

## **Identity Documents Act**

Passed 15 February 1999

(RT<sup>1</sup> I 1999, 25, 365),

entered into force 1 January 2000,

amended by the following Acts:

14.04.2004 entered into force 01.05.2004 - RT I 2004, 28, 189;

17.12.2003 entered into force 16.01.2004 - RT I 2004, 2, 4;

03.12.2003 entered into force 01.01.2004 - RT I 2003, 78, 527;

22.01.2003 entered into force 27.02.2003 - RT I 2003, 15, 87;

15.01.2003 entered into force 01.05.2003 - RT I 2003, 13, 65;

15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516;

19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387;

19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375;

12.06.2001 entered into force 07.07.2001 - RT I 2001, 56, 338;

07.03.2001 entered into force 07.04.2001 - RT I 2001, 31, 173;

17.01.2001 entered into force 16.02.2001 - RT I 2001, 16, 68;

08.11.2000 entered into force 02.12.2000 - RT I 2000, 86, 550;

17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254;

08.03.2000 entered into force 15.12.2000 - RT I 2000, 26, 150;

21.03.2000 entered into force 29.03.2000 - RT I 2000, 25, 148.

## **Chapter 1**

### **General Provisions**

#### **§ 1. Scope of application**

(1) This Act establishes an identity document requirement and regulates the issue of identity documents to Estonian citizens and aliens by the Republic of Estonia.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(2) The provisions of the Administrative Procedure Act (RT I 2001, 58, 354; 2002, 53, 336; 61, 375; 2003, 20, 117; 78, 527) apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

#### **§ 2. Identity document**

(1) An identity document (hereinafter document) is a document issued by a state agency in which the name, date of birth or personal identification code, and a photograph and the signature of the holder are entered, unless otherwise provided by law or legislation established on the basis thereof.

(15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

(2) The following documents are issued pursuant to this Act:

- 1) identity cards;
- 2) Estonian passports;
- 3) diplomatic passports;
- 4) seafarer's discharge books;
- 5) alien's passports;
- 6) temporary travel documents;
- 7) travel documents for refugees;
- 8) certificates of record of service on Estonian ships;
- 9) certificates of return;
- 10) permits of return.

(08.11.2000 entered into force 02.12.2000 - RT I 2000, 86, 550)

### **§ 3. Travel document and internal document**

(1) A travel document is:

- 1) an Estonian document prescribed by law for crossing the state border;
- 2) a travel document issued by a foreign state or an international organisation (hereinafter travel document issued by a foreign state) which is recognised by the Ministry of Foreign Affairs.

(22.01.2003 entered into force 27.02.2003 - RT I 2003, 15, 87)

(2) An internal document is a document which is prescribed for the identification of a person within Estonia and which is not prescribed for crossing the state border, unless otherwise provided by law or an international agreement.

### **§ 4. Document not specified in this Act**

(1) An Estonian citizen or an alien may also prove his or her identity with a valid document not specified in this Act if the name, photograph, signature and date of birth or personal identification code of the holder are entered therein. A photograph need not be entered in a document held by an Estonian citizen or an alien under 4 years of age. A signature need not be entered in a document held by an Estonian citizen or an alien under 15 years of age.

(15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

(2) Documents issued by the Republic of Estonia and not specified in this Act shall be established by law or legislation issued on the basis thereof. Chapter 3 of this Act does not apply to documents not specified in this Act.

## **Chapter 2**

### **Identity Document Requirement**

#### **§ 5. Identity document requirement for Estonian citizens**

(1) An Estonian citizen staying (residing) permanently in Estonia shall hold an identity card.

(2) An Estonian citizen specified in subsection (1) of this section who is under 15 years of age need not hold an identity card.

#### **§ 6. Identity document requirement for aliens staying permanently in Estonia**

(1) An alien staying (residing) permanently in Estonia on the basis of a valid residence permit shall hold an identity card.

(15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

(2) (Repealed - 15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

(3) Subsection (1) of this section applies after registration of the birth of an alien residing in Estonia.

(15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

### **§ 7. Identity document requirement for aliens staying temporarily in Estonia**

(1) An alien arriving in Estonia, staying temporarily in Estonia or departing from Estonia shall hold a valid travel document issued by a foreign state, an alien's travel document issued by Estonia or a document permitting return issued in a foreign state, unless otherwise prescribed by an international agreement.

(08.11.2000 entered into force 02.12.2000 - RT I 2000, 86, 550)

(2) An alien under 15 years of age need not hold a travel document or permit of return if his or her name, date of birth and photograph are entered in the travel document held by a person accompanying him or her. A photograph of an alien under 7 years of age need not be entered in the travel document held by a person accompanying him or her.

(22.01.2003 entered into force 27.02.2003 - RT I 2003, 15, 87)

### **§ 8. Identity document requirement upon crossing state border**

The identity document requirement upon crossing the state border is provided for in the State Borders Act (RT I 1994, 54, 902; 1997, 77, 1315; 1999, 25, 365; 2000, 86, 550; 2001, 23, 126; 2002, 58, 363; 63, 387; 90, 516; 102, 599; 2003, 23, 138; 26, 156; 51, 350; 88, 591; 2004, 2, 4).

## **Chapter 3**

### **Issue and Revocation of Documents**

(15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

### **§ 9. Standard format of documents and data entered in documents**

(1) The standard format and technical description of a document and the list of data to be entered in a document shall be established by a regulation of the Government of the Republic.

(2) Data shall not be entered in a document if the entry of such data is not prescribed by an international agreement, law or other legislation of general application established on the basis thereof.

(3) Unless otherwise provided for in this Act, only the following personal data pertaining to the holder of a document may be entered in the document:

- 1) name;
- 2) date and place of birth;
- 3) personal identification code;
- 4) photograph;
- 5) sex;
- 6) citizenship;
- 7) fingerprints or signature;
- 8) colour of eyes and hair;
- 9) other personal data if prescribed by an international agreement, law or other legislation of general application established on the basis thereof.

(15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

(4) (Repealed - 15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

(5) Information which enables identification and signing and other digital data, the list of which shall be established by a regulation of the Government of the Republic, may be entered in a document.

(08.03.2000 entered into force 15.12.2000 - RT I 2000, 26, 150)

#### **§ 9<sup>1</sup>. Entry of person's name in document**

(1) If a person's name contains foreign letters, the person's name shall be entered in a document according to the transcription rules of the International Civil Aviation Organization (ICAO) and, if possible, the original letters shall be retained.

(2) If a person's given name is longer than 15 characters or surname is longer than 28 characters, the name shall be entered in a document such that the letters at the end of the name which cannot be supplied in the corresponding data fields shall not be written.

(3) In the cases specified in subsections (1) and (2) of this section, a person's name shall be entered in the notations page of a document (except an identity card) in the original form and the entry shall be confirmed with a seal.

(15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

#### **§ 10. Issue of documents**

(1) Documents shall be issued only on the basis provided for in this Act.

(2) If the issuer of a document has a justified reason to believe that the issue of a travel document to a person who is under 15 years of age may damage the interests of the person, the consent of the guardianship authority is required for the issue of a travel document.

(17.12.2003 entered into force 16.01.2004 - RT I 2004, 2, 4)

§ 11. (Repealed - 15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

### **§ 11<sup>1</sup>. Identification**

(1) Upon application for the issue of a document and upon issue of a document, the person applying for the document shall be identified.

(17.12.2003 entered into force 16.01.2004 - RT I 2004, 2, 4)

(2) The issuer of a document and the person who releases the document are required to verify the identity of the applicant. The document shall not be issued to a person not identified pursuant to the prescribed procedure.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

### **§ 11<sup>2</sup>. Proceedings upon issue of documents**

(15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

(1) In order for a document to be issued, a person or his or her legal representative shall submit a standard application to an agency competent to issue the document.

(15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

(2) In order to submit an application for the issue of a document, a person or his or her legal representative is required to address a competent agency in person in the following cases:

(22.01.2003 entered into force 27.02.2003 - RT I 2003, 15, 87)

1) an Estonian citizen applying for the issue of a document provided for in this Act unless, prior to this, a document other than those provided for in this Act has been issued to the person;

2) an alien applying for the issue of a temporary travel document.

(3) An Estonian citizen or his or her legal representative may submit an application for the issue of an Estonian passport in person to a foreign mission of Estonia which, after identification of the applicant, shall forward it to the Citizenship and Migration Board for processing. In the case provided for in clause (2) 1) of this section, an Estonian citizen or his or her legal representative who wishes to submit an application

for the issue of an Estonian passport to a foreign mission of Estonia is required to address the foreign mission of Estonia in person.

(17.12.2003 entered into force 16.01.2004 - RT I 2004, 2, 4)

(4) At the request of an agency which is competent to issue a document, a person is required to address the specified agency in person in order for the procedural acts which are necessary for the issue of the document to be performed.

(15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

(5) A document shall be issued through the Citizenship and Migration Board, the Ministry of Foreign Affairs or a certification service provider specified in subsection 19<sup>1</sup> (3) of this Act after identification of the holder of the document.

(6) A document shall be issued to the holder of the document in person. A document of a person under 15 years of age or with restricted active legal capacity shall be issued personally to the legal representative of the holder of the document. The holder of the document or his or her legal representative shall sign against receipt of the document.

(22.01.2003 entered into force 27.02.2003 - RT I 2003, 15, 87)

(7) A person of at least 15 years of age may perform the procedural acts provided for in this Act independently.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

## **§ 12. Refusal to issue document**

(1) The issue of a document shall be refused if there is no basis provided by law for performance of the act.

(2) On the proposal of the guardianship authority or in the absence of the consent specified in subsection 10 (2) of this Act, the issue of a travel document to a person under 15 years of age may be refused if the issue of the travel document may damage the interests of the person under 15 years of age.

(15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

## **§ 13. Revocation of documents**

(1) A document shall be revoked:

- 1) if the basis for issuing (holding) the document ceases to exist;
- 2) if the document is issued or replaced without legal basis;
- 3) if the document or an entry or data contained therein are falsified or inaccurate;

- 4) if the document becomes unusable or an entry contained therein is illegible;
- 5) if the document is not integral or is spoiled;
- 6) if the document is lost or destroyed;
- 7) upon issue of a new document of the same type to the holder of the document, except upon issue of an additional passport in the case specified in subsection 21 (3) and subsection 22 (6) of this Act;
- 8) upon the death or declaration of death of the holder of the document.

(2) If, after issue of a document, the Citizenship and Migration Board establishes that false information or falsified documents have been submitted concerning circumstances which are the basis for issue of the document, a person is required to provide documentary evidence of the circumstances which are the basis for issue of the document at the request of the Citizenship and Migration Board. If the person has not submitted the specified evidence within the term established by the Citizenship and Migration Board, the Citizenship and Migration Board shall revoke the document due to submission of false information or falsified documents.

(3) In the cases specified in clauses (1) 1)-3) and subsection (2) of this Act, the agency which revokes the document shall inform the holder of the document of revocation of the document without undue delay.

(4) The validity of a revoked document shall not be restored.

(5) The person who releases documents shall make a corresponding notation in the revoked document or render the document unusable in any other manner, unless the document is lost or destroyed.

(15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

#### **§ 14. Obligations of holders of documents and return of documents**

(1) The holder of a document is required to notify the government agency which issued the document of any change in the data entered in the document within one month after the change is effected.

(2) If a document becomes unusable or is lost or destroyed, the holder of the document is required to notify the government agency which issued the document thereof within three working days after the document becomes unusable or is lost or destroyed or within three working days after the date on which the holder becomes aware thereof.

(3) Upon issue of a document, the holder of the document is required to submit a valid document of the same type which was previously issued, unless the document is lost or destroyed.

(4) The holder of a document is required to return the document promptly to the agency which issued the document if the document is revoked pursuant to clauses 13 (1) 1)-3) and subsection 13 (2) of this Act.

(5) Upon the death or declaration of death of the holder of a document, the document shall be returned to the government agency which issued the document.

(15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

## **§ 15. Organisation of issue and revocation of documents**

(1) The list of certificates and information to be submitted upon application for the issue of a document and the terms for issue of a document shall be established by a regulation of the Government of the Republic.

(2) The standard formats of applications for the issue of identity cards, Estonian passports, alien's passports, temporary travel documents, travel documents for refugees, seafarer's discharge books and certificates of record of service on Estonian ships and the procedure for the identification of the holder of the document shall be established by a regulation of the Minister of Internal Affairs.

(3) The standard formats of applications for the issue of diplomatic passports, certificates of return and permits or return, and the procedure for the recognition of travel documents of foreign states and international organisations shall be established by a regulation of the Minister of Foreign Affairs.

(4) The Citizenship and Migration Board shall issue and revoke:

- 1) identity cards;
- 2) Estonian passports;
- 3) alien's passports;
- 4) temporary travel documents;
- 5) travel documents for refugees;
- 6) seafarer's discharge books;
- 7) certificates of record of service on Estonian ships.

(5) The Ministry of Foreign Affairs shall:

- 1) issue and revoke diplomatic passports, certificates of return and permits of return;
- 2) issue Estonian passports to Estonian citizens staying in foreign states and alien's passports to aliens staying in foreign states.

(15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516; 17.12.2003 entered into force 16.01.2004 - RT I 2004, 2, 4)

§ 15<sup>1</sup>. (Repealed - 19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

## **Chapter 4**

### **Validity and Verification of Documents**

#### **§ 16. Validity of documents**

A document is valid if it complies with the following requirements:

- 1) the document is issued and data are entered in the document legitimately by a competent agency;
- 2) the document has not expired;
- 3) the document is usable and enables identification of entries made therein, verification of their correctness and ascertainment of the identity of the holder of the document;
- 4) the document is integral and is not spoiled.

(15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

#### **§ 17. Seizure of documents for verification**

(1) In the case of justified doubt, the Citizenship and Migration Board, the border guard authority or the police authority may seize a document for verification of the validity thereof.

(17.01.2001 entered into force 16.02.2001 - RT I 2001, 16, 68; 15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

(2) Subsection (1) of this section also applies to documents not provided for in this Act. A document held by an alien or a travel document issued by a foreign state may also be seized in order to verify the authenticity of a residence permit, work permit or visa entered therein.

(3) The agency which seizes a document for verification shall:

- 1) immediately issue a certificate to the holder concerning seizure of the document for verification;
- 2) explain to the holder of the document his or her rights to contest the seizure of the document for verification;

3) verify the validity of the document or forward the document for verification of the validity thereof to the agency which issued the document.

(15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

(4) The standard format of a certificate of seizure of a document for verification shall be established by a regulation of the Minister of Internal Affairs.

### **§ 18. Verification of documents**

(1) A document which, upon verification, proves to be valid shall be returned to the holder thereof.

(2) If, upon verification, a basis for the revocation of a document becomes evident, the document shall not be returned. An applicant shall be informed of invalidity of the document without delay.

(15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

(3) If, upon verification of a travel document issued by a foreign state, bases for the revocation thereof become evident, the document shall be forwarded to a competent administrative agency of the foreign state or international organisation. The decision shall be made known to the holder of the document.

(22.01.2003 entered into force 27.02.2003 - RT I 2003, 15, 87)

(4) If, upon verification of a document held by an alien, data concerning a residence permit, work permit or visa which have been unlawfully entered therein are detected, the data shall be annulled pursuant to the established procedure and the document shall be returned to the holder.

(5) A document shall be returned or revoked without undue delay.

(15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

## **Chapter 5**

### **Identity Cards**

#### **§ 19. Basis for issue of identity cards**

(1) An identity card is an internal document held by an Estonian citizen or an alien staying permanently in Estonia. Identity cards shall be issued to the following:

(17.12.2003 entered into force 16.01.2004 - RT I 2004, 2, 4)

1) Estonian citizens;

2) aliens staying (residing) permanently in Estonia who have valid residence permits.

(15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

(1<sup>1</sup>) An Estonian citizen may cross the Estonian state border which also is a border between Member States of the European Union with a valid identity card.

(14.04.2004 entered into force 01.05.2004 - RT I 2004, 28, 189)

(2) Other documents established by this Act shall be issued on the basis of data entered on the identity card of the person concerned. This subsection does not apply to persons who, pursuant to this Act, need not hold an identity card.

### **§ 19<sup>1</sup>. Digital data to be entered on identity card**

(1) A certificate which enables digital identification and a certificate which enables digital signing shall be entered on an identity card. The list of other digital data entered on an identity card shall be approved by the Government of the Republic, having regard to the provisions of subsection 9 (3) of this Act.

(2) If a certificate is entered in a document within the meaning of the Digital Signatures Act (RT I 2000, 26, 150; 92, 597; 2001, 56, 338; 2002, 53, 336; 61, 375; 2003, 88, 591; 594), a description of the limitations on the scope of use shall not be entered in the certificate.

(3) Certification service providers specified in subsection 18 (1) of the Digital Signatures Act shall issue certificates specified in subsection (1) of this section.

(12.06.2001 entered into force 07.07.2001 - RT I 2001, 56, 338)

### **§ 20. Period of validity of identity card**

(1) Identity cards with a period of validity of up to ten years shall be issued to Estonian citizens or aliens who hold valid residence permits in Estonia.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

(2) The period of validity of an identity card held by an alien shall not exceed the period of validity of his or her residence permit.

(2<sup>1</sup>) Identity cards with a period of validity of up to five years shall be issued to minors under 15 years of age.

(15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

(3) The period of validity of digital data entered on an identity card shall be established by a regulation of the Government of the Republic. The period of validity of digital data shall not exceed the period of validity of an identity card. The expiry of the period of validity of digital data shall not be the basis for the expiry of an identity card.

(12.06.2001 entered into force 07.07.2001 - RT I 2001, 56, 338)

## **Chapter 6**

### **Travel Documents Held by Estonian Citizens**

#### **§ 21. Estonian passport**

(1) Estonian passports shall be issued to Estonian citizens for crossing the state border.

(15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

(2) (Repealed - 15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

(3) A second Estonian passport (additional passport) may be issued in addition to a previously issued valid Estonian passport to an Estonian citizen who proves the existence of a justified personal or work-related need.

#### **§ 22. Diplomatic passport**

(1) A diplomatic passport shall be issued to:

- 1) the President of the Republic;
- 2) family members of the President of the Republic;
- 3) former Presidents of the Republic and their spouses.

(2) For the performance of functions in a foreign state, a diplomatic passport shall be issued to:

- 1) the Chairman and Deputy Chairmen of the Riigikogu<sup>2</sup>;
- 2) members of the Riigikogu who are members of a state delegation or represent the state as officials;
- 3) members of the Government of the Republic;
- 4) the State Secretary;
- 5) the Chief Justice of the Supreme Court;
- 6) the Chancellor of Justice;
- 7) the Auditor General;

8) diplomats on assignments abroad and the family members who accompany them on the assignments abroad;

(22.01.2003 entered into force 27.02.2003 - RT I 2003, 15, 87)

9) diplomats who are staying in a foreign state on assignments of the Ministry of Foreign Affairs;

10) the President of the Bank of Estonia;

11) the Commander of the Defence Forces;

12) non-staff public servants in the service of the Ministry of Foreign Affairs who are assigned to foreign missions and the family members who accompany them on the assignments abroad;

(22.01.2003 entered into force 27.02.2003 - RT I 2003, 15, 87)

13) diplomatic couriers in order to deliver diplomatic mail to representations of the Republic of Estonia.

(22.01.2003 entered into force 27.02.2003 - RT I 2003, 15, 87)

(3) The Government of the Republic may, on the proposal of the Minister of Foreign Affairs, decide to issue diplomatic passports to other persons if this is necessary for the performance of duties of the state and complies with international custom.

(22.01.2003 entered into force 27.02.2003 - RT I 2003, 15, 87)

(4) For the purposes of this section, family members are deemed to be spouses and minor children or adult children studying at general education schools.

(22.01.2003 entered into force 27.02.2003 - RT I 2003, 15, 87)

(5) Persons listed in clauses (2) 1)-7), 10) and 11) of this section are required to return their diplomatic passports to the Ministry of Foreign Affairs within one month after they are released from office.

(08.11.2000 entered into force 02.12.2000 - RT I 2000, 86, 550)

(5<sup>1</sup>) Upon release from office, diplomats listed in clauses (2) 8) and 9) of this section are required to immediately return their diplomatic passports to the Ministry of Foreign Affairs.

(08.11.2000 entered into force 02.12.2000 - RT I 2000, 86, 550)

(5<sup>2</sup>) The family members of diplomats specified in clause (2) 8) of this section who are on assignments abroad are required to deposit their diplomatic passports in the Ministry of Foreign Affairs while in Estonia. After assignments abroad, the family

members of diplomats on assignments abroad are required to return their diplomatic passports to the Ministry of Foreign Affairs within one week.

(08.11.2000 entered into force 02.12.2000 - RT I 2000, 86, 550)

(5<sup>3</sup>) Persons specified in subsection (3) of this section are required to return their diplomatic passports within one week after they have ceased to perform the duties of the state.

(08.11.2000 entered into force 02.12.2000 - RT I 2000, 86, 550)

(5<sup>4</sup>) The family members of non-staff public servants in the service of the Ministry of Foreign Affairs who are assigned to foreign missions and specified in clause (2) 12) of this section are required to deposit their diplomatic passports in the Ministry of Foreign Affairs while in Estonia. After assignments abroad, the non-staff public servants in the service of the Ministry of Foreign Affairs who are assigned to foreign missions and their family members are required to return their diplomatic passports to the Ministry of Foreign Affairs within one week.

(22.01.2003 entered into force 27.02.2003 - RT I 2003, 15, 87)

(5<sup>5</sup>) The persons specified in clause (2) 13) of this section are required to deposit their diplomatic passports in the Ministry of Foreign Affairs while in Estonia. After assignments abroad, diplomatic couriers are required to return their diplomatic passports to the Ministry of Foreign Affairs within one working day.

(22.01.2003 entered into force 27.02.2003 - RT I 2003, 15, 87)

(6) If necessary, the Ministry of Foreign Affairs may issue additional diplomatic passports.

### **§ 23. Seafarer's discharge book**

A seafarer who is an Estonian citizen shall be issued a seafarer's discharge book which complies with the requirements of the "Convention concerning Seafarers' National Identity Documents" (RT II 1996, 38, 142) of the International Labour Organisation (ILO).

### **§ 24. Period of validity of travel document held by Estonian citizen**

(1) Estonian passports shall be issued with a period of validity of up to ten years.

(2) Estonian passports with a period of validity of up to five years shall be issued to Estonian citizens under 15 years of age.

(3) An additional passport shall be issued with a period of validity of up to three years, but for not longer than the period of validity of the previously issued Estonian passport.

(4) A diplomatic passport shall be issued:

- 1) with a period of validity of up to five years to the President of the Republic and his or her spouse;
- 2) with a period of validity of up to five years to a minor child of the President of the Republic, but for not longer than until he or she becomes an adult;
- 3) with a period of validity of up to ten years to former Presidents of the Republic and their spouses;
- 4) with a period of validity of up to four years to members of the Riigikogu, members of the Government of the Republic, and the State Secretary;
- 5) to the Chief Justice of the Supreme Court, which expires upon the termination of his or her authority;
- 6) with a period of validity of up to seven years to the Chancellor of Justice;
- 7) with a period of validity of up to five years to the Auditor General;
- 8) with a period of validity of up to five years to diplomats;
- 9) to the President of the Bank of Estonia, which expires upon the termination of his or her authority;
- 10) to the Commander of the Defence Forces, which expires upon the termination of his or her authority;
- 11) with a period of validity of up to three years to persons specified in subsection 22 (3) of this Act;

(22.01.2003 entered into force 27.02.2003 - RT I 2003, 15, 87)

- 12) to non-staff public servants in the service of the Ministry of Foreign Affairs and the family members who accompany them on an assignment abroad until the end of the assignment abroad;

(22.01.2003 entered into force 27.02.2003 - RT I 2003, 15, 87)

- 13) with a period of validity of up to three years to diplomatic couriers.

(22.01.2003 entered into force 27.02.2003 - RT I 2003, 15, 87)

- (5) A seafarer's discharge book shall be issued with a period of validity of up to ten years.

(08.11.2000 entered into force 02.12.2000 - RT I 2000, 86, 550)

## § 25. Scope of application of travel documents

(1) Travel documents held by Estonian citizens or aliens shall have unlimited scope of application.

(2) The government agency which issued a travel document may, on the proposal of a prosecutor, restrict the scope of application of the travel document if a preventive measure in the form of a signed undertaking not to leave the place of residence, or personal surety or security is imposed on the holder of the document in a criminal matter.

(3) In the cases prescribed in an international agreement, the scope of application of a travel document may be restricted.

(17.12.2003 entered into force 16.01.2004 - RT I 2004, 2, 4)

(4) A travel document issued by the Republic of Estonia to an alien who has received the residence permit pursuant to the Refugees Act (RT I 1997, 19, 306; 1999, 18, 301; 25, 365; 2001, 16, 68; 2002, 42, 266; 61, 375; 2003, 13, 65) is not valid in his or her country of nationality or country of permanent residence.

(17.12.2003 entered into force 16.01.2004 - RT I 2004, 2, 4)

(5) Upon restriction of the scope of application of a travel document, a corresponding notation shall be made in the travel document.

(17.12.2003 entered into force 16.01.2004 - RT I 2004, 2, 4)

## **Chapter 7**

### **Documents Held by Aliens**

#### **§ 26. Status of alien's passport**

(1) An alien's passport is a travel document issued to an alien by the Republic of Estonia in which, if necessary, data concerning the residence permit of the alien are entered.

(15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

(2) An alien's passport does not grant the holder thereof the right to the protection of a foreign mission of Estonia unless otherwise provided by law or an international agreement.

#### **§ 27. Basis for issue of alien's passport**

(1) An alien's passport shall be issued to an alien who holds a valid residence permit in Estonia if it is proved that the alien does not hold a travel document issued by a foreign state and that it is not possible for him or her to obtain a travel document issued by a foreign state.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375; 15.10.2002 entered into force. 01.12.2002 - RT I 2002, 90, 516)

(2) (Repealed - 15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

(3) In order for an alien's passport to be issued to a citizen of a foreign state, the alien shall submit the consent of a competent administrative agency of his or her country of nationality to the issue of an alien's passport to him or her, or prove that it is not possible to obtain the specified consent.

### **§ 28. Period of validity of alien's passport**

(1) An alien's passport shall be issued with a period of validity of up to ten years, but the period of validity shall not exceed the period of validity of the residence permit issued to the alien.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254; 15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

(2) An alien's passport shall be issued to an alien under 15 years of age with a period of validity of up to five years, but the period of validity shall not exceed the period of validity of the residence permit issued to the alien.

(15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

### **§ 29. Status and basis for issue of temporary travel document**

(1) A temporary travel document is a travel document issued by the Republic of Estonia to an alien staying in Estonia for departure from and return to Estonia.

(2) A temporary travel document may be issued, without a standard application, to an alien who departs or is obliged to depart from Estonia without the right of return if he or she does not hold a valid travel document or a certificate of return issued by a foreign state.

(15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

(3) A temporary travel document for a single departure from and return to Estonia may be issued to an alien legally residing in Estonia if he or she does not hold a valid travel document and does not have the right to receive an alien's passport.

(21.03.2000 entered into force 29.03.2000 - RT I 2000, 25, 148)

(4) A temporary travel document does not grant the holder thereof the right to the protection of a foreign mission of Estonia unless otherwise provided by law or an international agreement.

### **§ 30. Period of validity of temporary travel document**

A temporary travel document shall be issued with a period of validity of up to two years.

### **§ 31. Status and basis for issue of travel document for refugee**

(1) A travel document for a refugee is a travel document issued by the Republic of Estonia to an alien who is granted asylum in Estonia.

(2) A travel document for a refugee does not grant the holder thereof the right to the protection of a foreign mission of Estonia unless otherwise provided by law or an international agreement.

(3) A travel document for a refugee shall comply with the requirements of the United Nations Convention relating to the Status of Refugees (RT II 1997, 6, 26), taking into consideration the requirements for the availability and security of modern travel documents.

(15.01.2003 entered into force 01.05.2003 - RT I 2003, 13, 65)

(4) A travel document for a refugee shall be issued to an alien who has been issued a residence permit pursuant to subsection 5 (1) of the Refugees Act.

(17.12.2003 entered into force 16.01.2004 - RT I 2004, 2, 4)

### **§ 32. Period of validity of travel document for refugee**

(1) A travel document for a refugee shall be issued with a period of validity of up to ten years, but the period of validity shall not exceed the period of validity of the residence permit issued to the refugee.

(15.01.2003 entered into force 01.05.2003 - RT I 2003, 13, 65)

(2) A travel document for a refugee shall be issued to a refugee under 15 years of age with a period of validity of up to five years, but the period of validity shall not exceed the period of validity of the residence permit issued to the refugee.

(15.01.2003 entered into force 01.05.2003 - RT I 2003, 13, 65)

### **§ 33. Status and bases for issue of certificate of record of service on Estonian ships**

(1) A certificate of record of service on Estonian ships is a document issued to an alien by the Republic of Estonia.

(2) A seafarer who is an alien and who holds a residence permit in Estonia shall, on the basis of his or her application, be issued a certificate of record of service on Estonian ships which complies with the requirements of the "Convention concerning Seafarers' National Identity Documents" of the International Labour Organisation (ILO).

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

### **§ 34. Period of validity of certificate of record of service on Estonian ships**

A certificate of record of service on Estonian ships shall be issued with a period of validity of up to five years, but the period of validity shall not exceed the period of validity of the residence permit issued to the alien.

## **Chapter 8**

### **Certificates of Return and Permits of Return**

(08.11.2000 entered into force 02.12.2000 - RT I 2000, 86, 550)

### **§ 35. Basis for issue of certificate of return**

(1) A certificate of return shall be issued to an Estonian citizen staying in a foreign state whose travel document becomes unusable or is destroyed or lost.

(03.12.2003 entered into force 01.01.2004 - RT I 2003, 78, 527)

(2) A certificate of return shall be issued on the basis of a birth certificate to a child of less than one year of age who was born to a citizen of Estonia in a foreign state.

(03.12.2003 entered into force 01.01.2004 - RT I 2003, 78, 527)

### **§ 36. Period of validity of certificate of return**

(1) A certificate of return shall be issued with a period of validity of up to three months.

(2) Upon entry into Estonia, a certificate of return shall be returned to the border guard authority who shall forward the certificate to the Ministry of Foreign Affairs.

### **§ 36<sup>1</sup>. Basis for issue of permit of return**

(1) A permit of return may be issued to an alien for return to Estonia if:

1) the alien resides in the Republic of Estonia on the basis of a residence permit and his or her alien's passport, temporary travel document or travel document for a refugee becomes unusable or is destroyed or lost when he or she is in a foreign state;

2) the Republic of Estonia consents to the return of the alien pursuant to an international agreement.

(17.12.2003 entered into force 16.01.2004 - RT I 2004, 2, 4)

(2) A permit of return may be issued on the basis of a birth certificate to a child of less than one year of age who was born in a foreign state to an alien residing in the Republic of Estonia on the basis of a residence permit.

(03.12.2003 entered into force 01.01.2004 - RT I 2003, 78, 527)

### **§ 36<sup>2</sup>. Period of validity of permit of return**

(1) A permit of return shall be issued with a period of validity of up to one month.

(17.12.2003 entered into force 16.01.2004 - RT I 2004, 2, 4)

(1<sup>1</sup>) The period of validity of a permit of return issued on the basis specified in clause 36<sup>1</sup> (1) 1) of this Act shall not exceed the period of validity of the residence permit issued to the alien.

(17.12.2003 entered into force 16.01.2004 - RT I 2004, 2, 4)

(2) Upon entry into Estonia, a permit of return shall be returned to the border guard authority who shall forward the permit to the Ministry of Foreign Affairs.

(08.11.2000 entered into force 02.12.2000 - RT I 2000, 86, 550)

## **Chapter 8<sup>1</sup>**

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

### **Liability**

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

### **§ 36<sup>3</sup>. Violation of requirements of Identity Documents Act**

(1) Failure by the holder of an identity document to notify the government agency which issued the document of changes in the information entered in the document, of the document becoming unusable or of the loss or destruction of the document is punishable by a fine of up to 50 fine units.

(2) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 86, 504; 105, 612; 2003, 4, 22; 83, 557; 90, 601; 2004, 7, 40) and of the Code of Misdemeanour Procedure (RT I 2002, 50, 313; 110, 654; 2003, 26, 156; 83, 557; 88, 590) apply to the misdemeanours provided for in this section.

(3) The Citizenship and Migration Board is the extra-judicial body which conducts proceedings in matters of misdemeanours provided for in this section.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

## **Chapter 9**

### **Implementing Provisions**

#### **§ 37. Information concerning documents issued on basis of this Act**

Information concerning documents issued on the basis of this Act shall be entered in the population register pursuant to the Population Register Act (RT I 2000, 50, 317; 2001, 31, 173; 2002, 41, 254; 53, 336; 57, 355; 61, 375; 102, 599; 2003, 4, 22). Information concerning documents of aliens illegally staying in Estonia shall be processed pursuant to the procedure provided by a regulation of the Minister of Internal Affairs established on the basis of the Aliens Act (RT I 1993, 44, 637; 1999, 50, 548; 54, 582; 71, 686; 88, 808; 101, 900; 2000, 25, 148; 33, 197; 40, 254; 2001, 16, 68; 58, 352; 68, 407; 2002, 56, 351; 63, 387; 90, 521; 102, 599; 2003, 4, 20; 88, 594; 2004, 2, 2).

(07.03.2001 entered into force 07.04.2001 - RT I 2001, 31, 173)

#### **§ 38. Validity of previously issued documents**

(1) Estonian passports, diplomatic passports and seafarer's discharge books issued pursuant to the Estonian Citizens Identity and Citizenship Documents Act (RT I 1993, 43, 618) are valid until the date of expiry thereof, and the provisions of this Act apply thereto.

(2) Alien's passports issued pursuant to the Aliens Act (RT I 1993, 44, 637; 1999, 50, 548; 54, 582; 71, 686; 88, 808; 101, 900; 2000, 25, 148; 33, 197; 40, 254; 2001, 16, 68; 58, 352; 68, 407; 2002, 56, 351; 63, 387; 90, 521; 102, 599; 2003, 4, 20; 88, 594; 2004, 2, 2) are valid until the date of expiry thereof, and the provisions of this Act apply thereto.

(3) Temporary travel documents issued pursuant to the Temporary Travel Documents Act (RT I 1994, 41, 658; 1999, 25, 365) are valid until the date of expiry thereof, and the provisions of this Act apply thereto.

(4) The validity of a document shall not depend on changes in the standard format and technical description of a document and the list of data to be entered in a document, unless otherwise provided by law or legislation of general application established on the basis thereof.

(15.10.2002 entered into force 01.12.2002 - RT I 2002, 90, 516)

#### **§ 39. Implementation of §§ 5 and 6 of this Act**

Sections 5 and 6 of this Act are implemented as of 1 January 2002.

#### **§ 40. Commencement of issue of identity cards and of travel documents for refugees**

The Government of the Republic shall determine the time for the commencement of the issue of identity cards and of travel documents for refugees within one year after the entry into force of this Act, taking into account the provisions of § 39 of this Act.

#### **§ 41. Amendments to other legislation**

(1) Chapter 3 of the Aliens Act is repealed.

(2) The Defence Forces Service Act (RT I 1994, 23, 384; 1995, 18, 240; 62, 1056; 1996, 25, 519; 49, 953; 1997, 95/96, 1575; 1998, 57, 865; 1999, 10, 150) is amended by adding § 10<sup>2</sup> worded as follows:

“§ 10<sup>2</sup>. Defence Forces service certificate

(1) A Defence Forces service certificate is a document which proves the identity of a member of the Defence Forces or a reservist, and which proves his or her area of specialisation in the Defence Forces and his or her military rank and career. In the cases provided by an international agreement, a Defence Forces service certificate may be used as a travel document.

(2) A Defence Forces service certificate shall be issued:

- 1) upon the call-up of persons eligible to be drafted for military service or alternative service;
- 2) to officers, non-commissioned officers and members of a rank in active service;
- 3) to reservists.

(3) A Defence Forces service certificate shall be issued for an unspecified term.

(4) Unless otherwise provided by an international agreement, it is not permitted to carry a Defence Forces service certificate upon departure from Estonia. As an exception, the Ministry of Defence may issue a single permit for a specified term or a single permanent permit to carry a Defence Forces service certificate upon departure from Estonia.

(5) The Government of the Republic shall determine the standard format of Defence Forces service certificates. The Ministry of Defence and the military units shall organise the issue of Defence Forces service certificates. A Defence Forces service certificate shall be issued on the basis of the data entered on the identity document held by the person concerned and provided for in the Identity Documents Act, and on the basis of data from the Ministry of Defence and the military unit.

(6) Upon permanent settlement in a foreign state, a Defence Forces service certificate shall be returned to the Ministry of Defence, a county or city national defence department or a military unit.

(7) If a Defence Forces service certificate held by a member of the Defence Forces or by a reservist is lost, becomes unusable or is destroyed, the member of the Defence

Forces or the reservist is required to notify the agency which issued the Defence Forces service certificate thereof within three days after the certificate is lost, becomes unusable or is destroyed or within three days after the date on which the holder becomes aware thereof.

(8) Upon a change in the data entered in a Defence Forces service certificate held by a member of the Defence Forces or a reservist, the member of the Defence Forces or the reservist is required to submit the Defence Forces service certificate for amendment to the agency which issued the certificate within seven days after the change is effected.”

(3) The State Borders Act (RT I 1994, 54, 902; 1997, 77, 1315; 1999, 25, 365; 2000, 86, 550; 2001, 23, 126; 2002, 58, 363; 63, 387; 90, 516; 102, 599; 2003, 23, 138; 26, 156; 51, 350; 88, 591; 2004, 2, 4) is amended as follows:

1) subsection 11 (2) is repealed;

2) the Act is amended by adding §§ 11<sup>1</sup> and 11<sup>2</sup> worded as follows:

“§ 11<sup>1</sup>. Identity document requirement upon crossing state border

(1) An Estonian citizen crossing the state border upon departure from Estonia shall hold a travel document. An Estonian citizen crossing the state border upon arrival in Estonia shall hold a travel document, certificate of return or other document which is prescribed for visiting a foreign state by an international agreement.

(2) Upon arrival in Estonia, an Estonian citizen who does not hold a document required in subsection (1) of this section is permitted to cross the state border if his or her identity and citizenship are proved on the basis of other documents.

(3) An alien crossing the state border shall hold a valid travel document issued by a foreign state, or an alien’s travel document or a certificate of return issued by the Republic of Estonia in which data concerning his or her visa or residence permit are entered, unless otherwise provided by law or an international agreement.

§ 11<sup>2</sup>. Identity document requirement of minor upon crossing state border

(1) Upon crossing the state border, an Estonian citizen under 15 years of age need not hold a travel document or a certificate of return if his or her name, date of birth, citizenship and photograph are entered in the travel document held by his or her parent who is accompanying him or her upon arrival in Estonia or departure from Estonia. If the Estonian citizen is under 7 years of age, his or her photograph need not be entered in the travel document held by the person accompanying him or her.

(2) An alien under 15 years of age need not hold a travel document if he or she enters Estonia, stays in Estonia and departs from Estonia accompanied by a person in whose travel document his or her name, date of birth and photograph and data concerning his or her visa or residence permit, if a visa or residence permit requirement applies to the alien in Estonia, are entered. If the minor is under 7 years of age, his or her photograph need not be entered in the travel document held by the person accompanying him or her.”

(4) The Refugees Act (RT I 1997, 19, 306; 1999, 18, 301; 25, 365; 2001, 16, 68; 2002, 42, 266; 61, 375; 2003, 13, 65) is amended as follows:

1) subsection 18 (1) is amended and worded as follows:

“(1) A travel document for a refugee shall be issued to a refugee on the bases provided for in the Identity Documents Act.”

2) subsection 18 (3) is repealed.

#### **§ 42. Repeal of legislation**

(1) The Estonian Citizens Identity and Citizenship Documents Act (RT I 1993, 43, 618) is repealed.

(2) The Temporary Travel Documents Act (RT I 1994, 41, 658; 1999, 25, 365) is repealed.

#### **§ 43. Entry into force of Act**

This Act enters into force on 1 January 2000.

<sup>1</sup> RT = *Riigi Teataja* = *State Gazette*

<sup>2</sup> Riigikogu = the parliament of Estonia