <p>To avoid problems with name transcription, Estonia tries to enter to the database possible alias´ of the person´s name.</p>

Q16. Please describe any examples of good practice in your (Member) State's implementation of entry bans, identifying as far as possible the reasons why the practice in question is considered successful. *In the synthesis report, these good practices will be compared and those which appear most transferrable to other Member States will be highlighted.*

Some good practices of the Police and Border Guard Board when imposing an entry ban:

- **Entry bans are not imposed when it would be disproportionate to the returnee and humanitarian reason are taken into account.**
- **Case-officers asses every case individually.**
- **There is a regulation in place to withdraw or suspend the entry ban.**

¹⁹ This could for example relate to problems in the use of the Schengen Information System, and/or the lack of a common system.

- **New regulation allows to revoke the entry ban when irregular migrant has left the country voluntarily, which should facilitate voluntary departure.**
- **One example of good practice to challenges faced by the Police and Border Guard Board is the solution to the problem of name transcription. To avoid problems with name transcription, Estonian officials enter to the SIS and national entry ban databases possible alias´ of the person´ s name.**

Section 2. Readmission agreements²⁰

This section investigates the practical application of EU and separate bi-lateral readmission agreements of EU Member States with third countries. In particular, it attempts to ascertain how frequently EU and bi-lateral readmission agreements are used, any practical challenges Member States have experienced when carrying out return on the basis of readmission agreements and to what extent readmission agreements have been effective in ensuring the removal of irregular third-country nationals.

SECTION 2.1 INSTITUTIONAL SET-UP

Q17. Which authority is responsible for making applications for readmission to third countries in individual cases of forced and or voluntary return?

Estonian Police and Border Guard Board is designated as the competent authority to make applications for readmission to third countries in individual cases of forced return. Usually irregular migrants are returned under the bi- or multilateral readmission agreements if they are already in the enforcement procedure. The current practise of the Police and Border Guard Board is to use the readmission agreements with third countries in cases where the returnee has no valid travel document. In other cases irregular migrants are sent back to a third country not on the basis of a readmission agreements, even there might be an agreement with the respective country. Furthermore, Estonia has with Russia a border representatives agreements. Irregular migrants apprehended at the border are returned according to this agreement. Thus, the numbers of issuing an application under the EU Readmission Agreements are quite modest.

As example countries Estonia chose Russia, Ukraine and Georgia, as these are the main source countries of irregular migrants.

SECTION 2.2 EU READMISSION AGREEMENTS

Q18. Please provide any available statistics on the number of readmission applications that your Member State has submitted on the basis of **EU readmission agreements**. In Table 2.1 you are required to provide statistics on the total number of all readmission applications made based on EURAs. In table 2.2, 2.3 and 2.4 you are required to only provide statistics for the three third countries to which most readmission applications are made. These statistics are to be provided separately for each third country by filling out table 2.1, 2.2 and 2.3 below. Please distinguish, if possible, between own nationals and third-country nationals or stateless persons.

²⁰ Please note that this Section only concerns readmission agreements with third countries and that any other readmission agreements with EEA countries are outside the scope.

Table 2.1: National Statistics on the total number of readmission applications under EU Readmission Agreements

	Total number of readmission applications made based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	7	8	8	7				
Own nationals	7	8	8	7				
Third-country nationals (including stateless persons)	-	-	-	-				

Source: Police and Border Guard Board

Table 2.2: National Statistics on the number of readmission applications made under EU Readmission Agreement to third country 1- Russian Federation

	Number of readmission applications made to third country 1 based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	6	5	3	5				
Own nationals	6	5	3	5				
Third-country nationals (including stateless persons)	-	-	-	-				

Source: Police and Border Guard Board

Table 2.3: National Statistics on the number of readmission applications made under EU Readmission Agreement to third country 2 - Ukraine

	Number of readmission applications made to third country 2 based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	0	3	0	1				
Own nationals	0	3	0	1				
Third-country nationals (including stateless persons)	0	0	0	0				

Source: Police and Border Guard Board

Table 2.4: National Statistics on the number of returns under EU Readmission Agreement to third country 3 - Georgia

	Number of readmission applications made to third country 3 based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	1	0	5	1				
Own nationals	1	0	5	1				
Third-country nationals (incl. stateless persons)	0	0	0	0				

Source: Police and Border Guard Board

Q19. Has your (Member) State experienced any practical obstacles when implementing EU Readmission Agreements? Please answer this question by filling in the table below. Please specify in your answer whether problems are of a general nature and/or only experienced in relation to certain third countries. In case particular problems are experienced only in relation to specific third countries, please indicate which third countries these are (the latter is optional).

Table 2.5 Practical obstacles for the implementation of EU Readmission Agreements

Practical obstacles associated with EU readmission agreements	Yes/No	If yes, please specify whether only in relation to a specific third country, or more of general nature. Also illustrate the obstacle with an example in this column
Countries of origin do not cooperate in general		
Countries do not respect the deadlines	Y	There have been incidents with Russia, where they have not responded at all or within the respected deadline to the applications for readmission. To avoid the problem Estonia sometimes submits the applications for readmission via the Russian Embassy or Estonian Ministry of Affairs.
Countries do not cooperate in relation to readmission applications of third-country nationals (as opposed to own nationals)		

Countries do not cooperate in relation to readmission applications of stateless persons (as opposed to own nationals)		
Countries do not issue travel document to enable readmission/return		
Gaps in own (Member) State's administrative capacity to implement readmission agreement		
Other obstacles (please add columns as necessary)		

Q20. Has your (Member) State conducted any evaluations of the effectiveness of EU and/or its bilateral readmission agreements?

No, Estonia has not evaluated the effectiveness of EU and/or its bilateral readmission agreements. Although we have given its input to the evaluation of the effectiveness of the EU readmission agreements done by the European Commission.

(Yes/**No**) If yes, what issues have the evaluations covered? Please provide any results pertaining to:

Table 2.6 Findings of the evaluations of EU Readmission Agreements carried out by your MS (if applicable)

Aspects of effectiveness	Covered in national evaluations (Y/N)	Main findings
Recognition rates of readmission applications		
Other (please indicate and add rows as necessary)		

Q21. The following indicators have been developed in order to provide (proxy) measures of the effectiveness of EU and bilateral readmission agreements. If your Member State collects any statistics that would permit the population of these indicators, please indicate this is the case and provide the statistics for the last 5 years

Table 2.7: Indicators measuring the effectiveness of EU Readmission Agreements

Indicators(refer to 12 month period, if possible data should be disaggregated by own nationals and third country nationals, including stateless persons)	2009	2010	2011	2012	2013
Number of readmission applications sent	7	7	8	8	7
Number of readmission applications that received a positive reply	4	6	8	7	6

Number of requests for travel documents in the context of a readmission application	4	6	8	7	6
Number of travel documents issued by third country after the positive reply	4	6	8	7	6
Number of persons who were effectively returned	4	6	8	7	6

Source: Police and Border Guard Board

Q22. Please provide an assessment of the added value of the EU Readmission Agreements in facilitating the effective returns in comparison with the period before the EU Readmission Agreements were concluded.

Generally, the EU Readmission Agreements have made the readmission procedure more effective. For a small country, like Estonia, it is difficult to conclude readmission agreements with third-countries, because of the lack of interest of the third-country. Thus, the EU Readmission Agreements ensure the increase of the capability of readmissions for countries who independently cannot conclude agreements with third-countries. Also EU Readmission Agreements guarantee the homogenous return procedure for all EU Member States.

So far, Estonia has use readmission agreements to receive a valid travel Document for the returnee. As seen from the statistics almost all the requests have received a positive replay.

SECTION 2.3 SEPARATE BILATERAL READMISSION AGREEMENTS

Q23. Does your Member State have any separate bilateral readmission agreements in place with third countries? (Yes/No) If yes, please indicate the number of agreements, the third countries concerned, the date of the agreement, and the date of its entry into force

Although Estonia has separate bi- or multilateral readmission agreements with 22 countries (Table A), then only one bilateral agreement is with a country that is considered a third-country in respect of this study. Other separate bilateral agreements are with other EU Member States or EEA countries, which fall out of the scope of this study.

1st September 2013 the bilateral agreement on the Readmission of Persons Residing without Authorisation²¹ between the Government of the Republic of Estonia and the Republic of Kosovo entered into force. The agreement and the implementation protocol of the agreement was signed in Tallinn on 17th May 2013.

The agreement between Estonia and Kosovo regulates the readmission of third-country nationals, stateless persons and both parties' own citizens. According to the implementing protocol the competent authority for readmission operations and for transfer/transit operations is Police and

²¹ Agreement between The Government of the Republic of Estonia and The Government of the Republic of Kosovo on the Readmission of Persons Residing without Authorisation, adopted 17.05.2013, RT II, 10.08.2013, 2, www.riigiteataja.ee

Border Guard Board from the Estonian side and Ministry of Internal Affairs from the Kosovo´s side.

Table A. Bi-or multilateral readmission agreements concluded by Estonia

Country	Country
Kosovo	France
Sweden	Belgium
Romania	Netherlands
Bulgaria	Luxembourg
Hungary	Slovenia
Portugal	Norway
Croatia	Italy
Spain	Iceland
Austria	Finland
Germany	Latvia
Switzerland	Lithuania

Source: Riigi Teataja

Q24. Please provide any available statistics on the number of readmission applications that your Member State has submitted on the basis of separate **bilateral readmission agreements**. Please only provide such statistics for the three third countries to which most readmission applications are made. The statistics are to be provided separately for each third country by filling out tables 2.8. Please distinguish, if possible, between own nationals and third-country nationals or stateless persons. If there have been any instances of voluntary return under the separate bilateral readmission agreements, please indicate this in the last column of the tables:

Table 2.8: National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country Kosovo

	Number of readmission applications made to third country 1 based on separate bilateral readmission agreements				How many have concerned voluntary return?			
	2010	2011	2012*	2013	2010	2011	2012	2013
Total numbers			1					
Own nationals			1					
Third-country nationals (including stateless persons)			0					

* Although in 2012 the Estonia-Kosovo readmission agreement was not enforce yet, an application was issued to Kosovo to take back on citizens who was illegally in Estonia.

Source: Police and Border Guard Board

Q25. Please indicate the most common problems encountered in the implementation of separate bilateral readmission agreements by filling in the table 2.11 below. Please indicate whether problems are of general nature or whether

these are only experienced in relation to specific third countries. In case particular problems are experienced only in relation to specific third countries, please indicate which third countries these are (the latter is optional).

As the readmission agreement with Kosovo is so recent and so few applications are made, then we are unable to share any experiences, challenges in relation to this country.

Table 2.9: Practical obstacles experienced under separate bilateral readmission agreements

Practical obstacles associated with separate bilateral readmission agreements	Yes/No	If yes, please specify whether only in relation to a specific third country, or more of general nature. Also illustrate the obstacle with an example in this column
Countries of origin do not cooperate in general		
Countries do not respect the deadlines		
Countries do not cooperate in relation to readmission applications of third-country nationals (as opposed to own nationals)		
Countries do not cooperate in relation to readmission applications of stateless persons (as opposed to own nationals)		
Countries do not issue travel document to enable readmission/return		
Gaps in own (Member) State's administrative capacity to implement readmission agreement		
Other obstacles (please add columns as necessary)		

Q26. Do any of the separate bilateral readmission agreements signed by your (Member) State include an article encouraging both Parties to promote the use of voluntary return? If yes, please indicate with which countries these agreements have been signed. If no, please confirm whether the agreements focus exclusively on readmission cases involving forced returns.

In the bilateral agreement between Estonia and Kosovo, both parties are confirming their willingness to promote voluntary returns and facilitate the reintegration of the persons concerned, within the limits of their national legislation.

Q27. Does your Member State prefer to use separate bilateral readmission agreements instead of EU Readmission agreements with particular third countries? (Yes/No) If yes, please indicate with which third countries and the reasons for this.

No. Estonia does not have separate bilateral readmission agreements with third-countries with whom EU has concluded these agreements.

Q28. Has your (Member) State conducted any evaluations of the effectiveness of separate bi-lateral readmission agreements?

Estonia has not evaluated the effectiveness of separate bilateral readmission agreements.

(Yes/No) If yes, what issues have the evaluations covered? Please provide any results pertaining to:

Table 2.10: Evaluations on separate bilateral readmission agreements

Aspects of effectiveness	Covered in national evaluations (Y/N)	Main findings
Recognition rates of readmission applications		
Other (please indicate and add rows as necessary)		

Q29. The following indicators have been developed in order to provide (proxy) measures of the effectiveness of separate bilateral readmission agreements. Please provide the statistics for the three third countries to which most readmission applications are made on the basis of such agreements – these should be provided in a separate table for each of the third countries concerned (third country 1 in table 2.11). If your Member State collects any statistics that would permit the population of these indicators, please indicate this is the case and provide the statistics for the last 5 years.

Table 2.11: Indicators measuring the effectiveness of separate bilateral readmission agreement with third country 1 (specify the country concerned)

Indicators (Refer to 12 month period for readmission applications made to third country 1. If possible data should be disaggregated by own nationals and third country nationals, including stateless persons)	2009	2010	2011	2012	2013
Number of readmission applications sent					
Number of readmission applications that received a positive reply					
Number of requests for travel documents in the context of a readmission application					
Number of travel documents issued by third country after the positive reply					
Number of persons who were effectively returned					

Q30. Please provide an assessment of the added value of the separate bilateral readmission agreements in facilitating effective returns in comparison with the period before the separate bilateral readmission agreements were concluded. Please only provide this assessment for the separate bilateral readmission agreements conducted with the three third countries to which most readmission applications are made.

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Section 3. Entry bans and readmission agreements: understanding the synergies with reintegration assistance

In view of the important role that reintegration assistance can play in ensuring the sustainability of returns, this section examines the dependencies that might exist between entry bans and readmission agreements, on the one hand, and reintegration assistance, on the other hand; it also explores the extent to which decision-makers in charge of issuing entry bans and making readmission applications cooperate with the officials in charge of granting / administering reintegration assistance. The answers to these questions will be used in the Synthesis Report to determine whether greater cooperation between the relevant authorities would lead to better outcomes for sustainable return.

Q31. Do the authorities in charge of imposing an entry ban subsequently consult with and/or inform the authorities in the concerned third country to which the individual is to be returned? If yes, at which stage in the process of imposing an entry ban is the third country consulted/informed? And if yes, do third countries subsequently impose travel bans on third-country nationals who were imposed an entry ban?

No.

Q32. Is it possible in your (Member) State for returnees who have been the subject of an entry ban to apply for reintegration assistance? (Yes/No) If yes, please indicate in which circumstances.

In the Voluntary Assisted Return and Reintegration programme (VARRE)²² implemented by IOM Tallinn all beneficiaries who meet the requirements of the programme can apply for the reintegration assistance. Entry ban is not an obstacle for applying reintegration assistance.

Irregular migrants who wish to return to their country of origin voluntarily can apply for the VARRE programme. Irregular migrants who have been issued forced return order (who are already in the enforcement procedure) by the Estonian Police and Border Guard Board, cannot take part of the programme.

IOM is ready to offer in-kind reintegration support in the following fields: small business set-up, work placement, vocational training, education courses, and medical support. IOM Tallinn has supported over 20 reintegration plans during the last 3 years (2010-2013). Among other

²² Since the year 2010, the Estonian representation of the IOM (International Organization for Migration) organises the voluntary return and reintegration programme (VARRE project). The aim of the program is to help the asylum applicants and other migrants staying illegally in the country in their voluntary return to their home country, should they wish to do so. The project is financed by the European Union through the European Return Fund and the Ministry of the Interior of the Republic of Estonia. Webpage: <http://www.iom.ee/varre/about-varre>

countries returnees who have benefited from this support have returned to Georgia, Russia, Ecuador, Belarus, Iran, South Africa, and Turkey.²³

Q33. (If answered yes to question 32), are the competent authorities involved in making decisions about the use of entry bans and granting of re-integration assistance the same? Yes/**No**.

Q34. (If answered no to question 33), have any formal cooperation mechanisms been set up to facilitate coordination? (e.g. Protocols, contracts, conventions, working arrangements, etc.). Yes/No. If yes, please describe.

There are different institutions involved in making decisions about the use of entry bans and granting of reintegration assistance. Reintegration assistance is granted by the IOM Tallinn and entry bans are applied by the Police and Border Guard Board.

However, Estonian Police and Border Guard Board is the official partner for IOM Tallinn in implementing VARRE programme. Thus, there is a close cooperation between those two institutions.

Q35. (If answered no to question 34), do the competent authorities consult with each other when making decisions? If yes, do these consultations take place on a regular basis as a standard practice, or are consultations only made on very few / exceptional occasions?

All VARRE beneficiaries have to be approved by the Estonian Police and Border Guard Board. All VARRE beneficiaries approved by the Police and Border Guard Board have the right to return to his/her home country with the help of IOM and have the right to apply for the reintegration assistance after return in his/her home country.

Q36. Does your (Member) State offer re-integration assistance to returnees who have been removed on the basis of a readmission agreement? Yes/**No**. If yes, please indicate in which circumstances.

Migrants returning under Voluntary Assisted Return and Reintegration programme (VARRE) implemented by IOM Tallinn are not a subject for readmission agreement.

Q37. (If answered yes to question 36), are the competent authorities involved in making readmission applications and granting re-integration assistance the same? Yes/No.

Q not applicable.

Q38. (If answered no to question 37), have any formal cooperation mechanisms been set up to facilitate coordination? (e.g. Protocols, contracts, conventions, working arrangements, etc.). Yes/No. If yes, please describe.

Q not applicable.

Q.39 (If answered no to question 38), do the competent authorities consult with each other when making decisions? If yes, do these consultations take place on a regular basis as a standard practice, or are consultations only made on very few / exceptional occasions?

²³ Reintegration Handbook, IOM, Available at:

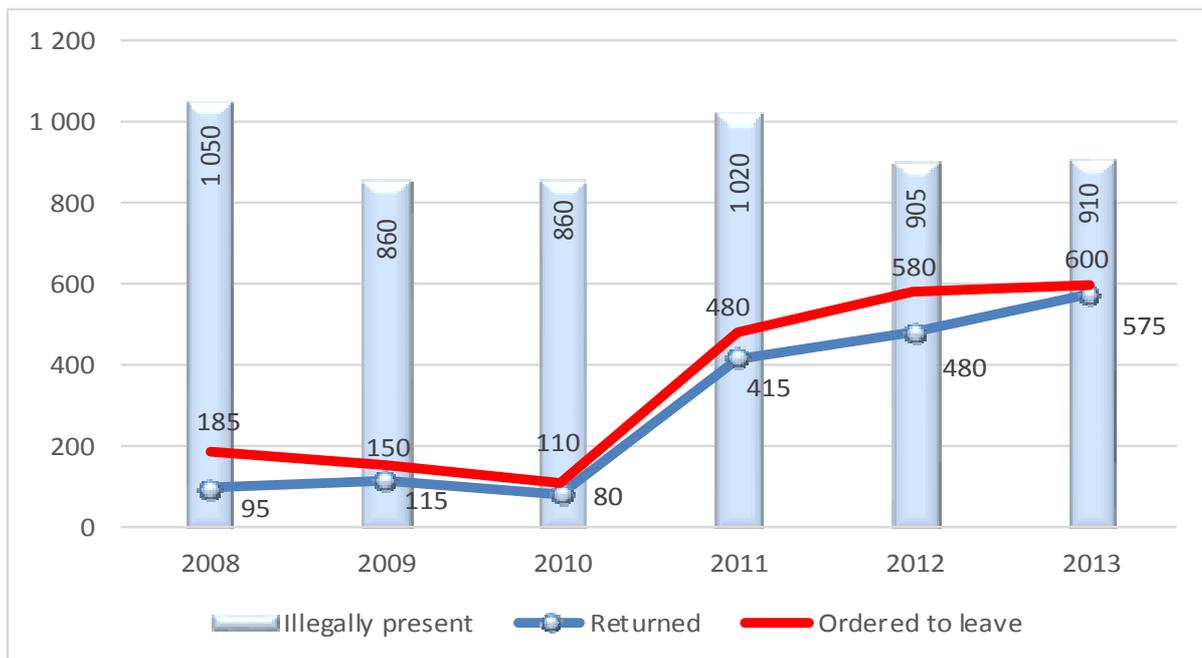
[http://www.iom.ee/varre/failid/File/A65%20VARRE%20Reintegratsiooni%20raamatud%20ENG%20\(3\).pdf](http://www.iom.ee/varre/failid/File/A65%20VARRE%20Reintegratsiooni%20raamatud%20ENG%20(3).pdf)

Q not applicable.

Section 4. Statistics

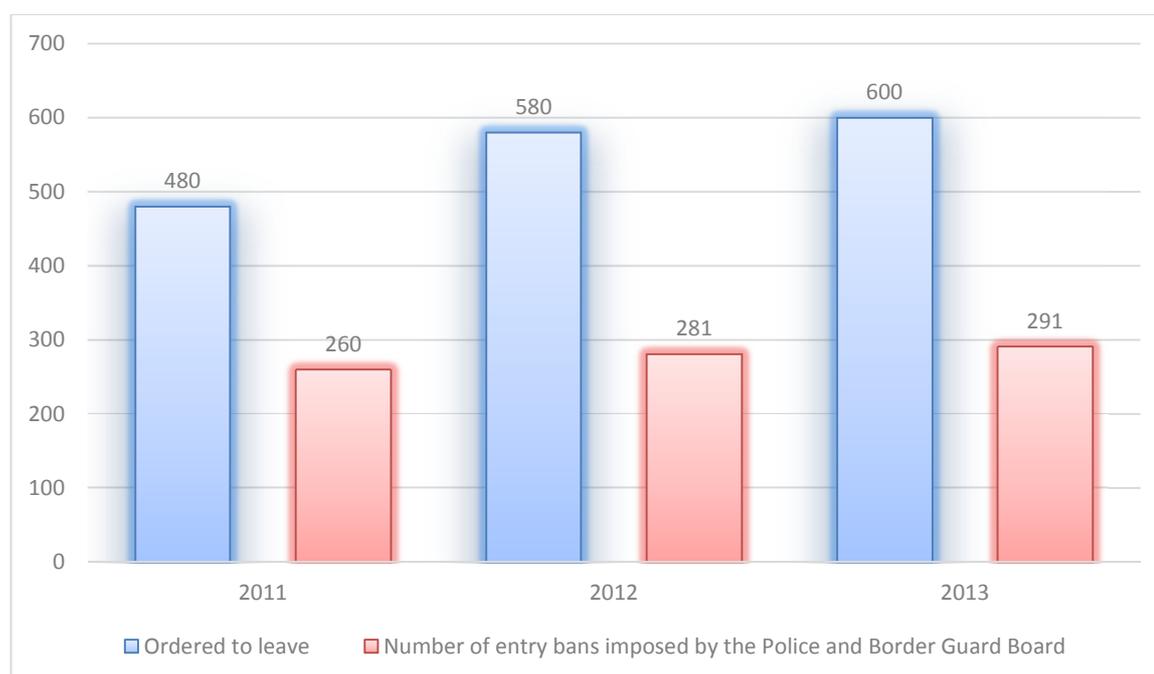
Contextual statistics on number of returns, etc. may be added to this section (besides the specific statistics requested in the body of the report to populate the effectiveness indicators).

Chart 1. Third-country nationals found illegally present, ordered to leave and returned, 2008-2013



Source: Eurostat, tables

Chart 2. Orders to leave accompanied by an entry ban for the year 2011-2013



Source: Eurostat, Police and Border Guard Board

Table 4.1: Number of returns disaggregated by type of return for the years 2009-2013

	2009	2010	2011	2012	2013
Forced Return	67	66	111	155	248
Voluntary Departure	na	na	354	405	397
Assisted Voluntary Departure	na	na	8	29	17

Source: Police and Border Guard Board

Table 4.2: Number of persons returned and returned to third-countries for the years 2008-2013

	2008	2009	2010	2011	2012	2013
Total number of persons returned	95	115	80	415	480	575
Returned to third country	95	115	40	355	375	415

Source: Eurostat_Third country nationals returned following an order to leave - annual data (rounded) [migr_eirtn]_27.03.2014

Table 4.3.: Third-country nationals returned as part of forced return measures for the years 2010-2013

Nationality/year	2010	2011	2012	2013
Total	66	111	155	248
Vietnam			15	76
Russia	16	29	39	50
Georgia	2	12	11	12
Ukraine	1	5	5	9
Pakistan			5	7
UND	4	5	2	7
Romania			5	6
Azerbaijan	1	2	1	4
Iran			0	4
Egypt			2	3
China		4	2	3
Kyrgyzstan			3	3
Turkey	1		2	3
El Salvador				2
Ghana				2
Nigeria				2
USA/Canada			1	2
Albania			1	1
United Arab Emirates				1
Armenia	2	5	5	1
Australia				1
Brazil	1			1
Israel			1	1
Cameroon		1		1
Kazakhstan		1		1
South-Korea				1
Occupied Palestinian territories		1		1
Syria	4		6	1
Thailand				1
Belorussia	2	4		1
Algeria		4	2	
Indonesia			1	
Kosovo			1	
Latvian foreigner	5	6	7	
Nepal			2	
Somalia			1	
Tadzhikistan			1	

Afghanistan	2	5		
Iraq	1	1		
Tanzania		2		
Uzbekistan		1		
Malaysia		1		

Source: Estonian Police and Border Guard Board

Table 4.4. Third-country nationals returned under the assisted voluntary return programme VARRE

Nationality	2010	2011	2012	2013
Georgia	0	1	12	5
Russia	4	1	2	3
Belarus	0	2	7	0
Ukraine	1	1	2	3
Azerbaijan	2	0	0	1
India	0	0	2	0
USA	0	0	1	1
Turkey	0	0	1	1
Iran	0	0	0	2
Mexico	0	0	1	0
Ecuador	0	0	1	0
Armenia	0	1	0	0
Egypt	0	1	0	0
Kenya	0	0	0	1
South Africa	0	1	0	0

Source: IOM Tallinn

Section 5. Key findings/conclusions

The Synthesis Report will outline the main findings of the Study and present conclusions relevant for policymakers at national and EU level.

- **Estonian legislation on entry bans does not expressly point out the grounds for imposing an entry ban. General idea of the legal provisions is that entry ban will be imposed, unless is it disproportionate taking into account every case. Each case is assessed individually by the case-officer before applying an entry ban to a returnee, taking into account age, health, personal, economic and other ties with Estonia and connection with return country, social and cultural integration, impact to the person's family.**
- **In Estonia both types of entry bans can be imposed, i.e. entry bans that apply to the entire Schengen territory or only in Estonian territory. Generally, entry bans that are imposed to an irregular migrant ordered to leave Estonia are entered into the SIS database and they are valid in the entire Schengen area; however the territory may be limited only to Estonia, when necessary and entered to the national database.**

- **Since 2011, when Estonia started to implement the Return Directive (first full year), around half of the orders to leave issued to an irregular migrant has been accompanied by an entry ban. In 2011 260 entry bans were imposed by the Police and Border Guard Board, which makes 54% of the orders to leave issued that year. In the following years´ entry ban accompanied 48% of the orders to leave. Thus, approximately half of the return decisions are accompanied by the entry ban.**
- **There have not been huge challenges with the entry bans imposed by Estonia or other Member States. One challenge that was pointed out by the Police and Border Guard Board is the issue of name transcriptions. Estonia has noted a problem with name transcription, especially with Slavic names, which can be written in different ways. Also some third-country nationals have taken a new travel document with a new name. Because of that there have been some incidents where third-country nationals, who have a valid entry ban, have returned to Estonia or to other Schengen countries with a new name and therefore no alert has been turned up. To avoid problems with name transcription, Estonian officials enter to the database possible alias´ of the person´s name. That can be considered a good practise in the fight of keeping “unwanted” people away from Estonian and/or Schengen territory.**
- **Estonian Police and Border Guard Board is designated as the competent authority to make applications for readmission to third countries in individual cases of forced return. The current practise of the Police and Border Guard Board is to use the readmission agreements with third countries in cases where the returnee has no valid travel document. In other cases irregular migrants are sent back to a third country not on the basis of a readmission agreements, even there might be an agreement with the respective country. Furthermore, Estonia has with Russia a border representatives agreements. Irregular migrants apprehended at the border are returned according to this agreement. Thus, the numbers of issuing an application under the EU Readmission Agreements are quite modest.**
- **In the Voluntary Assisted Return and Reintegration programme (VARRE) implemented by IOM Tallinn all beneficiaries who meet the requirements of the programme can apply for the reintegration assistance. Entry ban is not an obstacle for applying reintegration assistance. However, migrants who are in the enforcement procedure are not eligible for reintegration support. In this regard, IOM Tallinn is cooperating with the Police and Border Guard Board and all VARRE beneficiaries have to be approved by the Estonian Police and Border Guard Board. That can be considered as good practise of cooperation in return procedure.**
