

# ANNUAL REPORT 2015 ON ASYLUM AND MIGRATION POLICY IN ESTONIA

## NATIONAL REPORT (PART 1)

### 1. LEGAL MIGRATION AND MOBILITY

#### 1.1. Economic migration

##### 1.1.1. *Satisfying labour market needs - admission policies*

Please describe any new or planned labour migration admission policies, measures or changes to the existing legislation regarding labour market and skill needs/shortages in relation to the employment of third-country nationals.

*The aim of the Estonia migration policy is to foster the arrival and stay of third country nationals who can contribute to the development of the Estonian society. On February 18th, 2015 the Estonian Parliament approved amendments to the Aliens Act for that purpose. The amendments entered into force in several stages, most of them on 01.01.2016. The amendments included among others the following:*

- *a 90-day transition period after the expiry of the residence permit, during which a person can apply for a new residence permit;*
- *Government will have the power to approve a list of occupations, where labour shortages exists and for hiring a third-country national for these positions Estonian employers are not obliged to pay a salary at least 1.24 times the Estonian average wage; and do not have to get a permission from the Estonian Unemployment Fund;*
- *foreign employees may work simultaneously with several employers. If a foreigner works for more than one employer simultaneously, only the employer who employed the foreigner first, has an obligation to pay the Estonian average monthly gross wage multiplied by a coefficient of 1.24;*
- *restrictions for employment were abolished for third-country nationals staying in Estonia on the basis of temporary residence permit for entrepreneurship;*
- *third-country nationals staying in Estonia temporarily or on the basis of a temporary residence permit have the opportunity to work in Estonia as agency workers;*
- *a third-country national who has acquired a higher education in Estonia in the studies based on integrated curricula of Bachelor's and Master's studies may be issued a residence permit for employment without meeting the requirement for the amount of remuneration to be paid and permission of the Estonian Unemployment Insurance;*
- *a temporary residence permit for employment for the purposes of research may also be issued to a third-country national if an educational institution has a valid institutional accreditation and if the principal activity of the institution entered in the state register of state and local government authorities is research and development;*
- *the permit of the Estonian Unemployment Insurance Fund will no longer be related to a specific person and it may be granted for filling one or several positions with third-country nationals at an Estonian employer.*

*The aim of the amendments was to simplify the conditions of entry for those categories of foreigners who would contribute to Estonian economy and society.*

*In 2015, amendments to the Aliens Act in relation to the harmonization of EU directives 2014/66/EU and 2014/36/EU were drafted. The amendments are planned to be passed to the Parliament for deliberation in 2016.*

### **1.1.2. Efforts to avoid ‘social dumping’**

**Social dumping** refers to the practice where workers from third countries are exploited as “cheap labour” in order to increase profit margins of companies.<sup>1</sup> This would entail measures aimed at ensuring recruitment on the domestic labour market, if it is able to meet demand. It would also entail ensuring equal treatment of third country workers to nationals and EU citizens as regards working conditions, including pay.

Please describe any *new or planned* measures to prevent and/or detect social dumping

*No major developments happened in 2015 to prevent and/or detect social dumping. In general, the labour market test applies to third-country national employees in Estonia. There are some exceptions for occupations, which are important for the development of Estonian economy. Furthermore, a minimum salary threshold is in place, which should be payed, when third-country national is staying in Estonia on a basis of a temporary residence permit for employment. The general salary threshold is 1.24 times of the Estonian averages salary, 1.5 times for the Blue Card holder and 2 times of the averages salary for top specialists. The aim of the salary threshold is inter alia to avoid social dumping.*

*As mentioned in question 1.1.1. one of the amendments made to the Aliens Act which entered into force in 2016, was to exempt those third-country nationals who are hired to occupations where labour shortages is identified, of the requirement to be paid 1.24 times of the average salary in Estonia. For those third-country national a requirement of sector’s average salary in Estonia was set as a minimum.*

### **1.1.3. Facilitating admission**

Please describe any *new or planned* policies / measures to facilitate admission and access of the following categories of migrants. Please concentrate on any additional incentive mechanisms, besides those introduced through the transposition and implementation of EU legislation.

#### **A. Highly qualified workers**

*Amendments to the Aliens Act, that were approved in February 2015 and entered into force in 01.01.2016, included provisions to simplify employment of third-country nationals who have acquired higher education in Estonia. Also, the institutions who are allowed to hire foreign scientists, widened.*

<sup>1</sup> See: <http://www.eurofound.europa.eu/areas/industrialrelations/dictionary/definitions/socialdumping.htm>

**B. Intra-Corporate Transferees (ICTs)**

*Changes related to seasonal work will be introduced with the harmonisation of the Directive 2014/66/EU.*

**C. Seasonal Workers**

*Changes related to seasonal work will be introduced with the harmonisation of the Directive 2014/36/EU.*

**D. Migrants entrepreneurs**

*Amendments to the Aliens Act that were approved in February 2015 and entered into force in 01.01.2016, abolished the restrictions of the employment for third-country nationals staying in Estonia on the basis of temporary residence permit for entrepreneurship. Also, third-country nationals may register their absence from Estonia, if they plan to stay outside Estonia temporarily for the purposes of entrepreneurship.*

**E. Au pairs**

*No changes during the reference period. Changes related to au pairs will be introduced with the harmonisation of the so-called student and researches directive.*

**F. Other**

*N/A*

**1.1.4. Guaranteeing certain rights for third-country nationals who are already legally resident on the territory**

Please describe any new or planned policies / measures or practices to facilitate access to the following:

**A. Long-term residence**

*Requirements for obtaining a long-term resident residence permit was simplified for those foreigners who have settled in Estonia before 1st July 1990 and have factually resided and are residing in Estonia and whose residence in Estonia does not pose a threat to the interests of the Estonian state. These people are exempt from the integration requirement (knowledge of Estonian language on B1 level).*

**B. Equal treatment**

*No changes.*

**C. Intra-EU mobility of third-country nationals between Member States**

*No changes.*

D. *Other*

*No changes.*

### 1.2. **Students and researchers**

Please describe any *new or planned* policies / measures or practices to facilitate greater mobility of students and researchers and towards meeting labour market needs. Please specify any incentive mechanisms for students and researchers, besides those introduced through the transposition and implementation of EU legislation.

*Amendments to the Aliens Act, that were approved in February 2015 and mostly entered into force in 01.01.2016, included provisions to simplify employment of those third-country nationals who have acquired higher education in Estonia. Students in the integrated bachelor and master's programme were added to the list of beneficiaries of the simplified procedure of admission. They may be issued a residence permit for employment without meeting the requirement for the amount of remuneration to be paid and permission of the Estonian Unemployment Insurance.*

*The amendments also included provisions to diminish the differences in admission conditions for researchers and lectures/teachers. The new provision also allows both researcher and lecturers to apply for the temporary resident permit while in Estonia. They are no longer included in under the annual immigration quota. In addition, the institutions who are allowed to hire foreign scientists, widened. A temporary residence permit for employment for the purposes of research may also be issue to a third-country national if an educational institution has a valid institutional accreditation and if the principal activity of the institution entered in the state register of state and local government authorities is research and development.*

*In addition, researchers, lecturers and students will have the right to stay in Estonia for 183 days after the expiry of the residence permit, during which they can apply for a new residence permit in order to find a job or, start entrepreneurship, etc.*

### 1.3. **Family reunification**

Please describe any *new or planned* policies/measures or practices to regulate family reunification-Specifically those to further promote the integration of third-country nationals coming for the purpose of family reunification.

*Amendments to the Aliens Act approved in February 2015 and mostly entered into force in 01.01.2016, included provisions regarding the conditions to issue a temporary residence permit to settle with a spouse.*

*a) In addition to Estonian citizen and a foreigner who have resided in Estonia based on a residence permit for two years, a temporary residence permit to settle with a spouse may also be issued if the spouse is of Estonian origin.*

*b) The cases where the requirement for prior residence of a spouse in Estonia for at least two years is not applied, was widened. The list now includes also foreigners, who have residence permit for studies based on the integrated curricula of Bachelors and Masters studies, as well as a foreigners who have residence permit for employment as lecturers.*

*c) The period of validity of the temporary residence permit to settle with spouse was amended.*

*Also, as of 01.01.2016, the list of persons, who are not included in calculating the fulfilment of the annual immigration quota includes a minor and adult child, parent and grandparent and a ward of an Estonian, to whom a residence permit is issued to settle with the close relative.*

## **1.4. Managing Migration and Mobility**

### **1.4.1. Visa Policy**

Please describe any *new or planned* policies/measures or practices in relation to the implementation of the Visa Code and the Visa Information System (VIS). Specifically describe new developments in relation to biometric visas (share of visas issued which are biometric, regions covered, pilot measures and testing, cooperation between (Member) States' consulates and the set up joint consular services for visas).

*-Inserting biometric identifiers (fingerprints) to the the Visa Information System (VIS) was started according to the VIS roll-out schedule. During 2015, collecting of fingerprints was implemented also in regions where Estonian representations collect majority of Estonian visa applications – in Russia, Belarus and Ukraine (more that 90% of Estonian visa applications are lodged in these three countries). On November 20, 2015, VIS was implemented in all regions and since that date all Estonian representations are collecting fingerprints according to the Visa Code art. 13. Implementation of VIS allows to obtain swiftly the information about visas issued, refused, annulled or revoked by other Member States.*

*-In January 20th, 2016, the visa consultation mechanism VISION was changed for VISMail2. The VIS Mail provides direct and secure visa information exchange channel for communication with other Member States.*

*For Estonia, these changes went smoothly, no problems were encountered in obtaining biometrics or processing and issuing visas, as well as in the work of visa info systems (national and VIS).*

*-In 2015, Estonia started a 3-year training program for employees dealing with processing of Schengen visa applications funded by the Internal Security Fund. During the first year two training courses were organized – one for employers of Estonian Embassies and Police and Border Guard Board (hereinafter PBGB) who deal with collecting fingerprints from visa applicants and the other for consuls examining Schengen visa applications in Estonian representations.*

- For the improvement of the national visa info system the following functionalities are planned to be added/developed: a project of VIS' log inquiries; development of VIS Playground for SMIT<sup>2</sup> (improvement to the test environment for testing and developments of the VIS); development of the reference system of the EURODAC fingerprint biometrics to the VIS in the framework of the asylum application procedure; reengineering the national visa info system, etc.

- a) Please report on any relevant **2015 progress** in relation to cooperation between (Member) State consular services and the set-up of **new** joint consular services for visas by listing the visa representation agreements signed and the (Member) States involved in the Table below.

(Member) State with which the visa representation agreement exists	Country acting as representative
Sweden	Sweden Embassy in Lusaka (Zambia)

#### **1.4.2. Schengen Governance**

Please describe any *new or planned* developments in relation to Schengen Governance. Where relevant, please include any (planned) actions in relation to the new Schengen acquis, temporary suspension of Schengen, developments in relation to Regulation (EU) No 1342/2011 facilitating border crossing for Kaliningrad area etc.

*Nothing to report.*

#### **1.4.3. Ensuring that all Member States have efficient migration management systems in place in order to be prepared for fluctuating migration pressures**

- a) Please describe any specific measures undertaken to address unexpected movements of third country citizens to your own country (including contingency planning in the field of asylum)
- b) Please provide any evidence of the effectiveness of these measures, where available.
- c) Please describe any challenges faced by your Member State while implementing such measures – particularly during the migrants and refugees influx experienced in 2015.

*Estonia has in place an action plan, which is regulating cooperation of different government authorities in case of mass influx of refugees. In the event of mass influx of refugees, the degree of the Police and Border Guard Board's Director General on dealing with mass influx of refugees, is followed. This degree was updated and renewed in May 2015. In relation to the rapidly changing situation in the migration crisis, the degree is reviewed regularly and modified according to the changing situation.*

<sup>2</sup> IT and Development Centre of the Ministry of the Interior, [www.smit.ee](http://www.smit.ee)

## 2. INTEGRATION

### 2.1.1. Promoting integration through: socio-economic participation

Please describe any *new or planned* policies/measures or practices to facilitate integration of migrants (including vulnerable migrants, refugees and beneficiaries of subsidiary protection) through socio-economic participation including:

A. Measures to enhance migrants' language skills to improve attainment in the education system;

*According to Estonian Basic Schools and Upper Secondary Schools Act<sup>3</sup> local municipalities are obligated to arrange obligatory education (up to 9 grade or up to the age 17 from the age 7) for every child who lives in the administrative territory. Estonia has currently approximately 600 students in general education who have arrived in the country less than 5 years ago (including less than 20 refugees). Out of around 550 general schools, about 50 have experience and competence in teaching newly arrived immigrant students. As global migration flows grow, Estonian schools aim to improve their preparedness for arrivals from the third countries. Semi-governmental foundation Innove<sup>4</sup> has developed ABC-training for schools that accept first time newly arrived children, especially refugees. Training includes first steps into language immersion; supervision and mapping of school-level resources. There will be also need-based implementation mentoring during the first year. ABC-training has been very well received by schools. There are more additional training courses available in Innove's Language Immersion Centre both for schools and for kindergartens that will enable newcomers to gain ability to communicate in Estonian already within half a year.*

*Every grown up has right to obtain basic and secondary education. Non-stationary learning possibilities and adult-gymnasiums give flexible possibilities for persons with any educational special needs, including the newly arrived immigrants. Some adjustments have been made for making legislative framework more flexible for the adult learners, e.g. individual curriculum will have more implementation possibilities, and there will be possibility to enter upper secondary school without certificate from the basic schools. Competencies of the candidates will be evaluated. In the near future adjustment of several implementation acts will be made for making school documentation requirements more flexible.*

*In 2016 adult gymnasiums with the help from the Ministry of Education and Research and foundation Innove are ready to „play through“ language teaching for the illiterate third country citizens.*

*From autumn 2015 Estonia provides a Welcoming Programme<sup>5</sup> for all people with legal residency in Estonia for less than five years. The overall aim of the programme is to provide information and improve the abilities of the migrants to access services and exercise rights granted by laws. One of the eight training modules of the programme is level-A1 language course for adults.*

B. Migrant access to social security, healthcare and housing

<sup>3</sup> RT I, 31.12.2015, 15 (came into force 01.01.2016), <https://www.riigiteataja.ee/en/eli/513012014002/consolide>

<sup>4</sup> See: <http://www.innove.ee/en>

<sup>5</sup> Welcoming Programme is initiated by the Ministry of the Interior, and financed by the European Social Fund and the Asylum, Migration and Integration Fund, and the Ministry of the Interior. For more information about the content of the Welcoming Programme see: <https://www.siseministerium.ee/en/news/trainings-within-framework-welcoming-programme-newly-arrived-immigrants-began>

*The immigrants have the same rights for social security, healthcare services and housing as do the other permanent residents. However, up to now one has to have worked in Estonia for at least fifteen years to be entitled to receive the old-age pension. The minimum precondition of receiving the basic pension which could serve as an alternative to the old-age pension is that the person has legally resided in Estonia for at least five years immediately before retiring.*

*Up to now, the elderly migrants do not automatically have health insurance coverage in Estonia. Pensioners' health insurance coverage is linked to their reception of pensions from Estonia. Currently Estonian Parliament discusses the proposal that would terminate those shortcomings in the second half of 2016.*

*In the framework of the Welcoming Programme, all immigrants are offered one-day training module on state provided services and assistance, including knowledge on issues related to social security, healthcare, housing and labour market integration possibilities<sup>6</sup>.*

#### C. Migrant integration into the labour market

*One training module ('Working and Entrepreneurship') of the Welcoming Programme was designed to help immigrants accommodate to Estonian society through acquiring knowledge about living, working and doing business in Estonia<sup>7</sup>.*

*Due to changes in the Act on Granting International Protection to Aliens (hereinafter AGIPA), that came into force in April 2015<sup>8</sup>, an applicant of international protection may take employment in Estonia if the decision on his or her application for international protection has not entered into force within six months as of the submission of the application for international protection due to reasons beyond the applicant's control. An applicant for international protection may take employment in Estonia until the termination of the proceedings of his or her application for international protection. Before 2<sup>nd</sup> April 2015, this period was 1 year.*

#### **2.1.2. Promoting integration through participation: rights and obligations, achieving equal treatment and belonging:**

Please describe any *new or planned* policies/measures or practices to facilitate integration of migrants (including vulnerable migrants) through improving rights and obligations, achieving equal treatment and belonging. For instance, consider measures to increase the participation of migrant representatives (including women) in the design and implementation of integration policies; outreach programmes and work placements to build capacity within migrant organisations and encourage support at local level; and measures to enhance democratic participation, for example, training mentors etc.

*In 2015 Estonian Integration and Migration Foundation<sup>9</sup> was working on the promotion of equal treatment of immigrants in the labour market, e.g. informing those with a different mother tongue than Estonian of their career opportunities in the public sector organisations. Seminars on this*

<sup>6</sup> For a description of the training module 'Family Life' see:

[https://www.siseministeerium.ee/sites/default/files/dokumendid/kodakondsus\\_ia\\_ranne/family\\_life.pdf](https://www.siseministeerium.ee/sites/default/files/dokumendid/kodakondsus_ia_ranne/family_life.pdf)

<sup>7</sup> For a description of the training module 'Working and Entrepreneurship' see:

[https://www.siseministeerium.ee/sites/default/files/dokumendid/kodakondsus\\_ia\\_ranne/working\\_and\\_entrepreneurship.pdf](https://www.siseministeerium.ee/sites/default/files/dokumendid/kodakondsus_ia_ranne/working_and_entrepreneurship.pdf)

<sup>8</sup> Act on Granting International Protection to Aliens, RT I, 23.03.2015, 27, [www.rigiteataja.ee](http://www.rigiteataja.ee)

<sup>9</sup> See: <http://www.meis.ee/eng>

*issue were held in cooperation with Tallinn Technical University, and Responsible Business Forum in Estonia.*

*In 2016 information seminars of workplace diversity and equal treatment continue alongside the development and distribution of interactive information channels targeting employers as well as employees of multi-ethnic organisations. In December 2015 the Ministry of Culture and the Ministry of Social Affairs joined with the 'diversity agreement' of the Estonian Human Rights Centre in order to esteem and support the principles of equal treatment and diversity in public sector work organisations and society more broadly.*

### **2.1.3. Promoting integration of specific groups**

Please describe any new or planned policies/measures or practices to facilitate integration of specific groups of migrants, such as beneficiaries of international protection, labour migrants (both highly-skilled and low-skilled if there are measures in place), UAM, family migrants etc.

*As of August 2015, in order to support foreign nationals who have migrated to Estonia to settle in, and to acquire primary knowledge and skills, Estonia offers all new arrivals the opportunity to participate in an introductory Welcoming Programme. While the basic training module targets all arrivals, more specialised modules have been devised for different migrant groups<sup>10</sup>:*

*The beneficiaries of international protection are provided information on e.g.: the terms and conditions for granting and extending residence permits; social welfare, incl. services and benefits provided by the state and local authorities; financial literacy; access to education, opportunities for continuing education; and work culture.*

*People interested in working and entrepreneurship are provided information on e.g.: the legal bases for living in Estonia; how to find a suitable job; labour mobility within the EU; the labour law, the employee's rights and duties in an employment relationship; Estonian tax system; unemployment insurance and health insurance; work culture; Estonian pension system; opportunities for in-service training; opportunities for starting a business; as well as work-related and business-related services for foreign nationals.*

*Pupils and students who come to study in Estonia are given an overview of e.g.: the terms and conditions of the grant, acquisition or extension of residence permits and right of residence; student and academic networks; organisation of the Estonian education system, incl. general education, vocational training, professional higher education; organisation of research and higher education; study culture; traineeship opportunities during and after studies; working during and after studies; and labour market services for finding a job after studies, incl. recruitment portals.*

*Researchers, lecturers, PhD students are provided information on e.g.: Estonian research institutions and their functions; academic networks and organisations; research funding schemes; as well as teaching practices applied at Estonian universities.*

*People having come to Estonia for family reasons are given an overview of e.g.: the legal bases for living in Estonia; family benefits in Estonia; parental benefit and parental leave; registering one's child for a school or a kindergarten; pension system; education system; the rights and duties of*

<sup>10</sup> See the descriptions of all the modules of the Welcoming Programme here: <https://www.siseministeerium.ee/en/welcoming-programme>

*children and parents; social services and allowances in Estonia; labour market services and employment mediation portal.*

*Children and young people are supported in their accommodation to Estonian society through providing them with knowledge about e.g.: Estonia's history, geography, nature; the culture, traditions and customs of Estonians; recreational habits and opportunities; the rights of children; opportunities to get help in an emergency; as well as legal prohibitions and restrictions for children and young people.*

#### **2.1.4. Non-discrimination**

Please describe any *new or planned* relevant activity, legal or policy development and related actors that concerned promotion, implementation and monitoring of non-discrimination policies, in particular on grounds of ethnicity, race or others that would be particularly relevant for third-country nationals. Specifically mention any measure beyond those introduced through the transposition and implementation of EU legislation.

*In February 2015 the Government approved the implementation of a strategy for preventing violence for years 2015-2020<sup>11</sup>. Throughout activities, the needs of the victims are focussed at, to prevent secondary victimisation and discrimination. Police officers, prosecutors, probation officers, prison employees, judges and advocates will be trained on gender-sensitive victim centred approach.*

*Estonia is making preparations to ratify the Convention on Preventing and Combating Violence against Women and Domestic Violence<sup>12</sup> in 2017. Preparations have been made to amend domestic legislation in order to implement the duties deriving from the said convention.*

*Estonia has been preparing a legal amendment in order to bring the definitions and sanctions of incitement of hatred related offences in line with the EU Framework Decision on combating racism and xenophobia<sup>13</sup>, and to assure hate motive is considered an aggravating circumstance.*

*In 2015 a working group met (summoned by the Ministry of Justice and Police and Border Guard Board for improving the data collection system of reported cases of hate crime. The aim of the amendments is to create a more extensive overview of reported and recorded hate crime cases, raise awareness of the general public of prevalence of hate crime and analysing the data for crime prevention. It is possible also today to mark 'racist' motive in case of a registered offences.*

*Estonia has registered notification with the European Commission of transposition of the Victims' Rights Directive<sup>14</sup> by January 2016. Amendments entered into force in January 2016. In 2016 a new training programme (offered by the Estonian Academy of Security Sciences) on the topic of sensitive and respectful treatment of victims of crime starts for law enforcement official, victim support workers, judges etc.*

<sup>11</sup> The strategy for preventing violence for years 2015-2020 is coordinated by the Ministry of Justice. See the strategy document (in Estonian): [http://www.kriminaalpoliitika.ee/sites/www.kriminaalpoliitika.ee/files/elfinder/dokumendid/ves\\_2015-2020\\_1.pdf](http://www.kriminaalpoliitika.ee/sites/www.kriminaalpoliitika.ee/files/elfinder/dokumendid/ves_2015-2020_1.pdf)

<sup>12</sup> See: [http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures?p\\_auth=p0S410wA](http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures?p_auth=p0S410wA)

<sup>13</sup> Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law. See: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3A33178>

<sup>14</sup> Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. See: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32012L0029>

### 2.1.5. *Cooperation, consultation and coordination of stakeholders and promoting action at local level*

Please describe *new or planned* relevant activities on the integration of migrants involving the active participation of local authorities and/or civil society. Measures might include activities addressing integration challenges in disadvantaged urban areas; improving multi-level cooperation between different levels of governance (e.g. national, regional, local government); granting voting rights in local elections.

Please describe any *new or planned* additional information on the processes for cooperation, consultation and coordination of national, regional and local authorities, including civil society, countries of origin and with EU level institutions and actors.

*The Estonian Ministry of the Interior has gathered a wide array of actors from the non-governmental sphere in order to better address the changing migration situation in Europe, and to facilitate better policy planning and enactment. All relevant public actors and a wide range of local and non-governmental organisation meet regularly to both plan activities related to beneficiaries of international protection, and to share information and cooperate on activities aimed at beneficiaries of international protection, but also the public, regarding openness to multiculturalism. Those meetings can be regarded as an efficient steering mechanism in policy planning, and also participation of relevant stakeholders who deliver services either with state or private funding. In autumn 2015 the Ministry of the Interior also facilitated a country-wide series of meetings of ministers and high level officials with local actors and citizens, to explain the changing migration circumstances in Europe. Meetings were met with interest; communication activities as such will be continued in 2016.*

### 2.1.6. *Involvement of countries of origin*

Countries of origin may play a role in the integration of migrants before departure, during stay in the EU, and on return.

Please describe any *new or planned* policies/measures or practices to support integration involving countries of origin at any / all of these stages. For example, pre-departure measures may include provision of information on visas and work permits, language training, vocational training, recognition of qualifications and skills; measures during stay may include support to diaspora communities, promotion of transnational entrepreneurship, increasing trade between countries of origin and stay; measures to support return may include developing a rights-based framework for re-integration and for temporary and circular migration.

*There has been no significant development in this field.*

## 3. PROMOTION, INFORMATION AND AWARENESS RAISING

### 3.1. Routes to and conditions of legal migration

Please describe any *new or planned* policies/measures or practices to improve the provision of information on the routes to and conditions of legal migration for third-country nationals

(information campaigns, websites, specific centres, etc.), referring to any approaches that combine information with pre-departure measures.

*Several websites have been launched by the Government in recent years to distribute information among potential immigrant groups about Estonia and its regulations and possibilities. In 2015 the content of all the latter portals was updated: 'Work in Estonia'<sup>15</sup> targeting foreign highly skilled specialists; 'Invest in Estonia'<sup>16</sup> targeting businessmen and potential investors; 'Study in Estonia'<sup>17</sup>, aiming for international students; and 'Research in Estonia'<sup>18</sup>, targeting researchers and postgraduate students.*

*Furthermore in 2015 Integration and Migration Foundation continued to support smooth integration of the foreigners by providing information<sup>19</sup> on a variety of integration issues (e.g. Estonian state and country; rights, duties, freedoms and limitations; Estonian citizenship and living in Estonia; safety and national defence; healthcare and social affairs; education and lifelong learning; family and home; civil society, every day and free time; labour market and entrepreneurship; as well as Estonia and the European Union). Individual E-counselling was offered to the third country nationals abroad interested in coming to Estonia, face-to face counselling in the centres in Tallinn and Narva was available for those already in Estonia. Counselling was and continues to be conducted in Estonian, English, and Russian*

### 3.2. Prevention of unsafe migration

Please describe any new or planned policies/measures or practices responding to the objective of prevention of unsafe migration from third countries of origin and transit (information campaigns, websites, projects with grass-roots NGOs or involving the diaspora, etc.).

*There have been no significant developments in this field.*

### 3.3. Awareness raising in the host society

Please describe any new or planned policies/measures or practices aimed at raising awareness on the phenomenon of migration in the host societies / countries of destination (information campaigns, websites, etc.).

*Through the website 'Work in Estonia'<sup>20</sup>, Estonian Government encourages employers to work on attracting foreign specialists into the Estonian labour market, and has made it easier for companies to hire and retain highly qualified specialists. Employers can advertise their job offers in the 'Work in Estonia' website. There are also instructions for getting job advertisement uploaded into EURES portal<sup>21</sup>, as well as links to recruitment companies working internationally. The website, as well as a newsletter linked to it provides employers with information on training and retaining the foreign-born employees, relevant practical tools, legal matters and upcoming events.*

<sup>15</sup> See: <http://www.workinestonia.com/>

<sup>16</sup> See: <http://www.investinestonia.com/>

<sup>17</sup> See: <http://www.studyinestonia.ee/>

<sup>18</sup> See: <http://researchinestonia.eu/>

<sup>19</sup> Information on Integration and Migration Foundation's counselling centres, as well as opportunities for E-counselling can be reached here: <http://www.integratsiooninfo.ee/en/>

<sup>20</sup> See: [www.workinestonia.com](http://www.workinestonia.com)

<sup>21</sup> Access to European Job Mobility Portal: <https://ec.europa.eu/eures/public/homepage>

*In 2015, in the background of migration crisis, the website of the Ministry of the Interior<sup>22</sup> provided Estonians with information on the state's practical preparedness and schedule for implementing the EU plan for relocating and resettling beneficiaries of international protection to Estonia. The webpage continues to be updated regularly in 2016. Ministry of Social Affairs seconds by giving in its website an overview of the various support services available for the beneficiaries of international protection, and organisations responsible for practical provisions of those services<sup>23</sup>. In their public presentations Estonian cabinet members continuously, explain to Estonians the importance of showing solidarity with refugees as well as with the Member States under intense immigration pressure due to conflicts in the regions close by. Those explanations are needed because before 2015 the topic of international protection had not been so prominent, and many Estonians had rather modest awareness about the dire reasons people leave their homes.*

*The welcoming programme's webpage [www.settleinestonia.ee](http://www.settleinestonia.ee) was launched in 2015, and will be amended with additional information for new arrivals on many practical topics related to living in Estonia (e.g. information about practical questions regarding work, studying, children, benefits, labour market, taxation etc and service providers) in English and Russian in 2016.*

#### 4. IRREGULAR MIGRATION AND RETURN

##### 4.1. Enhanced border management at the external borders

In responding to each of the questions below, please wherever possible state what type of border the measure specifically affects.

##### 4.1.1. ***Border control measures: technology, equipment and infrastructure, including systems linked to EU instruments and actions to coordinate different types of border checks (e.g. such as the introduction of new IT systems, advanced passenger information systems, surveillance equipment, automated border controls and fast track lanes, etc.)***

*- In 2015, PBGB introduced a new national border control database PIKO that allows making real-time inquiries in border crossing points into both Estonian and international databases, thus making the verification of border crossers easier and faster. PIKO was developed in cooperation with the PBGB and the IT and Development Centre of the Ministry of the Interior (SMIT), the project was financed through the European External Borders Fund (EBF)<sup>24</sup>.*

*- Although the Ministry of the Interior in cooperation with the PBGB initiated the development of the Passenger Information System for air passengers in 2014, the development phase was completed in 2015. System would considerably simplify the work of Estonian law enforcement agencies in the prevention and investigation of crimes. Since 1 January 2016 the airlines started to transmit the passenger name records (PNR) to the PBGB. Collected PNR forms a single Passenger Information System database BRIIS. The system can be accessed only by a limited number of officials based on direct professional needs. This includes the staff of the Estonian Internal Security Service, the Information Board, the Police and Border Guard Board and the Estonian Tax and Customs Board. Official use of PNR provides significant added value to the fight against terrorism and serious crime as well as strengthens the prevention, detection and investigation of breaches of*

<sup>22</sup> See in English: <https://valitsus.ee/en/refugees>, and in Estonian: <https://valitsus.ee/et/pagulased>

<sup>23</sup> See in Estonian <https://www.sm.ee/et/teenused-ja-toetused-pagulastele>

<sup>24</sup> ERR News 19.3.2015, accessible in the Internet: <http://uudised.err.ee/v/eesti/e87de45b-b538-4469-8005-6b4496b6f3db>

*the law and prosecution. The verification of PNR against available databases of wanted persons and objects enhances the possibility to collect evidence, find associates of criminals and unravel criminal networks. For example, the processing on PNR helps to capture drug smugglers and combat trafficking in human beings, money laundering, and terrorism in general<sup>25</sup>.*

*- The construction of Estonian-Russian external borders continued in 2015 with an aim of increasing the effectiveness of external border security through the improvement of infrastructure. In total 700 border posts and 167 floating boundary markers will be installed for the demarcation of the Eastern external border of Estonia. The demarcation of the border requires an investment of about 2.18 million EUR in 2015-2019, thereof 500,000 EUR in 2015 and 780,000 EUR in 2016<sup>26</sup>.*

*- At the end of 2015, the Ministry of the Interior allocated half a million EUR for purchasing multi-rotor UAVs, which will be used for border control across the Estonian Eastern external border. These drones should assist operatively to detect and establish any border crossings in unauthorized places; in addition, they provide the patrols with a significantly better overview of any illegal activities in the border area. Information collected by the drones can be used as evidence in proceedings of border-related offenses – whether they relate to illegal or not intentional crossing, smuggling, human trafficking or any other cross-border crime<sup>27</sup>.*

*- In order to strengthen the Estonian border control the Ministry of the Interior has allocated 3.6 million EUR to the PBGB for purchasing 96 patrol cars, 63 off-road vehicles, including 10 UTVs, 23 snowmobiles, 4 trailers and 26 terrain bikes. This equipment should be delivered at the beginning of 2016<sup>28</sup>.*

*- In the summer of 2015, the works were commenced for the construction of a new border guard station at Piusa that should be operational by the spring of 2016. This new station should ensure better working conditions for border guards in the Eastern-Estonia region<sup>29</sup>.*

*- The reconstruction of the Narva Road border-crossing terminal for cars, busses and pedestrians was completed at the beginning of July 2015, allowing people to cross the border more quickly and conveniently and contributing to the development of entrepreneurship and tourism in Ida-Viru County<sup>30</sup>.*

#### **4.1.2. Border control measures: other activities to improve the effectiveness of controls at external borders (e.g. training and policy)**

Please describe any relevant (planned) developments to ensure more effective control of the external borders, such as reinforcing border control staff, providing training, increasing overall resources, introducing action plans or protocols, etc.

<sup>25</sup> Postimees 20.2.2015, accessible in the Internet: <http://arvamus.postimees.ee/3093239/oleg-staniglazov-lennureisijate-broneeringuinfo-sustee-tohustab-kriminaalluuret>

<sup>26</sup> Postimees 23.9.2015, accessible in the Internet: <http://www.postimees.ee/3338647/eesti-vene-piiri-tahistamine-maksab-neljal-aastal-ligi-2-18-miljonit-eurot>

<sup>27</sup> Postimees 14.12.2015, <http://www.postimees.ee/3434609/riik-ostab-idapiiri-valveks-poole-miljoni-eest-droone>

<sup>28</sup> Lõunaestlane 11.11.2015, accessible in the Internet: <http://lounaestlane.ee/piirivalve/item/4620-piirivalve-tugevdamiseks-ostetakse-hulk-uusi-soidukeid>

<sup>29</sup> Government of the Republic, Ülevaade Valitsuse tegevusprogrammi täitmisest 2015. a., accessible in the Internet: [https://valitsus.ee/sites/default/files/content-editors/arengukavad/valitsuse\\_tegevusprogrammi\\_taitmise\\_aruanne\\_2015.pdf](https://valitsus.ee/sites/default/files/content-editors/arengukavad/valitsuse_tegevusprogrammi_taitmise_aruanne_2015.pdf)

<sup>30</sup> Government of the Republic, Ülevaade Valitsuse tegevusprogrammi täitmisest 2015. a., accessible in the Internet: [https://valitsus.ee/sites/default/files/content-editors/arengukavad/valitsuse\\_tegevusprogrammi\\_taitmise\\_aruanne\\_2015.pdf](https://valitsus.ee/sites/default/files/content-editors/arengukavad/valitsuse_tegevusprogrammi_taitmise_aruanne_2015.pdf)

- *Special border control task force, to carry out special (e.g. emergency) operations were established in Estonian external border prefectures in 2015. Also, the construction works of the Estonian external border were continued in order to raise the effectiveness of external border security through the improvement of border infrastructure.*

- *In 2015, a large number of trainings were carried through aimed at solving various situations related to the surveillance of external borders and massive immigration. For example, the Estonian Academy of Security Sciences organized the virtual training 'Nehalennia 2015', based on a role-play, the goal of which was to develop the readiness of the PBGB's operational and tactical level and local authorities to cope with the management and resolving of a massive immigration situation. Representatives of the Estonian Academy of Security Sciences, the PBGB, the Rescue Board, local authorities, the Ministry of Social Affairs and the Red Cross participated in this training<sup>31</sup>.*

- *In October 2015, the Government of Estonia presented to the Parliament the Estonian-Russian border agreement between the Republic of Estonia and the Russian Federation and the draft ratification act of the maritime delimitation agreement of the Narva River and the Gulf of Finland between the Republic of Estonia and the Russian Federation. These agreements determine the border between the Republic of Estonia and the Russian Federation and delimit the sea areas of the Narva River and the Gulf of Finland between these countries<sup>32</sup>.*

#### **4.1.3. Preventing and combating irregular immigration by ensuring reinforced cooperation with third countries in the area of border management.**

Please list any 2015 or planned agreements, and other forms of bilateral and multilateral cooperation with third countries with an objective to strengthen the operational capacity in combatting irregular migration and controlling of external borders.

<b>Title of agreement (where relevant)</b>	<b>Third country (countries) with whom the cooperation exists</b>	<b>Description (e.g. provision of border equipment, training of border guards, etc.)</b>
-	-	-

*Estonia did not conclude any bilateral or multilateral agreements in 2015.*

#### **4.2. Better tackling of misuse of legal migration channels**

Please describe any measures introduced to prevent and tackle:

<sup>31</sup> Postimees 17.6.2015, accessible in the Internet: <http://www.postimees.ee/3228157/sisekaitseakadeemias-toimub-oppus-kuidas-kaituda-massilise-sisserande-korral>

<sup>32</sup> Government of the Republic, Ülevaade Valitsuse tegevusprogrammi täitmisest 2015. a., accessible in the Internet: [https://valitsus.ee/sites/default/files/content-editors/arengukavad/valitsuse\\_tegevusprogrammi\\_taitmise\\_aruanne\\_2015.pdf](https://valitsus.ee/sites/default/files/content-editors/arengukavad/valitsuse_tegevusprogrammi_taitmise_aruanne_2015.pdf)

*For combating illegal work, the PBGB has mapped the problematic sectors and activities on an annual basis. Based on this mapping exercise, the migration officials will pay special attention to the verification of these sectors and activities in the next year.*

*In 2015, the PBGB also signed a cooperation agreement with the Labour Inspectorate to carry out joint inspections of illegal employment, including the detection of cases of trafficking and to enhance inter-agency information exchange and risk analysis capabilities.*

*The PBGB continued to foster cooperation with the Estonian Tax and Customs Board to improve the detection of illegal employment, carry out joint inspections and develop inter-agency analysis capability. As rising unemployment may continue to increase the risk of illegal employment, the promotion of cooperation with other agencies and employers is a key task in this area<sup>33</sup>.*

*On 1 January 2016, amendments to the Aliens Act came into force, which contribute to the prevention of illegal stay/work:*

*The extension of the validity period of a temporary residence permit for the participation in criminal proceedings – If a foreigner proves that he has the right to demand unreceived remuneration for employment in Estonia from the employer, the PBGB may extend the temporary residence permit for participation in criminal proceedings until payment of remuneration in the case the stay in Estonia of the a foreigner contributes to the performance of the obligation to pay remuneration<sup>34</sup>.*

*- Employer's obligations regarding the employment of a foreigners – Formerly it was provided that an employer was required to verify that a foreigner who was employed by the employer had a legal basis for the employment in Estonia, but pursuant to the amendments the all employers are required to verify that the a foreigner has a legal basis for the stay in Estonia<sup>35</sup>.*

*Amendments added new provisions on the obligations of employer in case of employment of a foreigner staying illegally in Estonia – An employer who enabled employment in Estonia of a foreigner who is staying in the state illegally is required to pay the total remuneration unpaid to a foreigner, including the taxes and payments withheld from the wages and salaries under the law and, where necessary, the expenses which are related to the sending of the remuneration to the alien who has returned or been removed. Also, if a foreigner does not bear the procedural costs or the expenses of the compulsory execution of the obligation to leave, including the keeping of a person to be expelled in the detention centre or police house of detention, the employer is required to compensate for the specified costs but not more than in the amount of 32,000 EUR<sup>36</sup>.*

#### **4.2.1. Irregular migration caused by visa liberalisation**

- a) Please describe any measures introduced to monitor the effects of visa free regimes in your Member State.

<sup>33</sup> Postimees, E. Russak, 29.2.2016, accessible in the Internet: <http://arvamus.postimees.ee/3600827/ele-russak-tegelikult-saadetakse-elist-valja-keskmiselt-vaid-ligi-pool-lahkumiskohustusega-valismaalastest>

<sup>34</sup> Aliens Act § 208 (3), [RT I 2010, 3, 4](#),

<sup>35</sup> Aliens Act § 286 (1), [RT I 2010, 3, 4](#),

<sup>36</sup> Aliens Act § 286<sup>1</sup>, [RT I 2010, 3, 4](#)

- b) What have been the results of these monitoring activities? Describe here any key findings – especially in relation to impact on the **number unfounded asylum applications** registered in your Member State.
- c) Please describe measures taken to ensure the accelerated and swift return of persons from visa-free third countries found to be making unfounded asylum applications, to be overstaying permissions to stay or otherwise abusing legal migration channels.
- d) Please describe any evidence of the effectiveness of the measures to ensure return.

A) *Nothing to report.*

B) *Although the number of a foreigners applying for and receiving the international protection in Estonia has been gradually increasing since 2008, the conclusion of EU's visa-free travel agreements with third countries has not increased the number of unfounded applicants for international protection in Estonia. 228 applications for international protection were submitted in 2015, and international protection was granted to 78 a foreigners. 80 applications for international protection were rejected because they were unjustified.*

C) *In order to prevent a foreigners from submitting unfounded asylum applications, the Ministry of the Interior has presented a proposal to provide in the AGIPA that the PBGB may draw up a list of safe countries of origin.<sup>37</sup> Since 2010, the IOM Tallinn implements the programme VARRE<sup>38</sup> and supports third-country nationals in their voluntary return to their country of origin. Foreigners are informed of the possibility to join the program in the framework of various procedures (such as applying for international protection, residence permit or an extension of stay).*

D) *In 2015, 86% of return decisions made by the PBGB were complied with. Such a high percentage of compliance is related to counselling of returnees and individual approach implemented during the whole return procedure.*

*Similarly, to the period of 2012–2014, the misuse of visa was the most widely used way of illegal migration in 2015, accounting for 62 % of all cases of illegal migration. Estonia has had no problems with the return of persons to third countries with which the EU has concluded visa facilitation or visa-free travel agreement.*

*2016 anticipates amendments to the Aliens Act that would make possible to grant a residence permit to persons who do not meet the conditions for granting residence permits according to the applicable Aliens Act or the AGIPA, in case there are humane considerations for granting a residence permit and the refusal of residence permit and the requirement to leave the country would be unreasonably burdensome or impossible. Granting of such residence permit would be exceptional and the person could not apply for the permit by himself. The need for such residence permit could come as a resultant of another PBGB's procedure (asylum or residence permit process), during which person should submit the facts that would justify his need of a residence permit in Estonia.<sup>39</sup>*

<sup>37</sup> The amendments to the AGIPA will enter into force on 1 May 2016.

<sup>38</sup> IOM VARRE (Voluntary assisted return and reintegration programm from Estonia) Project, accessible in the Internet: accessible in the Internet

<sup>39</sup> Explanatory memorandum No 81 for the second reading of the Draft Amendment Act of the Act on Granting International Protection to Aliens and Associated Acts

#### 4.2.2. Irregular migration through misuse of family reunification

Please provide *new or planned measures* to reduce the number of cases of misuse of family reunification, as well as data and further information on the number of cases of misuse of family reunification identified in your country

*In 2015, necessary elements of an offence were added to the Aliens Act, according to which a person may be punished for presenting false information or falsified documents with the purpose of obtaining a legal basis for a foreigner to stay in the territory of Estonia or a member state of the Schengen Convention<sup>40</sup>.*

*In 2015, there were no proven marriage of convenience cases in Estonia.*

#### 4.2.3. Irregular migration through misuse of student migration

Please provide *new or planned measures* to reduce, prevent and identify and/or investigate the misuse of student migration, as well as data and further information on the number of cases of misuse of student migration identified in your country.

*In 2015, necessary elements of an offence were added to the Aliens Act, according to which a person may be punished for presenting false information or falsified documents with the purpose of obtaining a legal basis for a third-country national to stay in the territory of Estonia or a member state of the Schengen Convention<sup>41</sup>.*

*The PBGB conducts regular monitoring of educational institutions and foreign students studying in these institutions. Lately, a growing interest of third-country nationals (particularly Bangladeshi nationals) studying in Estonia and the potential cases of misuse has been established. However, the respective volumes are marginal in absolute terms.*

#### 4.2.4. Irregular migration caused by use of false travel documents

Please provide *new or planned measures* to prevent and identify and/or investigate fraudulent acquisition and use of false travel documents, as well as **any available statistics** and further information on the number of cases of use of false travel document identified in your country.

*On 27 December 2015, necessary elements of an offence were added to the Aliens Act, according to which a person may be punished for presenting false information or falsified documents with the purpose of obtaining a legal basis for a foreigner to stay in the territory of Estonia or a member state of the Schengen Convention<sup>42</sup>.*

*Counterfeiting of travel documents accounted for 7.4% (23 cases) of all cases of illegal migration discovered at the border in 2015. Top five nationalities among apprehended individuals included the nationals of Sri Lanka, Democratic Republic of the Congo, Cameroon, Iran and Togo. Document experts undergo regular training in counterfeit detection and identification.*

<sup>40</sup> Aliens Act § 305, [RT I 2010, 3, 4](#)

<sup>41</sup> Aliens Act § 305, [RT I 2010, 3, 4](#),

<sup>42</sup> Aliens Act § 305, [RT I 2010, 3, 4](#),

*The number of visas cancelled or revoked at the Estonian external borders doubled in 2015 (in 2014 there were 164 such cases, however, in 2015 already 356 cases), accounting for 62% of all cases of illegal migration. More than half of the misused visas were cancelled or revoked at the airport. The majority of problematic visas were short-term Schengen visas issued by Estonia to citizens of Russia and Ukraine. Cancellation and revocation of visas occurred mostly due to the unreliability of reasons presented in respect of the objective and conditions of stay<sup>43</sup>.*

#### **4.2.5. Irregular migration caused by the abuse of free movement rights by third country nationals and preventing the fraudulent acquisition and use of free movement rights by third-country nationals**

Please describe any *new* activities implemented during 2015 to monitor and analyse information on the fraud and abuse of free movement. For example, measures to ensure common validation standards at borders and domestic controls and improvement of the security of the application and issuance processes for identity/EU documentation.

*Nothing to report.*

#### **4.3. The fight against facilitation of irregular migration ('smuggling')**

Please provide information on any *new developments* that have taken place in 2015 to combat the facilitation of irregular migration (for example, on cooperation measures to combat smuggling).

*New necessary elements of an offence were added to the Penal Code (entered into force on 27 December 2015) – Aiding the stay of a foreigners in Estonia without a legal basis for the purpose of proprietary benefits is punishable by a pecuniary punishment or up to one year of imprisonment<sup>44</sup>. Illegal transportation of a foreigner across the state border, if committed by placing or leaving a foreigner in a situation which is life-threatening or likely to cause serious damage to the health of the foreigner, is punishable by a pecuniary punishment or by one to seven years' imprisonment<sup>45</sup>.*

##### **4.3.1. Activities to monitor smuggling**

Please describe any challenges faced by your (Member) State in monitoring / collecting statistics on smuggling? How does your (Member) State (plan to) address these issues?

*The total number of third-country nationals crossing the Estonian external border in 2015 was 3,401,654. In 2015, 188 cases of illegal border crossing were registered, whereas 369 individuals, of whom 292 persons were apprehended, illegally crossed the border.*

<sup>43</sup> PBGB News 17.2.2016, accessible in the Internet: <https://www.politsei.ee/et/pressile/uudiste-arhiiv/uudis.dot?id=556874>

<sup>44</sup> Penal Code § 259<sup>1</sup>, [RT I 2001, 61, 364](#),

<sup>45</sup> Penal Code § 259, [RT I 2001, 61, 364](#),

973 refusals of entry were issued at the Estonian external border in 2015, of which 40% at the Narva border crossing point and nearly 30% in Tallinn Airport. Top 3 nationals receiving the entry ban included Russian citizens (347 cases), Moldova (130) and Ukraine (108 cases).<sup>46</sup>

Regarding the smuggling, Vietnamese have been the largest national group crossing the Estonian Eastern external border (coming from the Russian Federation) – they are smuggled through the Baltic countries to the labour market in Poland. However, Sudanese, who are also arriving from across the border with Russia, prefer remaining in Estonia after obtaining refugee protection.<sup>47</sup>

66 people were identified as being smuggled into Estonia in 2015.

The PBGB has highlighted as challenges in this area the need to enhance the exchange of information and inter-agency co-operation with the Russian Federation.

#### 4.3.2. Monitoring and identifying migration routes

Please describe any new or planned measures to identify, monitor and aggregate information on migration routes and please explain how is this information used to develop your (Member) State's response to migratory flows?

- Please describe the role of national immigration liaison officers (NLOs) in gathering this data

The PBGB merged various contact and communication units of different areas (SIRENE, NCC, etc.) and information analysis units at the end of 2014, which resulted in the exchange of information and information analysis across sectors, providing PBGB's different structural units with up-to-date and high-quality information, including information on migration and migratory routes as well as preliminary information, for the planning and organization of work.

The PBGB is a partner of EURLO programme, which allows the PBGB to use the services of the European Return Liaison Officers network in order to organise effective return of people. The PBGB wants to send a return liaison officer to India in 2016 under the EURLO programme.

### QUESTIONS ON RETURN

#### 4.4. Strengthening cooperation with third countries of transit and origin on migration management

##### 4.4.1. Ensure implementation of all EU readmission agreements to their full effect<sup>48</sup>

Please report on activities undertaken to support the implementation of EU readmission agreements (implementing protocols, cooperation (including diplomatic pressure) with third countries to encourage implementation) by completing the Table and providing any additional relevant information in the box below:

EU Readmission	National development (i.e. implementing	Date of
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<sup>46</sup> Maaleht 4.2.2016, accessible in the Internet: <http://maaleht.delfi.ee/news/lehelood/koik/vietnamlased-survestavad-taas-eesi-kagupiiri?id=73580835>

<sup>47</sup> Postimees 25.9.2015, accessible in the Internet: <http://pluss.postimees.ee/3341279/eesis-tabati-iraaklastest-inimsugeldajad>

<sup>48</sup> Norway is invited to report on any National agreements in place.

agreement (country)	protocol, cooperation)	agreement (if relevant)
<i>Estonia hasn't signed bilateral readmission agreements with third countries in 2015. Negotiations continued for the conclusion of the implementation protocol of the readmission agreement with the Republic of Armenia.</i>		

**4.4.2. Prevention of irregular migration from third countries: (a) the Southern Mediterranean countries; (b) the Eastern Partners; (c) the Western Balkans; and (d) the Western Mediterranean and the African Atlantic coast**

Please describe any specific cooperation activities developed in 2015 in your Member State to prevent irregular migration in relation to the specific geographical regions outlined above.

(a) the Southern Mediterranean countries;

(b) the Eastern Partners;

(c) the Western Balkans;

(d) the Western Mediterranean and the African Atlantic coast

*In 2015, no new relevant cooperation programmes were implemented in Estonia. In 2015, a total of 164 PBGB employees were deployed in 14 different countries in joint Frontex operations and ESTPOL missions for the management of international migration crisis.*

*-41 Estonian police officers protected the border security in Slovenia. Police officers of ESTPOL1 and ESTPOL2 were responsible for supporting the Slovenian border police in the registration of a foreigners arriving to the border and in the protection of public order, as well as in the prevention of offenses and the surveillance of the Schengen border. Estonian police units were sent to Slovenia at the request of Slovenia's Minister of Interior, and it was the first-of-the-kind call for assistance to other EU countries due to the migration crisis.*

*-122 PBGB officials participated in fifteen Frontex joint operations. Estonian officials were engaged in land and sea border patrols, document examination and interviewing those arriving illegally in various countries. Estonian officials and equipment provided assistance in guarding the EU's external borders in 13 countries – Greece, Bulgaria, Hungary, Norway, Finland, Latvia, Lithuania, Romania, Italy, Spain, Czech Republic, Germany and Netherlands.*

*-The most challenging task for police officers and border guards was the patrolling at the sea border – at the beginning of 2015, the patrolling was focused on the surroundings of the island of Lampedusa at the Italian and Libyan border, and at the end of 2015, the patrolling was performed in the surroundings of the island of Chios at the sea border between Greece and Turkey.*

*-The PBGB's observation aircraft was deployed in the spring of 2015 in the region of Kalamata, Greece, in order to assist in detecting the attempts of illegal border crossings.*

*-Also some smaller equipment was sent for assistance to the border between Bulgaria and Turkey, mainly to support the local border guards in detecting illegally arriving persons from transport vehicles or in discovering illegally arrived persons in the border area.*

*-In November 2015, a migration liaison officer was sent to Italy, in order to exchange information about the migration situation and the smugglers. The main task of the migration liaison officer was to organize an exchange of information in the process of transferring the people needing international protection from Italy to Estonia, and to establish links with relevant international agencies.*

*Cooperation with international partners in solving the European migration crisis will continue in 2016<sup>49</sup>.*

#### **4.5. Enhancing migration management including cooperation on return practices**

PLEASE NOTE THAT THIS SECTION OF THE SYNTHESIS REPORT WILL CONSIST OF THE FOLLOWING

**4.5.1. *Summary of the EMN REG return and reintegration activities developed during 2015 (To be drafted by the EMN Service Provider)***

**4.5.2. *Summary of the Frontex Joint Return Operations (JTOs) (To be provided by Frontex)***

**4.5.3. *Maximising the potential of a common EU approach in the field of return, both voluntary and forced in compliance with existing EU acquis (To be drafted by COM)***

**4.5.4. *Please describe any new or planned measures to develop swift, sustainable and effective return using a common EU approach and in particular actions relevant to:***

- i. Recording entry bans in the SIS and facilitating exchange of information on entry bans;<sup>50</sup>
- ii. Operation of national forced return monitoring system (established in accordance with Article 8 (6) of the Return Directive<sup>51</sup>)
- iii. Other actions.

*Estonia enters all entry bans accompanying the return decision into the Schengen Information System. Since 2011, the Estonian Red Cross carries out the monitoring of removals, covering all stages of the removal (observation at detention centres, escorting to the border crossing point, observation of conveying to a third country).*

*In 2015, the detention centre recruited a counsellor who provides assistance to the foreigners staying in the centre in applying for state legal aid, explains the rights and obligations to the foreigners and helps them solve their issues. This ensures for all detainees the individual*

<sup>49</sup> PBGB News 9.1.2016, accessible in the Internet: <https://www.politsei.ee/et/pressile/uudiste-arhiiv/uudis.dot?id=528551>

<sup>50</sup> This category of measure relates to the commitments of the Stockholm Programme specifically.

<sup>51</sup> Directive 2008/115/EC

*counselling that considers all needs of the specific individual. Also, the centre has employed a recreation specialist who organises recreational activities for the people at the centre.*

## 5. INTERNATIONAL PROTECTION INCLUDING ASYLUM

This Section will also be used to provide information to inform EASO's Annual Report. Please note that questions about combating misuse of the national asylum system are tackled under Section 4.3.1(b).

### 5.1. Common European Asylum System

#### The implementation of the Common European Asylum System

a) Please provide information on changes in policies and practices relating to:

**i.** Access to territory (including applications from outside the territory, where applicable, and humanitarian visas)

*There were no significant developments in 2015.*

Planned changes:

*According to the AGIPA, the PBGB has the right to accept the applications for international protection that have been submitted either inside the country or at the border. In connection with the nature of the resettlement and relocation process, a new provision is stipulated in the AGIPA by the Amendment Act of the Act on Granting International Protection to Aliens and Associated Acts<sup>52</sup> that entitles the PBGB also to accept the applications outside the national territory.*

**ii.** Access to the asylum procedure (including applications made at the border and in detention)

*In 2015 an expert from the PBGB together with the experts of EASO, FRONTEX, UNHCR, Greece and Poland participated in drafting the following guidance materials in respect of the "Access to procedures": 1) Practical Guide: Access to the Asylum Procedure; 2) Poster on Access to the Asylum Procedure; 3) Pocket Book on Access to the Asylum Procedure; 4) Leaflet on Frequently Asked Questions.*

**iii.** Registration of applications for international protection, including subsequent applications

*In 2015, new developments were made to the register of granting international protection and as a result it will be possible to insert the international protection application filing time into the register and mark multiple applications. These developments will be implemented on 1 May 2016.*

*In 2015 preparations were done for renewing the asylum seekers certificate. PBGB started to issue the new certificate from February 2016 making the process of issuing certificates less time-consuming.*

Planned changes:

*According to the Amendment Act of the Act on Granting International Protection to Aliens and Associated Acts<sup>53</sup> there will be a new provision in the AGIPA according to which the application for*

<sup>52</sup> The amendments to the AGIPA will enter into force on 1 May 2016.

<sup>53</sup> The amendments to the AGIPA will enter into force on 1 May 2016.

*international protection will be registered immediately after a person has expressed the wish to apply for international protection and the registration shall take place no later than three working days after the application is made. Where large number of simultaneous applications for international protection make it impossible in practice to respect the time limit, the application may be registered in 10 working days after the application is made.*

**iv.** Access to information and legal counselling / representation (including at the border and during the asylum procedure)

*With an aim of contributing to a faster and more effective international protection procedure, the former international protection counselling system was changed. According to the revised system, international protection applicants staying in detention centre and accommodation centre receive daily counselling upon arrival and during their stay (this service is also guaranteed to applicants staying outside the centres). To this end, the centres employ special counsellors whose counsel can be asked for on a continuous basis. As a result of the revised system, an applicant for international protection is guaranteed competent and prompt counselling within the administrative procedure at the earliest possible stage of the international protection procedure.*

*The Estonian Bar Association organized a public competition for finding a law firm that would provide state legal aid to applicants for international protection. As a result of this competition, in total six lawyers from two law firms provide free legal aid to applicants for international protection since 1 October 2015. These activities are co-funded by the European Union through the European Asylum, Migration and Integration Fund and the Estonian Ministry of the Interior.*

*The Estonian Human Rights Centre continued to provide legal aid until 30.06.2015 to asylum applicants to ensure a fair and appropriate asylum procedure. This service was free of charge and was co-funded by the European Union through the European Asylum, Migration and Integration Fund and the Estonian Ministry of the Interior. The Estonian Human Rights Centre in cooperation with the UNHCR continues to offer legal aid to asylum seekers up to now, but only in strategically important cases. The project is financed until 31.12.2016.*

Planned changes:

*The Amendment Act of the Act on Granting International Protection to Aliens<sup>54</sup> stipulates a new provision according to which if there are reasonable grounds to believe that a person staying at the detention center or at the external border crossing point, including transit zone, might wish to apply for international protection, the PBGB ensures that the he or she is informed of the possibility to apply for international protection.*

**v.** Provision of interpretation

*In 2015 a project was launched to offer translation services for asylum seekers and returnees. The project was co-funded by the European Union through the European Asylum, Migration and Integration Fund and the Estonian Ministry of the Interior. The aim of the project is to provide regular and high-quality translation services for uncommon languages in order to enhance the proceedings of international protection or return.*

**vi.** Dublin procedure (incl. transfers)

<sup>54</sup> The amendments to the AGIPA will enter into force on 1 May 2016.

*There were no significant developments in 2015.*

**vii.** Special procedures: border procedures, accelerated procedures, (including safe country policies), admissibility procedures, prioritised procedures.

*There were no significant developments in 2015.*

Planned changes:

*In order to prevent third country nationals from submitting unfounded asylum applications, the Amendment Act of the Act on Granting International Protection to Aliens<sup>55</sup> enacts that the PBGB may draw up a list of safe countries of origin.*

**viii.** Reception of applicants and vulnerable groups (accommodation, financial and social support, access to labour market, access to medical care).

*Compared to 2014 there have been no significant changes in the access of applicants and vulnerable groups to accommodation, financial support and social and health services. Accommodation is based on the person's individual needs, and the same applies to the provision of social services, where planning and delivery of services is based on the particular needs of an individual. All the applicants, including applicants belonging to vulnerable groups, have a guaranteed access to health services that are specified in the list of the Estonian Health Insurance Fund, with the exception of cell, tissue and organ procurement, processing and transplantation services in the meaning of the Handling and Transplantation of Cells, Tissues and Organs Act as well as adult dental care, except for emergency dental care. The contracted health care provider of the accommodation or detention centre decides the necessity of the provision of health care and medicine.*

**ix.** Detention during the asylum procedure (practices regarding detention, grounds for detention)

*The detention conditions and services provided to the detainees are in line with CPT standards and requirements of the European Parliament and Council Directive 2008/115/EC and with the requirements of the European Parliament and Council Directive 2013/33/EU. Detention conditions are under the supervision of the Chancellor of Justice and the Estonian Red Cross. In addition, representatives of international organizations are allowed to visit the detention centre, if required.*

*In 2015, the detention centre recruited a counsellor who provides assistance to the foreigners staying in the centre in applying for state legal aid, explains the rights and obligations to the foreigners and helps them solve their issues. This ensures for all detainees the individual counselling that considers all needs of the specific individual. Also, there is a recreation leader working in the centre who organizes a variety of leisure activities for people in detention (crafts groups etc).*

*The detention centre provides medical services, nursing services, and psychological and psychiatric services according to the needs (based on the application of a detainee / family doctor's referral), but usually twice a month for up to eight hours. Also, the detention centre provides Estonian language training, which is also necessary to resume the studies in a general education school.*

<sup>55</sup> The amendments to the AGIPA will enter into force on 1 May 2016.

*Additionally according to the amendment of the Obligation to Leave and Prohibition on Entry Act, since 2 April 2015, an applicant for international protection who is transferred to the detention centre is required to undergo a medical examination on arrival.*

*According to AGIPA an asylum seeker may be detained if it is unavoidably necessary on the following bases: 1) identification of the person or verification of the identity; 2) verification or identification of the citizenship of the person; 3) verification of the legal bases of the entry into and the stay in the state of a person; 4) identification of the circumstances relevant to the proceedings of the asylum application, primarily in the case when there is a risk of escape; 5) there is a reason to believe that the person has submitted the application for asylum to postpone the obligation to leave or prevent expulsion; 6) protection of the security of state or public order; 7) transfer of a person in the procedure provided for in Regulation (EU) No 604/2013 of the European Parliament and of the Council.*

*In 2015, main grounds for detention were verification of the identity and identification of the circumstances relevant to the proceedings of the asylum application when there was a risk of escape.*

**x.** Procedures at first instance (organisation of the process, interviews, evidence assessment, international protection status determination, decision making, timeframes, case management, training)

*The training of PBGB's reserve officers was carried out in 2015 (will be continued in 2016), aimed at improving the capacity of the PBGP. Training focused on the main important aspects in the legal framework of international protection, the primary procedural acts and the acquisition of experience to manage a crisis.*

*In 2015 a total number of 8 persons participated in the train-the-trainers sessions of the EASO Training Curriculum, including the regional sessions.*

*The average processing time in year 2015 was 107 working days which has increased compared to year 2014.*

*Planned changes:*

*The Amendment Act of the Act on Granting International Protection<sup>56</sup> provides a general rule that an application is reviewed as soon as possible, but no later than in six months of its reception.*

*Additionally the Amendment Act regulates the current legal bases that determine when an application for international protection can be considered as unfounded and the procedure can be ended with a decision to reject the application, as well as the bases that determine when an application for international protection can be regarded as manifestly unfounded and review it under the expedited processing of application. Also, the Amendment Act provides the conditions and deadlines of the expedited processing of application.*

**xi.** Appeal/Judicial Review (organisation of the process, hearings, written procedures, timeframes, case management, training)

<sup>56</sup> The amendments to the AGIPA will enter into force on 1 May 2016.

*There were no significant developments in 2015.*

*Planned changes:*

*The Amendment Act of the Act on Granting International Protection to Aliens complements the Code of Administrative Court Procedure with a provision according to which the court shall consider the examination of international protection cases a priority.*

**xii.** Country of Origin Information (organisation, methodology, products, databases)

*In 2015, a project was approved, under which the PBGB recruits an expert on country of origin information (COI) at the beginning of 2016, in order to increase the capacity of the PBGB in the area of seeking the country of origin information. COI is one of the main evidence underlying a decision on the application for international protection. At present, the tasks of COI expert are performed by an official of the information management division of the information management bureau of the PBGB's information management and procedural department alongside his/her other duties. Due to the growing number of applicants for international protection, it is necessary to create a post aimed at ensuring regular collection, analysis and supplementation of COI.*

*In addition, a project was approved in 2015 for the internship of the PBGB's COI expert and a PBGB's case worker.*

**xiii.** Vulnerable groups e.g. unaccompanied minors (UAMs), torture and trauma survivors, victims of human trafficking, gender, lesbian, gay, bisexual, transgender and intersex (LGBTI) within the asylum procedure

*There were no significant developments in 2015.*

*Planned changes:*

*The Amendment Act of the Act on Granting International Protection to Aliens<sup>57</sup> supplements the AGIPA by providing the regulation on the evaluation and consideration of special needs of an applicant for international protection. The objective is to ensure that all administrative bodies dealing with applicants monitor the presence of special needs and offer systematic and individual support based on these special needs throughout the international protection procedure. In addition, the Amendment Act provides a list of persons with special needs and specifies the regulation related to unaccompanied minors.*

**xiv.** Return of rejected asylum applicants (including forced return, voluntary return and assisted voluntary return).

*Since 2010 IOM Estonia has been carrying out Voluntary Assisted Return and Reintegration Programme from Estonia (VARRE). Foreigners are informed of the possibility to join the program in the framework of various procedures (such as applying for international protection, residence permit or an extension of stay). The activities were continued in 2015. This initiative is co-funded by the European Union through the European Asylum, Migration and Integration Fund and the Estonian Ministry of the Interior.*

<sup>57</sup> The amendments to the AGIPA will enter into force on 1 May 2016.

*Since 2011 the Estonian Red Cross has been contracted by the State to monitor the forced returns of migrants. The monitoring activities continued in 2015. This initiative is also co-funded by the European Union through the European Asylum, Migration and Integration Fund and the Estonian Ministry of the Interior.*

**xv.** Resettlement (practices in relation to resettlement and possible participation in the EU joint resettlement programme)

*In 2015 Estonia agreed to resettle 20 persons in need of international protection preferably from refugee camps in Turkey in the next two years. In order to receive the persons in need of international protection, the Ministry of the Interior started to negotiate with the UNHCR to conclude an agreement. In 2015 Estonia did not yet receive any persons in need of international protection under the resettlement programme.*

*In addition, the PBGB has made preparations for ensuring the capacity of its procedural team for a resettlement mission.*

**xvi.** Cooperation with Third Countries and activities in the external dimension of the CEAS (including participation in capacity building activities in Third Countries, RDPPs).

*There were no significant developments in 2015.*

### **5.1.1. Institutional and legislative changes**

- a) Please provide information on institutional changes in the asylum field at ministry/agency/section level (incl. changes in mandate),
- b) Please provide information on legislative changes pertaining to asylum implemented, adopted or pending in 2015.

*a) In 2015 Estonia witnessed no institutional changes in the field of international protection.*

*b) A new provision of the AGIPA entered into force on 1 August 2015, stating that the PBGB shall refer a foreigner who has been granted international protection to participate in an adaptation programme. The aim of the adaptation programme is to support beneficiaries of international protection in settling in Estonia by helping them to acquire the primary knowledge and skills.*

*In 2015 the AGIPA provision about asylum applicant's right to work was amended. Since April 2015, the applicant may work in Estonia if a final decision regarding his or her applications has not taken effect in six months of the submission of the application for international protection for reasons beyond his or her control.*

*A new provision of the Citizenship Act was adopted on 3 February 2015 and enforced on 1 January 2016, providing that the requirement of release from the previous citizenship does not apply to a person who applies for the acquisition or resumption of Estonian citizenship if that person has been granted international protection by the Republic of Estonia or another member state of the European Union, the situation in his or her country of origin has not changed significantly and, for that reason, the person cannot renounce his or her previous citizenship.*

*The provision takes into account that it may be difficult or dangerous for beneficiaries of international protection to contact their country of nationality.*

*The Amendment Act of the Act on Granting International Protection to Aliens and Associated Acts, which is aimed primarily at transposing into Estonian legislation the Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection and the Directive 2013/33/EU of the European Parliament and of the Council laying down standards for the reception of applicants for international protection, was adopted on 16.03.2016. These amendments will enter into force on 1<sup>st</sup> May 2016. The Amendment Act introduces many significant changes in the provisions of the Act on Granting International Protection.*

*In addition to changes in the AGIPA, the Amendment Act of the Act on Granting International Protection to Aliens and Associated Acts adds another provision to the Estonian legislation, providing that in exceptional circumstances a foreigner may be granted a temporary residence permit for settling permanently in Estonia if the foreigner is staying in Estonia and it has appeared during a procedure of entry into Estonia, temporary stay, residence and employment in Estonia and departure from Estonia of that the obligation to leave Estonia of the foreigner would be clearly too burdensome for him or her, the foreigner is unable to obtain a residence permit in Estonia on any other basis, and the foreigner does not pose a threat to public order and national security. The provision introduces a legal ground for issuing a living permit in case of humane considerations.*

### 5.1.2. *Jurisprudence*

- a) Please provide information on important new national jurisprudence relating to asylum (with policy implications)
- b) Please provide information on the impact of CJEU judgments on national jurisprudence and policy

*Nothing to report.*

### 5.1.3. *Efficiency and Quality*

Please provide information on measures undertaken to safeguard or improve:

- a) Quality of the national asylum system (combatting unfounded applications, credibility assessment, age assessment, establishing identity) including information on tools and mechanisms (stating how this is measured)
- b) Efficiency of the processing of (first) applications and appeals (increasing speed, reducing costs, use of new technology) of the national asylum system,

Please include information on effectiveness of above listed measures (where evidence exists and stating how this is measured).

*In 2015 a project was financed through the European Asylum, Migration and Integration Fund and the Estonian Ministry of Interior to improve the efficiency of asylum procedures and asylum system*

*in Estonia. The aim of the project is to improve the PBGB' capability to handle increasing migration flows.*

#### **5.1.4. Challenges in the asylum field**

- a) Please indicate which aspects of the national asylum system have (i) proven to be particularly challenging or (ii) have been subject to criticism from third parties. Please differentiate between the different aspects in your asylum and reception system.
- b) Provide information on actions undertaken to counter these challenges.

#### **Please only provide information additional to that presented in 5.1.2**

*a) In 2015, the reception system experienced the following challenges:*

- 1. Lack of places in the accommodation centre of the applicants for international protection;*
- 2. Great public attention to the organization of the reception of beneficiaries of international protection, including demonstrations and direct attacks against the centre.*

*The reception system received no critical feedback from third parties, including the NGOs, international organisations and the Chancellor of Justice.*

*b) Actions undertaken to counter these challenges.*

#### *1. Lack of places in the accommodation centre of the applicants for international protection*

- The introduction of additional space, preparations to open a branch of the accommodation centre;*
- The recruitment of additional staff;*
- The increasing of the share of language learning, psychological support and work-related counselling in the list of services offered by the accommodation centre in the list.*

#### *2. Great public attention*

- The introduction of additional security measures in the accommodation centre;*
- The enhancement of cooperation with the local community;*
- The enhancement of cooperation with the police;*
- The informing of the public about the activities of the accommodation centre including continuous updating of information about the number of persons staying in the accommodation centre and about their gender and age breakdown.*

## 5.2. Cooperation with the European Asylum Support Office (EASO)

### 5.2.1. *Participation in EASO activities*

Please provide information on your (Member) State's relevant participation in EASO activities, by type of activity.

#### A. Provision of staff for Asylum Support Teams

*In 2015 preparations were done to deploy an expert of the PBGB in the framework of the EASO Hotspot Operating Plan to Greece, Athens. The expert participated from 11 January - 11 March 2016 in the activity HEL 2 („Support with handling outgoing Dublin take charge requests, including relocation cases“) within the Dublin unit of the Greek Asylum Service.*

#### B. Deployment of experts to provide training related activities, including regional train-the-training session

*One expert of the PBGB has been deployed in 2015 in the content expert group for the development of the EASO training module on Didactic methods. The expert's role was to participate in the creation of a new EASO Training Module on Didactics and the way Didactic training is organized during EASO train-the-trainers sessions.*

#### C. Participation in the development of common practical tools

*One expert of the PBGB has been deployed in 2015 in the development of the EASO Practical Tool on Access to Procedure. The Tool is to provide guidance on the core obligations of first line officials and rights of persons in need of international protection in the first contact context.*

#### D. Participation of staff in training activities organised by EASO

*In 2015 a total number of 8 persons have participated in the train-the-trainers sessions of the EASO Training Curriculum, including the regional sessions. The officials of the PBGB participate regularly in various working groups organised by EASO, there is active participation in the COI network activities as well as different quality related meetings.*

### 5.2.2. *Provision of support by EASO to the Member States*

Please provide information on relevant support provided by EASO to your (Member) State. Please indicate: a) type of support provided (e.g. special support, and/or emergency support) b) type of activities implemented.

*No support activities have been provided by EASO to Estonia so far.*

### 5.3. Intra-EU solidarity including relocation

#### 5.3.1. *Support to national asylum systems including relocation*<sup>58</sup>

- a) Please provide information on support provided to (Member) States experiencing specific and disproportionate pressures on their national asylum systems. This might include support in the processing of requests for international protection, seconding staff (for the Asylum Intervention Pool / Training Expert Pool), sending resources or equipment. Please specify if such support was provided: 1) on a bilateral basis; 2) or was organised at EU level.
- b) Please specify any action undertaken with regard to relocation activities. Please specify if relocation activities were provide provided: 1) on a bilateral basis; 2) or organised at EU level.
- c) Please describe any evidence of the results / outcomes of this support, if available.

*a) Estonia has been actively participating in relevant Frontex and EASO activities. In 2015, a total of 164 PBGB employees were deployed in 14 different countries in joint Frontex operations and ESTPOL missions for the management of international migration crisis. Estonia has also provided technical means for the operations and intends to maintain the level of contributions of personnel and technical resources also current year.*

*b) Estonia has agreed to relocate about 550 persons from Greece and Italy. Estonia signed a joint declaration with Italy on relocation principles in October 2015. Estonia has started its relocation activities in relation to Italy and Greece. An Estonian liaison officer has been deployed to Italy since early October, and since 1 February 2016 he has been carrying out his duties in Greece as well. The main task of the migration liaison officer was to organize an exchange of information in the process of transferring the people needing international protection from Italy and Greece to Estonia, and to establish links with relevant international agencies.*

*As Estonia has no previous experience in the relocation of persons, the Ministry of the Interior set up refugee policy coordination council with a view to ensuring better cooperation and coordination between various ministries and agencies. Also, an action plan for resettlement and relocation was introduced on a national level with the aim to guarantee preparedness for relocation and resettlement. All the necessary actions and the need for additional resources was mapped. The relocation process is currently ongoing. The first seven relocated persons in need of international protection arrived to Estonia on 29.03.2016 from Greece.*

### 5.4. Enhancing the external dimension including resettlement

#### 5.4.1. *Cooperation with third countries including resettlement*<sup>59</sup>

Please describe 2015 resettlement activities to your (Member) State, differentiating between the types of programme:

<sup>58</sup> Relocation: the transfer of persons having a status, defined by the Geneva Convention or subsidiary protection (2004/83/EC) from the Member State which granted them international protection to another Member States where they will be granted similar protection (see EMN Glossary V2).

<sup>59</sup> Resettlement: the transfer on a request from the UNHCR and based on their need for international protection, of a third-country national or stateless person from a third country to a Member State where they are permitted to reside with one of the following statuses: i. refugee status ii. a status which offers the same rights and benefits under national and EU law as refugee status (see EMN Glossary Version 2).

- a) General resettlement programme (UNHCR)
- b) Ad-hoc special programmes (e.g. national initiatives, and/or international initiatives).

a) General resettlement programme (UNHCR)

*Estonia has agreed to resettle 20 persons in need of international protection preferably from Turkey in two years. In 2015 Estonia received no person in need of international protection under the resettlement programme. The Ministry of the Interior and the UNHCR started to negotiate a separate agreement in 2015, in order to receive persons in need of international protections from refugee camps in Turkey already in 2016. An action plan for resettlement and relocation was introduced on a national level with the aim to guarantee preparedness for relocation and resettlement.*

b) Ad-hoc special programmes (e.g. national initiatives, and/or international initiatives)

N/A

**5.4.2. Enhance the capacity of countries of origin and transit to manage mixed migration flows**

- a) Please describe any 2015 specific developments to equip third-countries of first asylum with the means to guarantee refugee protection and to better manage mixed migration flows including national asylum legislation and asylum policy frameworks (e.g. through Regional Protection Programmes).
- b) If evidence is available, please describe the outcomes of these developments (e.g. increased number of asylum applications processed in countries of first asylum)

*Nothing to report.*

## **6. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS**

### **6.1. Unaccompanied minors**

Please describe any *new policy developments* in relation to unaccompanied minors (UAMs) at national and international levels.

*There were no significant developments in 2015.*

*Amendment Act of the Act on Granting International Protection to Aliens supplements the applicable AGIPA by providing additional provisions in order to protect the rights and interest of minors. Also the Amendment Act lays down a list of cases where the administrative authority may impose the fast-track procedure on unaccompanied minors.*

## 6.2. Other vulnerable groups

Please describe any *new or planned* policies, measures or changes in relation to other vulnerable groups at national and international levels.

*There were no significant developments in 2015.*

*Amendment Act of the Act on Granting International Protection to Aliens supplements the applicable AGIPA by providing additional regulation on the evaluation and consideration of special needs of an applicant for international protection when carrying out procedural acts. In addition, it provides the list of people with special needs.*

## 7. ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS

*This Section should be completed in the context of the "EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016)",<sup>60</sup> and you should liaise with your National Rapporteur on Trafficking in Human Beings or Equivalent Mechanism (NREMs).*

*NREMs share information with the Commission (via the informal of EU Network of NREMs) on a biannual basis on developments relevant to their national legal and policy framework. This information can be used for this reporting exercise too. All information is uploaded accordingly to the EU Anti-Trafficking Website under the section of national pages.<sup>61</sup>*

*In section 7.1 below EMN NCPs are invited to add any corresponding information and additional to that available on the EU Anti-trafficking website if necessary/appropriate; the remainder of the questions correspond to the EU Strategy. Please note that the scope of this context refers only to third-country national victims.*

### 7.1. Improving the identification of and provision of information to victims

Please describe any *new or planned* policies, measures or changes, including (1. Information on assistance and support to victims, including child victims; 2. If applicable, any evident trends at national level. 3. Cooperation with third countries)

*According to Estonian legislation, a victim of human trafficking is a person in the case of whom criminal proceedings have been commenced with regard to the criminal offence committed against him/her based on the provision of the Penal Code on human trafficking. Since 2013, the investigating authorities, i.e. the police and the Prosecutor's Office have the final right of the identification of a victim. Victims of human trafficking are referred through the Estonian National Social Insurance Board to a service that is provided by the Victim Support Act. The Estonian National Social Insurance Board (victim support worker) will provide the services as soon as there is suspicion that a person may be a victim of human trafficking, however, a report of criminal offence must be submitted to the investigative body or the Prosecutor's Office for adopting a decision on the initiation of a criminal proceeding. The Estonian National Social Insurance Board provides services to a person until the service becomes redundant or the investigative body informs*

<sup>60</sup> <http://ec.europa.eu/anti-trafficking/>

<sup>61</sup> <http://ec.europa.eu/anti-trafficking/section.action;jsessionid=FlNfYRm0cwWGc3ZQv58Qy1LrdG8bRRTJhi2t6dzJS6fdVQm0xZ6GP!909126266?sectionPath=National+Info+Page>

*by a notification that the offence has been reclassified during the proceeding and it has become clear that the person is not a victim of human trafficking<sup>62</sup>.*

*On 26 February 2015, the Estonian Government approved the Violence Prevention Strategy 2015-2020<sup>63</sup> and its Implementation Plan for the period of 2015-2018. The strategy covers violence between children, child abuse, domestic violence (marital violence), sexual violence and trafficking in human beings. The development plan engages all the relevant ministries and NGOs, and focuses on prevention (e.g. information campaigns against sexual violence and human trafficking, lectures to high school and vocational school student on violence and human trafficking, and so on) and service provision for victims of gender based violence, sexual violence and human trafficking, including prostitution.*

*Estonia had signed the Council of Europe Convention on Action against Trafficking in Human Beings<sup>64</sup> in February 2010, in February 2015 Estonia ratified the Convention and it entered into force on 1 June 2015.*

*In December 2014, Estonia signed the Council of Europe Convention on preventing and combating violence against women and domestic violence<sup>65</sup>. The preparations for ratifying the Convention in 2017 are in progress.*

*The Estonian contact point for communicating information of the EU Anti-trafficking website is the criminal policy department of the Ministry of Justice. Input for 2015 has been communicated to the EU Anti-trafficking website.*

*The Ministry of Justice prepares also an annual analysis of crime that also includes a chapter on human trafficking<sup>66</sup>.*

*In 2015 two persons were identified as victims of victims of trafficking in human beings, both females and under 18 years of age. In 2015 there were four crimes registered of Penal Code § 133, and four traffickers were convicted.*

## **8. MAXIMISING DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY**

### **8.1. Progress towards mainstreaming of migration in development policies**

Please describe any *new or planned* relevant activity - e.g. studies, development of approaches to make migration an integral part in sectoral policies (e.g. agriculture, health, education etc.), solidarity development projects, etc. – to mainstream migration in development policies.

*Nothing to report.*

<sup>62</sup> Explanatory memorandum to the Draft Act on the Ratification of the Council of Europe Convention on Action against Trafficking in Human Beings.

<sup>63</sup> Accessible in the Internet on the website of the Ministry of Justice: <http://www.kriminaalpoliitika.ee/et/vagivalla-vahendamise-arengukava/vagivalla-enetamise-strateegia-2015-2020>

<sup>64</sup> Council of Europe accessible in the Internet: [https://www.coe.int/t/dghl/monitoring/trafficking/Docs/Convntn/CETS197\\_en.asp](https://www.coe.int/t/dghl/monitoring/trafficking/Docs/Convntn/CETS197_en.asp)

<sup>65</sup> Council of Europe accessible in the Internet: <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210>

<sup>66</sup> Kuritegevus Eestis 2015, accessible in the Internet:

[http://www.kriminaalpoliitika.ee/sites/www.kriminaalpoliitika.ee/files/elfinder/dokumendid/kuritegevus\\_eestis\\_2015.pdf](http://www.kriminaalpoliitika.ee/sites/www.kriminaalpoliitika.ee/files/elfinder/dokumendid/kuritegevus_eestis_2015.pdf)

### 8.1.1. Cooperation with partner / third countries for economic migration

Please complete the Table below on (planned) EU level or bilateral agreements linked to labour migration (e.g. Mobility Partnerships) planned or implemented:

Type of agreement (EU or bilateral)	Status of agreement (negotiated, signed, ratified, implemented) and the date of the action	Third countries involved including Southern Mediterranean <sup>67</sup> and Eastern Partnership <sup>68</sup> countries	Main purpose and rationale for the agreement (incl. relevant elements of content)	Does the agreement allow for circular migration? YES/NO
-	-	-	-	-

In the framework of Mobility partnerships (and Common Agendas) please advise whether Migration and Mobility Resource Centres (MMRCs) have been / will be set up in the partner countries.

N/I

### 8.1.2. Efforts to mitigate 'brain drain'.

Please describe any *new or planned* measures to mitigate brain drain. For example: awareness rising actions, development of data and indicators on this phenomena, prevention, list of countries and professions subject to brain drain. For reference also see the Section 3.6 "Brain Drain and Brain Circulation" in the "EMN Synthesis report - Attracting Highly Qualified and Qualified Third-Country nationals"<sup>69</sup>

Nothing to report.

## 8.2. Migrants' Remittances

Please describe any *new or planned* relevant activities or developments with regard to remittances. For example measures to facilitate remittance flows or improve access to banking and financial services in developing countries.

Nothing to report.

<sup>67</sup> Morocco, Algeria, Tunisia, Libya and Egypt.

<sup>68</sup> Ukraine, Belarus, Moldova, Georgia, Armenia and Azerbaijan.

<sup>69</sup> EMN Study available at the EMN [Website](#).

**8.3. Working with Diasporas**

Please provide information on *new or planned* national policies or actions for involving diaspora groups in development initiatives and supporting diaspora groups in their efforts to enhance development in their countries of origin.

*Nothing to report.*

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