



Integration of refugees in Estonia

Participation and Empowerment

Understanding Integration in Estonia through the participation of refugees, integration stakeholders' experiences, and research.

January 2016 – November 2016



UNHCR
The UN Refugee Agency

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UNHCR Regional Representation for Northern Europe
Stockholm, December 2016

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REPUBLIC OF ESTONIA
MINISTRY OF CULTURE



REPUBLIC OF ESTONIA
MINISTRY OF THE INTERIOR



REPUBLIC OF ESTONIA
MINISTRY OF SOCIAL AFFAIRS

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LEGAL PROCESS: refugees are granted a range of entitlements and rights which are broadly commensurate with those enjoyed by citizens. These include freedom of movement, access to education and the labour market, access to social assistance, including health facilities, and the capacity to travel with valid travel and identity documents. Realization of family unity is another important aspect of integration. Over time the process should lead to permanent residence rights and in some cases the acquisition of citizenship in the country of asylum.

ECONOMIC PROCESS: refugees attain a growing degree of self-reliance and become capable of pursuing sustainable livelihoods, thus contributing to the economic life in the host country.

REFUGEE INTEGRATION

TWO-WAY PROCESS: preparedness on the part of the refugees to adapt to the host society without having to forego their own cultural identity, and a corresponding readiness on the part of host communities and public institutions to welcome refugees and to meet the needs of a diverse population.

SOCIO-CULTURAL PROCESS: refugees acclimatize and local communities accommodate refugees to enable them to live amongst or alongside the receiving population without discrimination or exploitation, and contribute actively to the social life of their country of asylum.

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The final report has been extensively informed by the knowledge and experiences generously shared by the national and civil society stakeholders and the refugees living in Estonia, who were consulted during the process of conducting this study.

The UNHCR Regional Representation for Northern Europe expresses its deep appreciation to all who contributed to this publication.

Abbreviations

| | | | |
|--------------------------------|--|---------------|---|
| 1951 Refugee Convention | 1951 Convention relating to the Status of Refugees | MISA | Integration and Migration Foundation Our People |
| AA | Aliens Act | MoC | Ministry of Culture |
| AGIPA | Act on Granting International Protection to Aliens | MoER | Ministry of Education and Research |
| AMIF | Asylum, Migration and Integration Fund | MoF | Ministry of Finance |
| CFREU | Charter of Fundamental Rights of the European Union | Mol | Ministry of the Interior |
| EHRC | Estonian Human Rights Centre | MoSA | Ministry of Social Affairs |
| EUIF | Estonian Unemployment Insurance Fund | NAO | National Audit Office |
| ENSIB | Estonian National Social Insurance Board | NGO | Non-Governmental Organization |
| ExCom | Executive Committee of UNHCR | OECD | Organization for Economic Cooperation and Development |
| ECHR | European Convention on Human Rights and Fundamental Freedoms | PA | Participatory Assessment |
| EMN | European Migration Network | PAD/BE | Persons of African Descent / Black Europeans |
| ERC | Estonian Refugee Council | PBGB | Police and Border Guard Board |
| IBS | Institute of Baltic Studies | QD | Qualification Directive |
| ICCPR | International Covenant on Civil and Political Rights | RICE | Refugee Integration Capacity and Evaluation |
| ICESCR | International Covenant on Economic, Social and Cultural Rights | RRNE | Regional Representation for Northern Europe |
| IOM | International Organization for Migration | TFEU | Treaty on the Functioning of the European Union |
| JMC | Johannes Mihkelson Centre | UNHCR | United Nations High Commissioner for Refugees |
| MFA | Ministry of Foreign Affairs | | |

Terminology

For the purpose of this report, the following terminology is used:

- A **third country national** is “Any person who is not a citizen of the European Union within the meaning of Article 20(1) of the Treaty on the Functioning of the European Union (TFEU) and who is not a person enjoying the EU right to free movement, as defined in Article 2(5) of the Schengen Borders Code”.
- A **stateless person** is “a person who is not considered as a national by any State under the operation of its law”.
- **International protection** means refugee status and subsidiary protection status granted in line with the Act on Granting International Protection to Aliens.
- A **beneficiary of international protection** is “a person who has been granted refugee status or subsidiary protection status as defined in the Act on Granting International Protection to Aliens”.
- A **1951 Convention refugee** is “a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it”, and who has been recognised as a refugee.
- A **person eligible for subsidiary protection** means a person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm and who is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country.

Executive Summary

Estonia is one of 146 States Parties to the 1951 Refugee Convention and its 1967 Protocol. From 1997, when the national asylum procedure was established, to April 2016, a total of 863 persons have applied for asylum in Estonia, out of whom 218 individuals have been granted international protection.

The ultimate goal of international protection is achieved when refugees are able to find a durable solution to their plight, including through integration in countries of asylum. A functioning integration programme which enables refugees to achieve legal, economic, socio-cultural and civil and political integration is therefore an integral part of an effective asylum system. Consequently, the UNHCR Regional Representation for Northern Europe (UNHCR RRNE) selected integration as one of its regional priorities for advocacy, capacity development and technical support several years ago. UNHCR's engagement in integration stems from its mandate to provide international protection to refugees and help States find durable solutions to their plight. Article 34 in the 1951 Refugee Convention, which calls on States to facilitate the integration and naturalization of refugees, Executive Committee Conclusion No. 104 on local integration as well as the rights of refugees set out in the 1951 Refugee Convention, constitute the legal foundation for UNHCR's work in this area.

To inform UNHCR's activities in the area of integration and guide the focus of its capacity building efforts, UNHCR RRNE has conducted studies on refugee integration opportunities and challenges in a number of countries in the Northern Europe region, and shared examples of effective and innovative integration practices with governmental and non-governmental stakeholders in the region, for inspiration. The study "Integration of refugees in Estonia: Participation and Empowerment" is the most recent in the series of such studies conducted by UNHCR RRNE.

The study has been developed using a three-pronged approach, comprising (i) a desk-based mapping of the existing legislation, policies and institutional roles and responsibilities *vis-à-vis* international and European standards in a number of thematic areas of particular relevance for refugees' ability to integrate; (ii) semi-structured interviews with governmental and non-governmental actors working in the area of refugee integration; and (iii) Participatory Assessments encompassing focus group discussions with refugees who have been granted asylum in Estonia. A national consultant, working under the guidance of UNHCR RRNE, implemented the first two prongs of the project, while the Participatory Assessment with refugees was conducted by a Multi-Functional Team comprising representatives from UNHCR RRNE, the Estonian Ministry of Culture, the Ministry of the Interior, the Ministry of Social Affairs, the consultant and the Johannes Mihkelson Centre.

The report mainly reflects the situation in Estonia in Spring 2016, and UNHCR acknowledges that the situation is dynamic and that changes have taken place. Possibilities to include developments since Spring 2016 have been limited, as the consultation process with integration stakeholders had already been concluded.

Through the Participatory Assessments, the members of the Multi-Functional Team were assured that the refugees living in Estonia are eager to contribute to the society and economy, learn the language and become self-sufficient and socially integrated as soon as possible. The desk research also confirmed that the rights accorded to refugees under the national legislation are generally in line with international and European standards, and showed that Estonia has taken commendable steps within a very short period of time to strengthen the institutional coordination and capacity to provide for the reception and integration of the refugees it has committed to receive under the EU's emergency relocation and resettlement schemes. The various measures undertaken have clearly facilitated the reception of the relocated and resettled refugees,

who are now starting their integration trajectories in Estonia. An illustration of this is that the refugees consulted during the Participatory Assessments expressed an intention to remain and integrate into the Estonian society, and specifically mentioned the recently established support person service as a facilitator of their access to mainstream services and contacts with the local population.

This study has moreover found that the coordination structures established to respond to the reception and integration needs of the relocated and resettled refugees, the availability of mainstream services and the support person service constitute key foundations on the basis of which a comprehensive and holistic refugee integration strategy and programme, to which all refugees in Estonia should have access, can be developed. Several integration studies undertaken, and policies developed at the European level, recognize the interrelatedness between the different areas considered to be particularly important for refugees' ability to integrate into new societies. These include humane reception conditions and the ability to spend the time in the asylum procedure in a meaningful way; post-recognition integration support, including financial assistance and language learning; a secure legal status and the duration of residence permits; validation of academic and professional qualifications; access to employment and housing; education; family reunification; and social integration, including protection against discrimination and xenophobia.

While the Estonian legal framework generally provides access to these rights and services for refugees, this study has shown that in practice, refugees often face difficulties in finding accommodation, learning the language in an efficient way, finding employment at the level of their qualifications and taking part in the socio-cultural life of the society without feeling discriminated against. Some of the specific obstacles identified include the short duration of residence permits granted to, in particular, beneficiaries of subsidiary protection; the lack of individual "labour inclusion plans", which build on the refugee's qualifications and aspirations, coupled with labour market-related cultural orientation sessions for both employers and refugee employees; the lack of centralized language learning opportunities adapted to the needs of the refugees; discrimination against refugee children in schools; difficulties in finding housing and securing lease agreements due to, amongst other things, xenophobia and discrimination and short duration of residence permits; insufficient provision of information about refugees' rights and obligations in Estonia; as well as discrimination and xenophobia against refugees in the society at large. UNHCR believes that the ability of refugees to enjoy their rights, and access services in these critical areas, will be enhanced by further developing the existing legal integration policy framework and institutional coordination structure in place today.

The study has also revealed the value and importance of participatory approaches in the identification of opportunities and challenges, and in monitoring and evaluating the impact of reception and integration policies. It is UNHCR's belief that participatory methods of assessment will empower the refugees and enhance their sense of responsibility and motivation, strengthen their ownership of the processes as well as improve the information on the basis of which decisions are made.

UNHCR hopes that this study can contribute to a better understanding of the situation of refugees in Estonia, including the obstacles that they face and which may prevent them from fully integrating into Estonian society, and inform further measures aimed at facilitating refugees' legal, economic, socio-cultural and civil and political integration. By establishing an environment conducive for integration, Estonia will help refugees find a new, secure home in the country, and enable them to become empowered and contributing members of the society.

UNHCR stands ready to support Estonia in further developing its refugee integration programme by, *inter alia*, drawing on its network of experts and good practice examples from the region to share inspiring integration practices and to contribute to the development of a holistic national integration strategy and programme, which facilitates refugees' integration into Estonian society, and maximizes the beneficial impact of the valuable human and financial resources invested.

1.

Introduction and objectives of the study

Estonia acceded to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, (hereafter collectively referred to as the “1951 Refugee Convention”) in 1997. The Estonian asylum system is therefore relatively new, particularly in comparison with many other EU Member States. Estonia has one of the lowest numbers of asylum applications in the entire EU, in both absolute and relative terms. From 1997, when the asylum procedure was introduced, to 31 December 2015, a total of 821 applications were made in Estonia.¹ Out of these, 172 persons have been granted international protection.²

As a result of the global refugee crisis, the number of refugees and asylum-seekers arriving in Europe has steadily increased in recent years. At EU level, concerns related to the uneven distribution of responsibility for the reception and integration of individuals in need of international protection have led to the establishment of emergency relocation and resettlement schemes.³ Member States agreed to resettle 54,000 persons in clear need of international protection and to relocate 160,000 asylum-seekers from Italy and Greece. Under these agreements, Estonia has agreed to receive 550 persons.⁴

The increased number of arrivals has required host countries to intensify their efforts in establishing and maintaining efficient reception and integration systems. In order to inform the focus of these efforts, UNHCR RRNE has conducted a series of studies on refugee integration opportunities and challenges in a number of Northern European countries, including the present study on Estonia. UNHCR RRNE has therefore identified integration of refugees as one of its regional priorities for advocacy, capacity development and technical support.

UNHCR RRNE has conducted this study, or mapping, in cooperation with the Estonian Ministry of Culture (MoC), the Ministry of the Interior (Mol), the Ministry of Social Affairs (MoSA), the Johannes Mihkelson

¹ Estonian Government Office, fact sheet “*Refugees in Estonia*”, available at: <https://valitsus.ee/et/pagulased>.

² Ibid.

³ Based on European Commission proposals, in September 2015 the EU Justice and Home Affairs Council adopted two Decisions to relocate 160,000 asylum-seekers from Italy and Greece, to assist them in dealing with the pressures of the refugee crisis. Under the emergency relocation scheme, asylum-seekers with a high chance of having their applications successfully processed are relocated from Greece and Italy, where they have arrived, to other Member States where they will have their asylum applications processed. Additionally, in May 2015 the Commission proposed a European Resettlement Scheme which was adopted by the Council in July 2015. To avoid displaced persons in need of protection having to resort to criminal networks of smugglers and traffickers, the resettlement programme provides legal and safe pathways to enter the EU. More information can be found here: <http://goo.gl/VkOUJX>.

⁴ Estonian Government Office, the *Action Plan on the implementation of the EU's emergency relocation and resettlement schemes*, 8 October 2015, available at: <https://goo.gl/fKGGH79>

Centre (JMC) and the Estonian Refugee Council (ERC). The study combines desk based research and interviews with key “integration stakeholders”, both carried out by the consultant, as well as a Participatory Assessment (PA) with refugees. In addition, meetings have been held with key integration stakeholders to share the initial findings of the mapping and collect observations and comments.

While the desk research maps the legislative, policy and institutional framework for the integration of refugees in Estonia and looks at previous studies on integration, the interviews with integration stakeholders provide an insight into the practical implementation of these laws and policies. The PA allows the refugees themselves to be heard in relation to the impact of these policies on their practical ability to integrate. In many ways, the refugees themselves are best placed to determine whether the activities implemented by the Estonian authorities and the non-governmental actors achieve their intended outcomes and what changes, if any, are necessary in order to use the resources spent on facilitating integration more effectively.

The current report is the result of these efforts to map existing opportunities and challenges faced by refugees in the process of integration and represents UNHCR’s contribution to, and analysis of, the impact and effectiveness of the integration programme available today for refugees in Estonia.

The report is structured in 10 parts. After the Introduction, Section 2 outlines the rationale for UNHCR’s engagement in the area of integration. This is followed by a detailed description of the methodology, including the definition of integration, objectives of the research as well as inherent limitations, and explanations in relation to the PAs in Section 3. Section 4 reviews existing literature and research on integration of refugees in Estonia, while Section 5 presents statistical data on the refugee population, including main countries of origin and socio-demographic characteristics. Section 6 maps the legislative, policy and institutional framework pertaining to the integration of refugees in Estonia by outlining relevant international, European and national legal instruments, policies, strategies, financing mechanisms, institutional roles and responsibilities, and involvement of non-state actors.

It is followed by Section 7, which is organized around thematic areas key to post-recognition integration. Each thematic area begins with an outline of specific relevant national legislation, policies and procedures *vis-à-vis* European and international standards, which are then juxtaposed with data on actual practice collected through the interviews with key stakeholders and the PAs, in Section 8. These two sections form the backbone of this report. Based on the opportunities and gaps identified through the findings outlined in Section 8, a number of recommendations for changes are proposed. Subsequently, Section 9 presents integration models from the European context and summarizes findings in relation to factors which block or facilitate refugee integration. Section 10 presents concluding remarks regarding the current situation with regard to integration of refugees in Estonia and the measures proposed in the report, which could enhance the opportunities and reduce the obstacles encountered in this respect.

In this report, the term “refugees” is used to encompass all beneficiaries of international protection in Estonia, including 1951 Convention refugees and beneficiaries of subsidiary protection, unless specified otherwise.

UNHCR hopes that this report will help consolidate the knowledge and experience in this area of the many stakeholders in Estonia, and help advance the discussion on how the Government of Estonia can further develop the integration support available today into a comprehensive programme in which the valuable resources invested will contribute effectively to refugees’ ability to integrate legally, economically and socially in their new home. The recommendations proposed are provided against the background of effective integration practices in Europe, mainly in the Nordic countries which are the RRNE’s area of operation and expertise, which includes knowledge gathered through the EU-funded project “Refugee Integration Capacity and Evaluation” (RICE) carried out by UNHCR in Austria, France, Ireland and Sweden.

2.

Rationale for UNHCR's engagement in refugee integration in Estonia

UNHCR has been entrusted by the United Nations General Assembly with the mandate to provide international protection to refugees and, together with governments, seek durable solutions to their problems. For the majority of refugees in Europe, integration is the most relevant solution. UNHCR's interest and engagement in integration stems from its mandate to seek durable solutions and from Article 34 in the 1951 Refugee Convention, which sets out that States shall, as far as possible, facilitate the integration and naturalization of refugees. Complementing this article are various soft law and policy documents related to integration, such as UNHCR's Executive Committee (ExCom) Conclusion No. 104 on Local Integration⁵ and its 2009 note on strategic approaches for combating discrimination.⁶

The logic of the 1951 Refugee Convention framework is that, with the passing of time, refugees should be able to enjoy a wider range of rights as their association and ties with the host country grow stronger. In this sense, the Convention gives refugees a solid basis on which they can progressively regain the social and economic independence needed to get on with their lives. ExCom Conclusion No. 104 calls on States to facilitate the integration of refugees and provides guidance on special efforts that may be necessary.

Facilitating the integration of refugees in their new home country is a priority area for UNHCR's advocacy and capacity building activities in the Northern Europe region, including in Estonia. To help inform and guide an evidence-based focus and content of these efforts in Estonia, UNHCR RRNE identified a need to conduct an assessment and analysis of the current opportunities and challenges in relation to the integration of refugees in Estonia.

⁵ UNHCR, *Conclusion on Local Integration*, 7 October 2005, No. 104 (LVI) – 2005 (“ExCom Conclusion No. 104”), available at: <http://www.refworld.org/docid/4357a91b2.html>.

⁶ UNHCR, *Combating Racism, Racial Discrimination, Xenophobia and Related Intolerance through a Strategic Approach*, December 2009, available at: <http://www.refworld.org/docid/4b30931d2.html>.

2.1 Definition of integration

There is no definition of refugee integration in international law. However, for UNHCR and for the purposes of this report, integration is understood as the outcome of a dynamic, multi-faceted two-way process with three interrelated dimensions: a legal, an economic and a socio-cultural dimension. Integration requires efforts by all parties concerned, including preparedness on the part of refugees to adapt to the host society without having to give up their own cultural identity, and a corresponding readiness on the part of host communities and public institutions to welcome refugees and to meet the needs of a diverse population.⁷

UNHCR distinguishes three specific inter-related dimensions of the two-way process, all of which are important for the ability of refugees to integrate successfully⁸:

- **Legal process** – whereby refugees are granted a range of entitlements and rights which are broadly commensurate with those enjoyed by citizens. These include freedom of movement, access to education and the labour market, access to public relief and assistance, including health facilities, the possibility of acquiring and disposing of property, and the capacity to travel with valid travel and identity documents. Realization of family unity is another important aspect of integration. Over time, the process should lead to permanent residence rights and in some cases the acquisition of citizenship in the country of asylum.
- **Economic process** – whereby refugees attain a growing degree of self-reliance and become capable of pursuing sustainable livelihoods, thus contributing to the economic life of the receiving society.
- **Socio-cultural process** – whereby refugees acclimatize and local communities accommodate refugees to enable them to live amongst or alongside the receiving population without discrimination or exploitation, and contribute actively to the social life of their country of asylum.⁹

In its policy document *The Strategy of Integration and Social Cohesion in Estonia* (“Integrating Estonia 2020”),¹⁰ the Estonian Government defines adaptation as a first phase of the integration process, during which “new arrivals having (re)settled in a country adapt to their new environment and society. The process is characterized by acquiring knowledge and skills, learning to function in the new environment in terms of everyday life (finding a residence, places in schools and kindergartens, taxes, healthcare and social services, language learning opportunities, etc.), in the State sphere (organization of society, legislation, principles of operation of the State, the rights and obligations of citizens of another country, issues relating to residence permits and right of residence) as well as the behavioural sphere (first impression of the fundamental values of the receiving society, cultural traditions, basic level language learning).”

Integration is defined in the same policy document as a process of multilateral social cohesion between people with different linguistic and cultural backgrounds. The process of integration is characterized by the acquisition of knowledge, skills and values, contributing to the development of society through practical cooperation and mutual openness. As a result of integration, socio-economic inequality resulting from cultural, linguistic, religious and ethnic differences will decrease and participation in society and the accumulation of social capital will allow society to develop uniformly.

⁷ ExCom Conclusion No. 104; UNHCR, *Global Consultations on International Protection/Third Track: Local Integration*, EC/GC/02/6, 25 April 2002, available at: <http://www.refworld.org/docid/3d6266e17.html>.

⁸ Ibid, see Items 6-8.

⁹ Ibid.

¹⁰ *The Strategy of Integration and National Cohesion in Estonia 2020* (“Integrating Estonia 2020”), see Annex 1, available at: http://www.kul.ee/sites/kulminn/files/integrating_estonia_2020.pdf

3.

Methodology

Against the background and experience of similar studies conducted in Lithuania and Latvia, this study has been compiled using a three-pronged approach to best serve the objectives outlined in the introduction. Firstly, it contains desk research on academic literature, studies, reports, media articles, relevant legislation, policies, strategies, procedures, available statistics, financing mechanisms, institutional roles and responsibilities and the involvement of non-state actors. Secondly, it draws on semi-structured interviews with key integration stakeholders chosen based on their role and expertise in relation to integration, as well as additional written comments and observations collected from key stakeholders as part of the desk research. Thirdly, it incorporates feedback gained through a PA involving focus group discussions with refugees. The policies and practices relevant to the integration of refugees are assessed against international, European and national legal standards and policies in this area, as well as international human rights law. The views and experiences of integration stakeholders and refugees have been elicited and presented in order to provide a more comprehensive assessment of the practical implementation of the policies concerned, and the impact the laws and policies are having in practice on refugees' ability to integrate.

3.1 Desk research

The purpose of the desk research was to produce a mapping of the current legal framework and institutional roles and practice in regard to the integration of refugees in Estonia, and how this framework supports refugees' ability to achieve integration. The desk research included the identification of good practices, as well as gaps in the system which – if addressed – could support refugees' ability to integrate and could strengthen RRNE's evidence-based advocacy efforts. The desk research encompassed the relevant legal framework, policies, strategies, procedures, financing mechanisms, practice, institutional roles and responsibilities, and the involvement of non-state actors. It also included a review of the entitlements and rights refugees in Estonia enjoy, namely financial support, access to education and Estonian language courses, legal status, access to naturalization and types of residence permits, family reunification, access to housing, access to the labour market, including recognition of diplomas and qualifications, social integration, including participation in public/communal life and issues related to discrimination and xenophobia, access to health care, freedom of movement, including access to valid travel documents and consular assistance, access to information and knowledge of rights, and access to justice.

The desk, conducted in Spring 2016, research encompassed relevant primary and secondary sources such as legislation, policies, strategies, procedures, available statistics, academic literature, studies, reports, selected media articles, financing mechanisms, institutional roles and responsibilities and the involvement of non-state actors relating to integration of refugees in Estonia. Nonetheless, it does not purport to constitute a comprehensive legal analysis of the national framework *vis-à-vis* all relevant international and European standards, but rather a mapping of the existing framework.

The report mainly reflects the situation in Estonia in Spring 2016, and UNHCR acknowledges that the situation is dynamic and that changes have taken place. Possibilities to include developments since Spring 2016 have been limited, as the consultation process with integration stakeholders had already been concluded.

3.2 Interviews with integration stakeholders

Semi-structured individual or group interviews were held by the consultant with key integration stakeholders in order to supplement and verify the information gained through the desk research. The stakeholders were chosen based on their role, expertise and experiences in relation to refugee integration in the areas of policy making and practical implementation, and included officials from the relevant ministries (MoSA, MoI and MoC) and government institutions. Interviews were also held with actors who come in contact with refugees at the grassroots level, including local authorities and NGOs, such as the Johannes Mihkelson Centre (JMC) and the Estonian Refugee Council (ERC). The full list of interviewed stakeholders is available in Annex 1.

To guide and structure the interviews with stakeholders, a questionnaire, similar to the ones used in the Lithuanian and Latvian context, was developed by UNHCR RRNE and consisted of 15 questions related to relevant laws, policies, strategies, financing mechanisms and their effectiveness, as well as to institutional roles and responsibilities, and involvement of non-state actors, in order to ensure consistency among the interviews held.¹¹

The interviews were held between January and May 2016, and the majority of them were recorded.

In addition, UNHCR RRNE and the consultant held a separate meeting with a group of refugee support persons from JMC to discuss practical issues which they experienced.

3.3 Multi-Functional Team (MFT)

A MFT consisting of representatives from the relevant ministries and NGOs was formed to conduct the PA with refugees. Based on UNHCR RRNE's previous experience in undertaking integration mappings in Lithuania and Latvia, UNHCR considered the formation of a MFT key for ensuring a strong joint ownership of the findings and the proposed measures for improvement.

The reasons for having the MFT to conduct the PAs were to ensure that the topics selected to guide the discussions with the refugees would reflect the different aspects of the integration process, that the views expressed by the refugees would be analysed from different perspectives, and to allow for the findings and recommendations to be better "anchored" and understood among the key stakeholders.

UNHCR RRNE, JMC, MoC, MoI, MoSA, and the consultant formed a steering committee to plan the mapping activities and organize the PAs. Additional key stakeholders were invited to share comments and observations on the findings of the mapping as well as to provide input in relation to the proposed recommendations.

¹¹ See Annex 2.



3.4 Participatory Assessment (PA)

Against the background of UNHCR's policy¹² that refugees must be at the centre of identifying their own needs and capacities, and thus participate meaningfully in the development of solutions and decisions aimed at enhancing their well-being, the PA methodology was selected as a key element for the study, as in the integration mappings previously undertaken by UNHCR RRNE. Specifically, the PAs comprised focus group discussions with refugees conducted by the above mentioned MFT. The analysis of refugee opportunities and challenges in this report has thus been informed by the input received from the refugees during the PAs.

The focus group discussions took place in April in Rakvere, Tartu and Tallinn and included a total of 23 adult and four child refugees, all clients of JMC and ERC.

3.5 Age, gender and diversity-sensitive composition of refugee groups

In the context of Estonia, which is hosting a relatively small number of refugees, it was a challenge to ensure that the views elicited during the PAs would reflect the impact of the existing integration support on individuals and groups of refugees of different ages, gender, background, family status etc. Nevertheless, JMC and ERC, who invited their refugee clients to participate in the PAs, strove to ensure that they would include a representative group of refugees in Estonia.

¹² UNHCR, *UNHCR Tool for Participatory Assessment in Operations*, May 2006, First edition, available at: www.refworld.org/docid/462df4232.html.

The refugees originated from 11 different countries including Afghanistan, Belarus, Iraq, Russia, Sudan, Syria, Tajikistan and others. Out of the total of 23 adult refugees who took part in the PAs, unfortunately only four were women, whom the MFT was also unable to meet separately. The focus group discussions took place in Rakvere, Tartu and Tallinn to avoid overly long travel for the refugees. Taking into consideration interpretation requirements and age aspects, the MFT facilitated two sessions in Rakvere, four in Tartu, and three in Tallinn. In addition, one PA session was held in Tallinn with the consultant and UNHCR only. One shorter session was held with Arabic speaking refugee children in Tartu with the participation of only UNHCR and a representative of MoSA. The PAs were conducted in Russian and in English and interpretation was provided to communicate with Arabic and Albanian speaking refugees in particular.

Since the PA exercise included significantly fewer women than men, and the MFT was unable to create a special focus group with women only due to their geographical locations and diverging language skills, it was unfortunately difficult to elicit information on gender-specific aspects of the integration process through the PAs.

3.6 Focus Areas for the Participatory Assessment

The thematic areas for discussions during the PA were identified and selected based on UNHCR's experience with other integration PAs in Northern Europe and beyond, in particular, through the RICE project, which highlighted a number of key areas for refugee integration. These include, post-recognition integration support, including financial assistance and language courses, legal status and duration of residence permits, access to health care, employment and housing, education, family reunification, and social integration, including attitudes towards refugees and reported instances of discrimination and xenophobia. An information note listing all the thematic areas was shared with the refugees by ERC and JMC before the start of the PA, and presented again at the beginning of the sessions. The MFT introduced the topics and explained the purpose of the PA and how the findings, or outcomes, would be used. The refugees were also invited to add themes and ask questions.

In the different PA sessions, focus was given to particular issues, leaving less pressing topics aside. In general, some areas were discussed at more length than others, which was an illustration of which issues mostly concerned the refugees. Areas that generated more interest and feedback were related to the legal status and duration of residence permits, access to housing in municipalities, issues related to employment and access to services and information about those, including through the support person service (see Section 7.1.1 for information on this service) and language courses.

3.7 Questionnaire to refugees

In order to supplement the qualitative information gathered through the PAs with refugees, a short questionnaire was prepared in which the refugees were asked to provide some basic information about their year of arrival in Estonia, their age and sex, country of origin and legal status granted as well as their current residence. The reason for distributing this questionnaire was to be able to limit the amount of time spent on these questions during the meetings and to provide some basic quantitative background information on the composition of the refugee groups.

Among the refugees who participated in the PAs, the majority (10) indicated that they had arrived in Estonia in 2015, whereas six had arrived in 2013 or 2014, two in 2010 and one in 2016. One form lacked information



regarding the date of arrival and three refugees did not fill in the questionnaire. Fourteen indicated that they had been granted refugee status, two indicated that they had been granted subsidiary status and the rest of the forms did not specify the status of the person concerned. The feedback received from the refugees through the PAs is presented in Section 8.

3.8 Considerations in relation to methodology

The report is a qualitative study, and does not cover the practices of all or most of the municipalities of Estonia. The locations where the refugees were met for the PAs were chosen with logistical considerations in mind.

With the experience of the PAs undertaken in Lithuania and in Latvia, and considering the number of partners in the MFT, a schedule for participation in the focus group sessions was agreed upon in advance in order to limit the number of individuals present at each session. This was done with a view to avoid intimidating the refugees taking part in the discussions. However, due to the composition of the MFT in particular, some of the sessions were conducted in the presence of key NGO partners and other stakeholders responsible for providing support and services to refugees. This may have impacted on the refugees' willingness to voice any critical views with regard to the services received. As acknowledged in the reports from the PAs undertaken elsewhere, in Estonia too, the feedback received during some sessions would perhaps have been more nuanced if the PAs had been undertaken in another setting. In this respect, it can be noted that the refugees provided more critical feedback in the session conducted by a UNHCR staff member and the consultant alone.

The MFT was able to dedicate approximately two hours per PA. During this time, the themes which had been selected to guide the discussion were presented and the refugees were invited to introduce themselves. Towards the end of the session, the refugees were asked if they wished to make any additional comments, add a theme or ask questions. Without the time limit, additional attention could have been given to themes that initially generated less feedback.

Unfortunately, as indicated in Section 3.5, it was not possible to create a special focus group with only women. Gender-specific aspects of the integration process were therefore difficult to document through the interviews.

Recognizing the potential bias mentioned above in relation to the presence of service providers, and to complement and discuss the findings of the PAs, a special focus group discussion was held with support persons for refugees from JMC. This meeting took place in May and was attended by five support persons.

The conclusions and recommendations presented in this report are based on the desk research, the stakeholder interviews and the PAs with refugees. Previous studies on refugee integration in Estonia, and the conclusions and recommendations therein, constituted an important basis for the identification of opportunities and gaps in relation to the integration of refugees. Hence, the PAs are only one of the sources for the proposed recommendations in Section 8. Based on the totality of the research, RRNE has formulated the final assessment and recommendations in this report, which has been drafted and published in close partnership with Mol, MoSA, MoC and JMC.

3.9 Ethical Considerations

Research involving interviews with refugees must bear in mind some key ethical consideration. The same is valid for PAs undertaken by UNHCR and its partners, both in operations and in advocacy contexts. The rights and well-being of refugees who share their experience must be safeguarded, and they must understand the rationale for being asked to share their views with an MFT. UNHCR therefore explained to the refugees that the report would not reveal details of who provided what feedback during the discussions.

4.

Previous studies and publications on the integration of refugees in Estonia

Until 2015, integration of refugees was not a prominent topic in Estonia, mainly because of the low number of applicants for international protection. Therefore, only a few studies have previously been conducted on this topic in Estonia. This section of the mapping aims to give a short overview of these studies as well as their main findings, in chronological order, starting from the earliest.

The first study that touched upon issues of refugee integration was made in 2007 by the Jaan Tõnisson Institute. However, it is of limited relevance today, because it was based on information gathered in 2006, when Estonia had only recognized 14 persons as in need of international protection. The legal and policy frameworks have undergone significant changes since then. Therefore, the results of the 2007 study will not be covered in the present overview.

The only study that specifically looked at how refugees have integrated in Estonia was completed in 2011 by the Institute of Baltic Studies (IBS).¹³ This study, which was commissioned by Mol, included face-to-face or telephone interviews with 21 refugees, out of whom only three were women. The total number of persons who had received international protection in Estonia was 45 at the time, of whom the researchers managed to contact 32.

The main conclusions and recommendations of the IBS study in 2011 were:

- The reception system envisaged by the Act on Granting International Protection to Aliens (AGIPA) was not functioning: only one person had participated in the free language course and no integration support was provided by local governments. It was recommended that support measures for refugees should be integrated with the support programmes for other new immigrants.
- A more systematic approach was needed to assist refugees in starting their lives and integrating in Estonia.
- A shortcoming identified was the lack of information. It was suggested that the Integration and Migration Foundation Our People (MISA) could be the one-stop-shop for refugee integration.
- State and local government officials' awareness about the status of refugees and services available to them needed improvement.
- Access to classes in Estonian also needed to be improved. The interviewees were motivated to learn the language, but faced difficulties in doing so due to lack of availability. As many refugees were also working, it was suggested to offer language courses in combination with vocational courses or at work.

¹³ Kristina Kallas and Kristjan Kaldur, Institute of Baltic Studies, *Research on the situation of persons given international protection in Estonia and their integration into society*, 2011, available at: <https://goo.gl/w3RPAf>.

In 2012 the International Organization for Migration (IOM) Estonia mapped the situation of refugee integration in Estonia,¹⁴ drawing mostly on the empirical data and conclusions from the IBS 2011 study when it came to the specific experiences of refugees themselves. The study mainly described the legal framework and concluded that the legal basis was sufficient to ensure and support the integration of refugees, but that there were concerns with how the law was implemented in practice at the time. The study also highlighted the need to raise awareness among the Estonian population in order to change attitudes to be more open and accepting of refugees.

In 2013, the NGO Estonian Advice Centre evaluated the support services offered to refugees.¹⁵ The analysis was based on interviews with different service providers, including some in other countries, and with 17 asylum-seekers and refugees. The study identified 17 different services that were offered to refugees and evaluated nine of them as sufficient (food, basic clothing and hygiene supplies, emergency health care, health checks, psychological support, translation services, support in pre-school and primary education, hobby activities), whereas eight areas were evaluated as needing to be further complemented or strengthened. These areas were: housing, health care services, information on rights and obligations, support for studying in secondary, vocational and higher education, adaptation programme, and employment services.

In 2014, the Estonian Refugee Council (ERC) published the *Asylum Yearbook 2014*, which included an overview of rights and adaptation of refugees.¹⁶ Although not a full study, it still included some anecdotal information based on the experiences of NGOs that provide support to refugees. It highlighted that the current short-term support mechanism is focused on the individuals who stay at the Vao Accommodation Centre for Asylum-seekers,¹⁷ but concluded that a programme to provide information and support should also be targeted at those who do not stay there. It also proposed amendments to the legislation, related to health insurance benefits for refugee students, period for finding accommodation, and family reunification procedures.

The situation of refugees in Estonia has also been briefly analysed by the Estonian Human Rights Centre (EHRC) in its annual human rights reports¹⁸ for the years 2010–2015. These reports focus mostly on the asylum procedure, but also include a brief yearly assessment of the situation for refugees after receiving international protection. Over the years, the reports have highlighted deficiencies in cooperation between the State and civil society, lack of kindergarten places for asylum-seekers and refugees who stay at the Vao Accommodation Centre and lack of public awareness-raising to improve attitudes towards refugees.

In January 2016, the National Audit Office (NAO) published an audit report on the capability of the State and local governments to receive individuals who are requesting or have received international protection.¹⁹ The report was prepared by NAO on its own initiative in order to assess Estonia's capacity to receive the 550 individuals that it has committed to receive under the EU relocation and resettlement schemes. The

¹⁴ IOM, "Rahvusvahelise kaitse saanud isikute integratsioon Eesti ühiskonda: hetkeolukorra kaardistus ning ettepanekud integratsiooni toetavate meetmete täiustamiseks", Tallinn, 2012, available at: <http://www.iom.ee/eng/>

¹⁵ Eva-Maria Asari, Kristjan Kaldur and Tanel Mätlik, (2013). *Evaluation of Support Services to Asylum-Seekers and Beneficiaries of International Protection*, available at: <https://www.siseministeerium.ee/et/uuringud>.

¹⁶ Estonian Refugee Council, *Asylum Yearbook 2014*, available at: <http://aastaraamat.pagulasabi.ee/>.

¹⁷ More information about the centre can be found here: <http://goo.gl/ljkWbM>.

¹⁸ Estonian Human Rights Centre, *Annual Human Rights Report*, available at: <https://humanrights.ee/inimoiguste-aruanne-2/>.

¹⁹ Estonian National Audit Office, "Capability of the state and local governments to accept people who are requesting or have received international protection: Is the state capable of meeting the commitments it has imposed on itself with legal instruments?", Tallinn, 18 January 2016 ("NAO Audit 2016"), available at: <http://goo.gl/W8oSBI>.

methodology was to interview different State, local government and NGO stakeholders, and to look at the existing laws and regulations. Refugees were not consulted during the audit. NAO concluded that Estonia would be able to meet in full only three out of 17 statutory obligations addressed by the audit, namely, that the State is ready to pay benefits and pensions to refugees; local governments can provide refugees with the same services as other residents receive; and that the Unemployment Insurance Fund is prepared to help refugees find jobs. NAO further concluded that the State can meet 13 obligations only in part, and that its capacity to meet one of the obligations was poor, due to the lack of capacity to undertake regular reviews of the status of refugees.

Against this background, NAO's main recommendation was to "develop a long-term policy concerning individuals in need of international protection which would take into account the potential increase in the number of refugees and the need to integrate them."²⁰

In January 2016, the European Migration Network (EMN) published a study focusing on the integration of refugees into the labour market.²¹ A national report was made available on every Member State, including on Estonia. The study, which was part of a larger EU comparative study, looked at different policies and good practices and mostly drew from secondary sources and a number of interviews with experts, but did not include interviews with refugees regarding the effectiveness and impact of the policies. The study highlights that Estonia has not developed any specific measures for the integration of refugees into the national labour market, but that it implements a set of measures (adaptation courses, support person service, covering the cost of housing, translation and an Estonian language course in the first two years as well as free accommodation for up to four months at the Vao Accommodation Centre) for supporting their integration in general in Estonia. The report did not include country-specific recommendations, but the EMN study will be referred to extensively within this report.

Also in 2016, the European Network against Racism published the *Shadow Report on Afrophobia in Europe*,²² for which fieldwork was done in Estonia. The Estonian draft report on afrophobia²³ included interviews with persons of African descent/black Europeans (PAD/BE) (mainly refugees) and with various experts (including support persons for refugees) working with them between March 2014 and March 2015 (i.e. before the escalation of the refugee and migration situation in Europe). The report provides insight into several areas which are relevant for the integration of people of African descent, including political participation, hate speech, policing and racist violence, stop and search and other manifestations of racism. There were a number of notable issues that are also relevant for the refugees from Africa:

- In spite of bringing out hate speech as a widespread problem, and confirming that they had been victims of both verbal abuse in public places and racial attacks, all interviewees said they would be hesitant to turn to police and report these incidents or physical attacks.
- In general, the attitude of the police and law enforcement authorities was said to be good by the interviewed target group and experts who work with them, although there were isolated reports of racist behaviour by the police. The interviews conducted directly with PAD/BE revealed that all of

²⁰ Ibid, see summary of audit results at p.3.

²¹ European Migration Network, Integration of Beneficiaries of International/humanitarian Protection into the Labour Market in Estonia: Policies and Good Practices, January 2016 ("EMN Integration Report"), available at: <http://emn.ee/publikatsioonid/uuringud/>.

²² European Network Against Racism, *Shadow Report on Afrophobia 2014–2015*, Available at: <http://goo.gl/TqgYBJ>

²³ Estonia, Estonian Human Rights Centre, *National Report on Afrophobia in Europe*, 2016, unpublished, available on request.

them had faced, or felt that they had faced, racism in the form of profiling by the border police in the Port of Tallinn.

- In terms of workplace discrimination, there were several cases when the interviewees mentioned racism from co-workers.

Finally, in 2016 Tartu University published a report²⁴ on attitudes of the Estonian population towards migration related issues, based on World Value Survey data. This study did not cover refugees specifically, but many of the findings are also relevant for the integration of refugees. The main findings of the report were:

- It is important to change the perception of immigrants as one homogenous group and to reduce unfounded fears of increased crime as a result of immigration, as well as to facilitate personal contacts with Estonians.
- It is also important to show the benefits of immigration and immigrants to society as a whole.
- The general cultural competency of Estonians needs to be increased, including by increasing possibilities for contacts with other customs and cultures.
- Overall increase of tolerance towards differences is important, because that will also affect acceptance of immigrants.
- Racist notions are more widely spread in Estonia than in other European countries, which means that there should be an increased effort to reduce these in all age groups starting from early ages.
- People who are more hostile towards immigrants also do not trust State authorities and institutions. Therefore, an increase in trust in State authorities and institutions will help.
- The general expectations regarding immigrants are very similar to those of the Finns, which means that experiences and lessons from Finland regarding migrant integration are especially valuable.

The study also identified specific target groups whose tolerance of immigrants needs special attention:

- Older people are relatively more intolerant and need better information and understanding, as well as lowering fears;
- Special attention should be given to the Russian-speaking minority, who are opposed to further immigration from third countries and also feel social injustice compared to the attention the new immigrants (including refugees) receive.
- People with vocational education see immigration a problem, therefore more attention should be placed there.
- There is a clear expectation that people who come to live in Estonia should adopt the Estonian way of life and should have the necessary education and skills to contribute to the society.

²⁴ Estonia, Tartu University, *Eesti elanikkonna hoiakud kolmandatest riikidest sisserändajate suhtes Euroopa Sotsiaaluuringu andmetes*, 2016, available at: <http://goo.gl/2PojP8>

5.

Statistical data

5.1 Number of applications for international protection and status recognition

5.1.1 Applications for international protection

The PBGB statistical data provides that between 1997 and 31 December 2015 a total of 846 applications for international protection were submitted in Estonia by 819 individuals.²⁵ Between 1997 and 2008 the number of applications was less than 15 per year. In 2009 the number of applications began to increase; it more than doubled to 40 and then almost doubled again in 2012 to 77 applicants annually (see Figure 1). 2014 saw 157 applications and 2015, 231 applications.

Between the years 2001 and 2013, 10 unaccompanied children applied for asylum in Estonia.

In the first six months of 2016, however, only 29 applications for international protection were received, which is significantly less compared to 2015 when 96 new applications were received during the first four months.

5.1.2 Status recognition

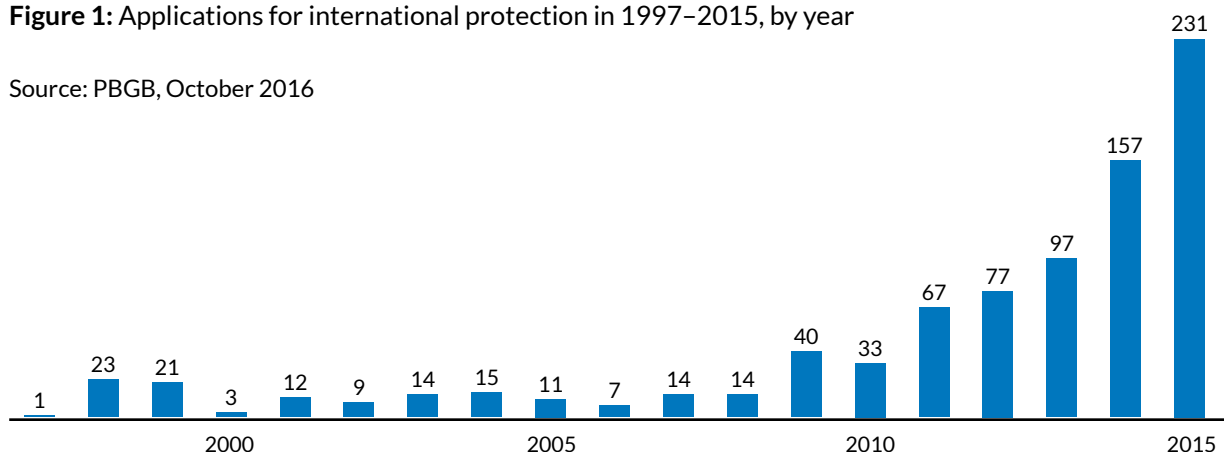
In the period between 1997 and 2015, in total 172 individuals were granted either refugee status or subsidiary protection status in Estonia. Additionally, 34 residence permits were issued to family members of refugees (Figure 2).

In the first six months of 2016, 35 persons were granted international protection. Additionally, in the same period of time some 27 persons were relocated to Estonia from Greece under the EU Agenda for Migration and accordingly granted either refugee status or subsidiary protection status (see more details in the next section below).

²⁵ Estonian Police and Border Guard Board, see at: <https://goo.gl/viv6fh>. Please note that the Government Office reports a slightly different figure for asylum applications lodged in Estonia in the same period of time. See *supra* fn. 1.

Figure 1: Applications for international protection in 1997–2015, by year

Source: PBGB, October 2016



5.2 Countries of origin

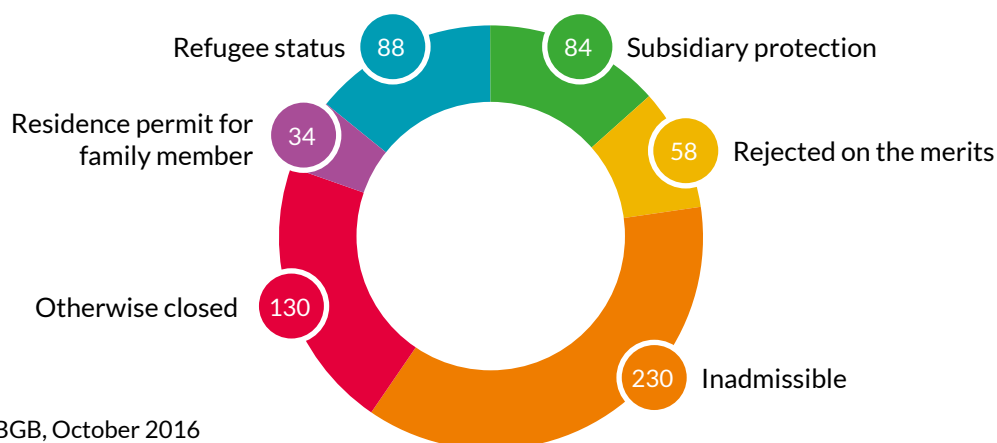
Asylum-seekers in Estonia come from a wide range of countries of origin. There are a total of 57 different countries and territories in this list, many of which account for only a single application. In the period between 1997 to 2015 the top five countries of origin were (see Figure 3): Ukraine (155), the Russian Federation (87), Georgia (79), Syria (51) and Afghanistan (48).

In the first six months of 2016, the highest number of new applicants for international protection were from Iran (7), followed by citizens of Armenia (5) and the Russian Federation (5).

The number of countries from which successful applicants have come is less half of the total countries of origin. Some countries stand out with higher numbers of persons granted refugee status and subsidiary protection status.

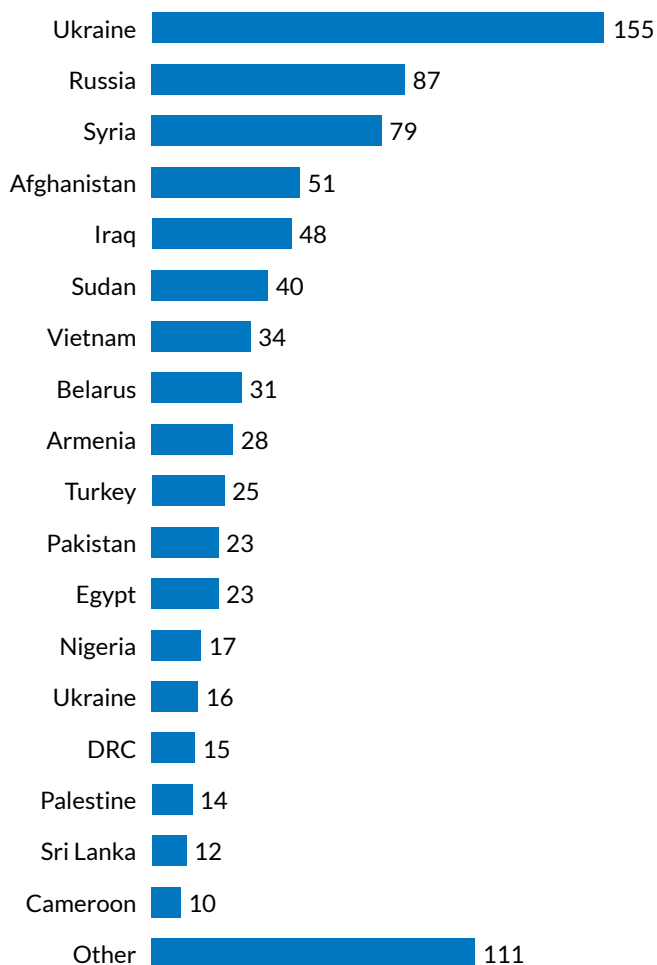
As indicated in Figure 5 above, the largest number of beneficiaries of international protection so far have been citizens of Ukraine – 59 individuals, out of whom six persons were granted refugee status and 53 received subsidiary protection status, all in 2015. Many Estonian citizens and residents have family connections in Ukraine and there is already a relatively large Ukrainian community in Estonia.

Figure 2: Refugee status recognition in 1997–2015, by number of beneficiaries and type of decision



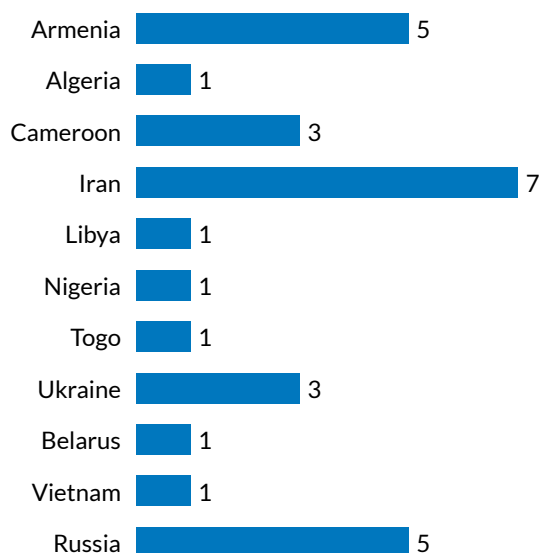
Source: PBGB, October 2016

Figure 3: Applicants for international protection by country of origin, 1997–2015



Source: PBGB, October 2016

Figure 4: Applicants for international protection by country of origin, 1 January – 30 June 2016



The next largest group are citizens of Sudan (20, all receiving refugee status), followed by citizens of Afghanistan (18, out of whom nine were granted refugee status and nine – subsidiary protection status). The top five group of beneficiaries of international protection is completed by citizens of the Russian Federation (16, including 10 refugees and six recipients of subsidiary protection) and Sri Lanka (11, including seven refugees and four recipients of subsidiary protection status).

Importantly, despite the rather high number of applicants from Syria (51), only six individuals have been granted international protection (all – refugee status). Similarly for Iraq, out of 40 applications lodged only one person so far has been accorded subsidiary protection status.

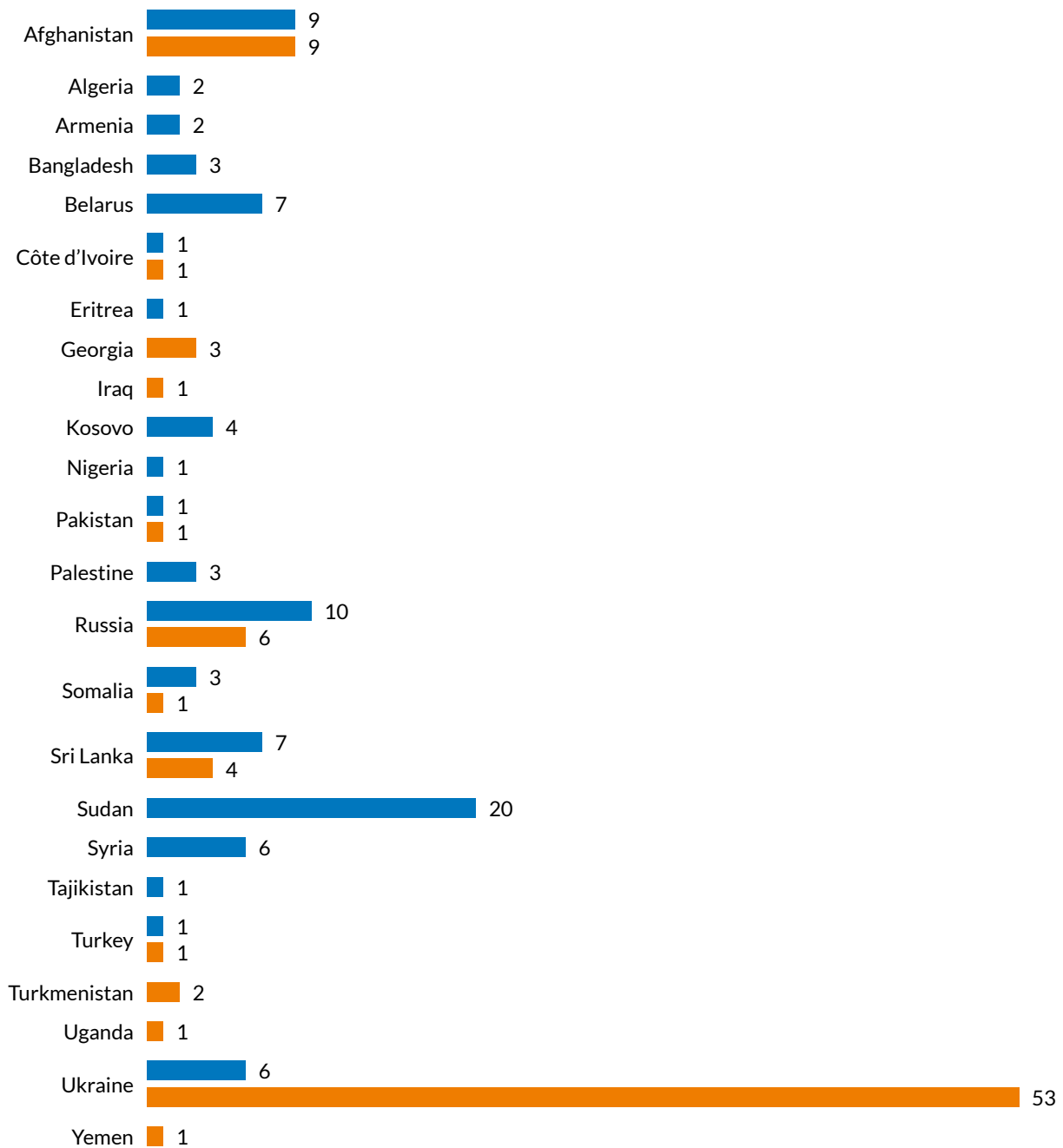
The countries of origin of those beneficiaries of international protection who received positive decisions in the course of the first six months of 2016 do not differ much from the general trend in previous years:

Figure 6: Positive decisions, by country of origin and type of decision, January – June 2016

| Country of origin | Spontaneously arrived | | Relocated | |
|-----------------------|-----------------------|-----------------------|----------------|-----------------------|
| | Refugee status | Subsidiary protection | Refugee status | Subsidiary protection |
| Afghanistan | 3 | | | |
| Benin | 1 | | | |
| Gambia | 1 | | | |
| Iraq | 3 | | | 8 |
| Nigeria | 1 | | | |
| Pakistan | 1 | | | |
| Russian Federation | 2 | | | |
| Sri Lanka | 1 | | | |
| Syria | | | 3 | 14 |
| Stateless Palestinian | 2 | | | |
| Sudan | 4 | | | |
| Ukraine | | 16 | | |
| Yemen | | | | 2 |
| TOTAL | 19 | 16 | 3 | 24 |

Figure 5: Persons granted refugee status and subsidiary protection status in 1997–2015, by country of origin

■ Refugee status
 ■ Subsidiary protection status



5.3 Naturalization data

To the knowledge of UNHCR, at least one beneficiary of subsidiary protection has so far received Estonian citizenship. There is no official data disaggregated specifically concerning naturalization of beneficiaries of international protection.

6.

Overview of the legal, policy and institutional framework for the integration of refugees

6.1 International standards

Estonia is bound by a number of universal global, regional and national legal obligations that relate to the integration of refugees. The relevant international law includes obligations stemming from both universal and European human rights law and international refugee law.

The universal human rights instruments contain rights which are guaranteed to all persons within the State's jurisdiction, including refugees. These are set out in the 1948 Universal Declaration of Human Rights and codified, *inter alia*, in the two International Covenants from 1966, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), collectively also known as the International Bill of Rights. These instruments provide for a wide range of human rights including freedom of speech, freedom of religion, right to fair trial, right to education, right to health care, as well as an absolute prohibition of *refoulement* to a situation of torture or cruel, inhuman or degrading treatment or punishment. The International Bill of Rights also provides for the principle of non-discrimination, which requires States to respect and ensure the rights of all individuals within their territory and subject to their jurisdiction without discrimination of any kind, such as on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. This is essential for the integration of refugees.

The Human Rights Committee, which monitors States Parties' compliance with the ICCPR, has expressly stated that "States Parties are required by article 2, paragraph 1, to respect and to ensure the Covenant rights to all persons who may be within their territory and to all persons subject to their jurisdiction."²⁶ As indicated in the Human Rights Committee's General Comment No. 15, the enjoyment of Covenant rights is not limited to citizens of States Parties but must also be available to all individuals, regardless of nationality or statelessness, such as asylum-seekers, refugees, migrant workers and other persons, who may find

²⁶ UN Human Rights Committee, *General comment no. 31 [80], The nature of the general legal obligation imposed on States Parties to the Covenant*, 26 May 2004, CCPR/C/21/Rev.1/Add.13, available at: <http://www.refworld.org/docid/478b26ae2.html>.

themselves in the territory or subject to the jurisdiction of the State Party.²⁷ ExCom has also recognized, in its Conclusion No. 82, the “obligation to treat asylum-seekers and refugees in accordance with applicable human rights and refugee law standards as set out in relevant international instruments.”²⁸

It is important to note that while the 1951 Refugee Convention applies specifically to refugees and their rights, including integration related rights,²⁹ international human rights law contains standards in certain areas that go beyond those in the 1951 Refugee Convention. Specifically, there are certain rights which are not elaborated in the 1951 Refugee Convention but in international and human rights regional instruments; also, there are certain rights whose scope is wider in the human rights instruments due to the development of human rights law over the past 50 years. Hence, it is important to consider the whole body of international and regional human rights and refugee law when defining the rights of refugees.

Nonetheless, “the 1951 Refugee Convention and its 1967 Protocol set out rights and minimum standards for the treatment of refugees that are geared towards the process of integration”³⁰ and therefore constitute an important starting point for defining the rights of refugees. ExCom has also emphasized “the need for States Parties to implement their obligations under these instruments fully and effectively”.³¹

The rights guaranteed to refugees under the 1951 Refugee Convention have different levels of applicability depending on the nature of the refugee’s sojourn or residence in the host country. A refugee who is “lawfully staying” in the territory of the State must be granted the same treatment as nationals with regard to primary education (Article 22(1)), social security (Article 24(1)), and public relief (Article 23), and at least the same treatment as is afforded to aliens in the same circumstances with regard to the right to self-employment, liberal professions, housing and post elementary education. When considering employment, States must give “sympathetic consideration” to affording the same rights to refugees as to nationals, but at a minimum they must be given the most favourable treatment granted to nationals of a foreign country in the same circumstances (Article 17(1) and (3)). Freedom of religion and religious education of children (Article 4), protection of artistic rights and industrial property (Article 14), access to courts, legal assistance, and exemption from *cautio judicatum solvi* (requirement to provide security for costs in court proceedings) (Article 16) must also be provided to refugees in the same way as is provided to nationals of the country.

Article 34 of the 1951 Refugee Convention is specifically pertinent to the integration of refugees as it calls on the Contracting States, as far as possible, to facilitate integration and naturalization in general, and, more specifically, to make every effort to expedite naturalization proceedings and reduce charges or costs of such proceedings.

A number of ExCom Conclusions contain principles and guidance which relate to the integration of refugees, with the aforementioned ExCom Conclusion No. 104 on Local Integration being the most comprehensive in this respect. The document calls on States to facilitate the integration of refugees, including through facilitating their naturalization, and encourages States Parties to the 1951 Refugee Convention to consider

²⁷ UN Human Rights Committee, *CCPR General Comment No. 15: The Position of Aliens Under the Covenant*, 11 April 1986, available at: <http://www.refworld.org/docid/45139acfc.html>.

²⁸ ExCom Conclusion No. 82, *Safeguarding Asylum*, available at: <http://www.unhcr.org/uk/excom/exconc/3ae68c958/safeguarding-asylum.html>.

²⁹ UNHCR, *Rights of Refugees in the Context of Integration: Legal Standards and Recommendations*, June 2006, POLAS/2006/02, available at: <http://www.refworld.org/docid/44bb9b684.html>.

³⁰ ExCom Conclusion No. 104.

³¹ *Ibid.*

withdrawing reservations to the Convention.³² The Conference Room Paper *Local Integration and Self-Reliance*, on which the ExCom Conclusion was based, is another authoritative source of guidance in the area of local integration.³³

Estonia became a Contracting State to the 1951 Refugee Convention and its additional Protocol in 1997 with some reservations.³⁴ The reservations were made to Articles 23, 24, 25 and 28(1). According to the reservation to Articles 23 (right to public relief) and 24 (right to employment and social security), Estonia does not consider these articles legally binding, but as recommendations. In terms of Article 25, Estonia considers that it is not bound by a requirement to issue documents or certificates instead of a foreign authority, if there is no information based on which such documents can be issued. As regards to Article 28(1), Estonia delayed the start of issuance of travel documents for five years starting from the date it came into force. For integration purposes, the reservations made to Articles 23 and 24 are the most relevant as they relate to the treatment of refugees that is equal to that of nationals in key areas of employment, social security and public relief.

6.2 European Standards

Estonia has been a State Party to the 1950 European Convention on Human Rights and Fundamental Freedoms (ECHR) since 1996. Article 1 of the ECHR affirms that the rights contained in it are applicable to everyone within the jurisdiction of the Contracting States, therefore including applicants for international protection and refugees. The ECHR guarantees a broad range of human rights relevant to the integration of refugees, including an absolute right to life, absolute prohibition of slavery and forced labour, the right to liberty and security, the right to a fair trial, a non-derogable prohibition of extrajudicial punishment, the right to respect for private and family life, the right to freedom of thought, conscience and religion, freedom of expression, freedom of assembly and association, the right to marry, the right to an effective remedy and a number of other rights as named in the various protocols, including the right to property, right to education, prohibition of imprisonment for debt, freedom of movement including the right to leave a country, prohibition of collective expulsions, abolition of the death penalty, right to appeal in criminal matters, compensation for wrongful conviction, right not to be tried or punished twice and the equality of spouses.

Article 14 guarantees a limited right to non-discrimination in respect of the rights provided by the ECHR. A general prohibition of discrimination is foreseen in Protocol 12 of the ECHR, which Estonia signed in 2000, but has not yet ratified.

The EU asylum *acquis* is applicable to Estonia as well. It includes binding rules, some of which are also relevant to the integration of refugees. The 2000 Charter of Fundamental Rights of the European Union (CFREU) sets forth the right to asylum in Article 18, and is largely consistent with the ECHR. It guarantees additional freedoms and rights that stem from the case law of the Court of Justice of the EU, common constitutional traditions of EU countries and other international instruments. The CFREU is primary EU

³² Ibid.

³³ UNHCR, *Local Integration and Self-Reliance*, 2 June 2005, EC/55/SC/CRP.15 available at: <http://www.refworld.org/docid/478b3ce12.html>.

³⁴ Republic of Estonia, *Act on joining to the Convention Relating to the Status of Refugees and 31 January 1967 Protocol to the Convention Relating to the Status of Refugees*, 19 February 1997. RT II 1997, 6, 26. Available at: <https://www.riigiteataja.ee/akt/25263>.

law; any secondary EU law (such as regulations and directives) as well as the domestic laws of Member States which implement EU law must be interpreted in light of the CFREU.

The recast Qualification Directive³⁵ (recast QD) sets out eligibility criteria and the content of protection at EU level. Most rights that are in the 1951 Refugee Convention are included in the recast QD, which means that Estonia has a double obligation, both under EU law and the 1951 Refugee Convention. In the recast QD, the majority of rights granted to Convention refugees and beneficiaries of subsidiary protection have been approximated. According to the recast QD, all beneficiaries of international protection have the right to information (Article 22), employment (Article 26), education (Article 27), procedures for recognition of qualifications (Article 28), health care (Article 30), accommodation (Article 32), freedom of movement (Article 33) and integration assistance (Article 34). The only exceptions to equal rights are in regard to residence permits (Article 24), travel documents (Article 25) and social welfare (Article 29).

The recast Reception Conditions Directive³⁶ sets out standards for the reception phase, which also has an impact on the integration process after status recognition. It includes provisions on access to information (Article 5), documentation (Article 6), residence and freedom of movement (Article 7), family unity (Article 12), access to education for minors (Article 14), employment (Article 15), vocational training (Article 16), health care and modalities for material reception conditions (Articles 18 and 19) for asylum-seekers.

There are relevant provisions relating to the integration of refugees in the 2001 Temporary Protection Directive,³⁷ which covers rights concerning the issue of residence permits, access to information, access to employment (Article 12), accommodation or housing, access to health care, social welfare or means of subsistence (Article 13), access to education (Article 14), and conditions for family reunification (Article 15), as well as provisions for unaccompanied minors (Article 16), where temporary protection is granted in cases of mass influx of displaced persons.

The 2003 Family Reunification Directive³⁸ contains provisions regarding the reunification of family members of refugees. The Directive includes provisions that give more favourable treatment to Convention refugees, rather than beneficiaries of subsidiary or temporary protection.

For long-term residence rights, the 2011 Long-term Residence Directive³⁹ provides common standards. It includes the right of refugees to apply for a long-term residence permit, where they fulfil conditions such as

³⁵ European Union: Council of the European Union, *Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)*, 20 December 2011, OJ L. 337/9-337/26; 20.12.2011, 2011/95/EU ("recast QD"), available at: <http://www.refworld.org/docid/4f197df02.html>.

³⁶ Council of the European Union, *Directive 2013/33/EC EU laying down minimum standards for the reception of applicants for international protection (recast)*, 26 June 2013 available at: <http://www.refworld.org/docid/51d29b224.html>.

³⁷ Council of the European Union, *Directive 2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof*, 20 July 2001, available at: <http://www.refworld.org/docid/3ddcee2e4.html>.

³⁸ Council of the European Union, *Directive 2003/86/EC on the right to family reunification*, 22 September 2003, available at: <http://www.refworld.org/docid/3f8bb4a10.html>.

³⁹ European Parliament and the Council of the European Union, *Directive 2011/51/EU amending Directive 2003/109/EC to extend its scope to beneficiaries of international protection*, 11 May 2011, available at: <http://www.refworld.org/docid/532bfaaf4.html>.

lawful and continuous stay in the territory of a Member State for a period of five years immediately prior to the submission of the relevant application (Article 4), stable and regular resources to provide for themselves and their families (Article 5(1)), as well as health insurance (Article 5(2)). Access to the status of a long-term resident is an important aspect of refugee integration insofar as it aims to provide equality of treatment with the citizens of the Member State of residence in a wide range of social and economic matters.

In terms of other sources of integration rights, standards and guidance on their practical implementation, the Council of Europe has adopted a number of recommendations, resolutions and guidelines related to the integration of refugees and migrants and promoted good practices, such as examples of welcoming cities facilitating social integration. Specifically, in 2014, the Parliamentary Assembly of the Council of Europe adopted a Resolution on the Integration of Migrants in Europe which discusses the need for a proactive, long-term and global policy.⁴⁰ In May 2016, the Council of Europe published an Issues Paper on integration, which discusses in particular the topics of family reunification, permanent residence, language and integration courses, anti-discrimination laws and their impact on integration.⁴¹

6.3 Relevant European policies, strategies and funding mechanisms

Since the special meeting of the European Council in Tampere on 15 and 16 October 1999, work has been done towards establishing a Common European Asylum System, based on the full and inclusive application of the 1951 Refugee Convention. In addition to the legislation adopted, as outlined above, the EU has also provided guidance on matters related to integration. While these policy documents mostly target the broader group of migrants or third country nationals rather than refugees, they nevertheless serve as an important source of key definitions and concepts in this area.

The Hague Programme: Strengthening Freedom, Security and Justice in the European Union for 2004–2009 called for the development of a comprehensive migration policy, including aspects related to integration (Article 1(2)), creation of equal opportunities to participate fully in society, removal of obstacles to integration, establishment of common basic principles of integration, as well as clear goals and means of evaluation (Article 1(5)).⁴²

The 2004 Common Basic Principles for Immigrant Integration Policy in the European Union,⁴³ subsequently adopted, constitute a key policy document at EU level in this area. They offer a non-binding definition of integration, as “a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States”, and establish a set of soft standards concerning key aspects of integration, such as access

⁴⁰ Resolution 2006 (2014) *Assembly debate* on 25 June 2014 (24th Sitting) (see Doc. 13530, report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Ms Marietta Karamanli). *Text adopted by the Assembly* on 25 June 2014 (24th Sitting). *Integration of migrants in Europe: the need for a proactive, long-term and global policy*, available at: <http://goo.gl/wh1h3F>

⁴¹ Council of Europe, *Time for Europe to get migrant integration right*, May 2016, available at: <http://www.refworld.org/docid/5756ecc54.html>.

⁴² European Council, *Hague Programme: Strengthening Freedom, Security and Justice in the European Union*, 16054/04, JAI 559, 13 December 2004, p. 10, 11, available at: <http://goo.gl/5V3T0r>

⁴³ Council of the European Union, *Common Basic Principles for Immigrant Integration Policy in the European Union*, 14615/04, 19 November 2004, available at: <http://goo.gl/t2mqpp>

to education and institutions, knowledge of the local language, access to the labour market, interaction with the receiving society and participation in democratic processes at the local level.

The 2005 Common Agenda for Integration: Framework for the Integration of Third-Country Nationals in the European Union⁴⁴ builds on the 2004 Common Basic Principles for Integration by proposing concrete measures to put the principles into practice at both the national and EU levels. In addition, the 2008 European Pact on Immigration and Asylum⁴⁵ invited Member States to adopt policies to promote the harmonious integration of immigrants who are likely to settle permanently. These include specific measures to promote language learning, access to employment and combatting discrimination, as well as exchange of best practices in this area, in line with the 2004 Common Basic Principles on Integration.

Further, the Stockholm programme – an Open and Secure Europe Serving and Protecting Citizens⁴⁶ covering the period from 2010 through to 2014 – pointed to the need to intensify efforts to establish a uniform status for those granted international protection and to approximate their rights to those of citizens. Besides encouraging more vigorous, effective and mainstreamed integration policies, aimed at granting migrants rights and obligations comparable to those of citizens of the EU, it also called for the “(...) development of core indicators in a limited number of relevant policy areas (for example employment, education and social inclusion) for monitoring the results of integration policies in order to increase the comparability of national experiences and reinforce the European learning process.” As a result, in 2010 the EU proposed the so-called Zaragoza indicators⁴⁷ to support the monitoring of integration of migrants and the outcome of integration policies in four areas: i) employment, ii) education, iii) social inclusion and iv) active citizenship, which were subsequently tested in a pilot study.

Building on the 2005 Common Agenda for Integration and the lessons learned from its implementation, the 2011 European Agenda for the Integration of Third-Country Nationals⁴⁸ reiterated that “Integration is a dynamic, long-term process requiring efforts by a wide range of actors in different policy areas and at various levels”⁴⁹ and highlighted integration challenges. These included low employment levels of migrants, especially for migrant women, rising unemployment and high levels of over-qualification, increasing risks of social exclusion, gaps in educational achievement, and public concerns with the lack of integration of migrants.⁵⁰ To facilitate the integration of third-country nationals in the EU, the communication proposed encouraging integration through participation, more action at local level and involvement of countries of

⁴⁴ Commission of the European Communities, *Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions: A Common Agenda for Integration, Framework for the Integration of Third-Country Nationals in the European Union*, COM(2005) 389 final, 1 September 2005, p. 4., available at: <http://goo.gl/E3cjGi>

⁴⁵ Council of the European Union, *European Pact on Immigration and Asylum*, 13440/08, ASIM 72, 24 September 2008, p. 6, available at: <http://www.refworld.org/docid/48fc40b62.html>.

⁴⁶ European Council, *Stockholm Programme*, available at: <http://goo.gl/CK6J88>.

⁴⁷ European Ministerial Conference on Integration, *Draft Declaration*, 15–16 April 2010, p. 13, available at: <https://goo.gl/ZwD2MU>

⁴⁸ Commission of the European Communities, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Agenda for the Integration of third country nationals*, COM/2011/0455/ final, available at <http://goo.gl/3EQAzW>.

⁴⁹ *Ibid*, Article 1.

⁵⁰ *Ibid*, Article 1.

origin.⁵¹ The relevance of integration of migrants in the labour markets of the receiving societies was also stressed in the 2011 Global Approach to Migration.⁵²

In addition, the EU has published three Handbooks on Integration for Policy Makers and Practitioners (in 2004, 2007 and 2010), which were developed by the Migration Policy Group in close cooperation with experts from Member States who serve as National Contact Points for Integration. The objective of the handbooks is to provide a platform for the exchange of information and best practices of Member States in the area of migrant integration. Each handbook covers different areas relevant to integration, such as introduction courses, civic participation, acquisition of nationality, awareness raising, economic integration and others.

The European Commission Action Plan on the integration of third country nationals from June 2016⁵³ provides a common policy framework which should help Member States as they further develop and strengthen their national integration policies. It describes the policy, operational and financial support which the Commission will deliver to support these efforts and sets out policy priorities and tools for concrete action to be undertaken at EU level and by Member States. The EU Action Plan also invites Member States to update and strengthen their integration policies for third country nationals.

The European Union has supported the implementation of integration-related policies and actions through the European Refugee Fund and the European Integration Fund as part of the General Programme “Solidarity and Management of Migration Flows”, as well as the European Fund for Integration of Third-Country Nationals for the period from 2007 to 2013. For the period 2014–2020, integration of refugees is supported by the EU mainly through the Asylum, Migration and Integration Fund (AMIF).

Under the current Multi-annual Framework 2014–2020 funds are available for integration under various funds including the European Structural and Investment Funds (ESI Funds), the European Social Fund (ESF) and the European Regional Development Fund (ERDF), the European Agricultural Fund for Rural Development (EAFRD). The Commission is actively working with all relevant stakeholders to ensure that all funding instruments are used to their maximum potential.

The Organization for Economic Cooperation and Development (OECD) has become increasingly active in the area of refugee integration, and concluded a Memorandum of Understanding with UNHCR in 2016⁵⁴ on cooperation in, *inter alia*, areas related to the integration of refugees. OECD has also published a booklet on the integration of refugees and other groups in need of protection in 2016, which summarizes experiences related to integration in OECD countries.⁵⁵

⁵¹ Ibid, Article 2.

⁵² Commission of the European Communities, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, The Global Approach to Migration and Mobility*, COM/2011/0743 final, Article 1, available at <http://goo.gl/TjclFK>

⁵³ European Commission, *Communication from the Commission to the European Parliament, The Council, The European Economic and Social Committee of the Regions, Action Plan on the Integration of third Country nationals*, 7 June 2016 COM (2016) 377 final, available at: <http://goo.gl/qh22fD>

⁵⁴ UNHCR, *Memorandum of Understanding For Co-operative Activities Between United Nations High Commissioner for Refugees (UNHCR) And The Organisation for Economic Co-operation and Development (OECD)*, 15 June 2016, available at: <http://www.refworld.org/docid/577a3cb34.html>.

⁵⁵ OECD, *Making Integration Work: Refugees and others in need of protection*, 28 January 2016 (“OECD, Report”), available at: <http://www.refworld.org/docid/56af089d4.html>.

6.4 Domestic legislation

The Estonian Constitution does not have specific provisions on refugees or asylum. However, the Constitution includes a number of rights that apply “equally to citizens of Estonia and to citizens of foreign States and stateless persons in Estonia” including refugees. Of particular relevance for the present study are:

- freedom from discrimination and prohibition of incitement to violence (Article 12);
- the right of recourse to the courts (Article 15);
- the right to inviolability of private and family life (Article 26);
- the right to protection of health (Article 28);
- freedom to belong to unions and federations of employees and employers (Article 29);
- the right to property (Article 32);
- the right to education (Article 37);
- freedom to form non-profit association and federations (Article 48), except political parties, which are for Estonian citizens only;
- the right to preserve ethnic identity (Article 49).

The Constitution also includes some rights which are guaranteed to citizens as well as to non-citizens, unless otherwise provided in a legal act:

- the right to assistance in case of old age, incapacity for work, loss of provider or need (Article 28);
- the right to freely choose his or her area of activity, profession and position of employment (Article 29);
- the right to engage in entrepreneurial activity and to form commercial associations and federations (Article 31).

In addition to the above, Article 3 of the Constitution states that “[g]enerally recognized principles and rules of international law are an inseparable part of the Estonian legal system”. This means that customary international law forms a part of Estonian constitutional law.

The main piece of national legislation of relevance to the protection of refugees in Estonia is the Act on Granting International Protection to Aliens (AGIPA).⁵⁶ The law mostly focuses on procedural aspects of granting protection, but also the legal status “of an alien who has been granted international protection and the legal basis for his or her temporary stay, residence and employment in Estonia on the basis of treaties and the legislation of the European Union” (Article 1). AGIPA also contains provisions on the issuance and extension of residence permits (Article 39), participation in an adaptation programme (Articles 47¹ and 75(4⁵)), language training (Articles 73(4) and (5), 73¹(1) and 75(4¹)-(4⁴)), provision of the support person services (Article 75(4⁵)) and provisions on the social, educational and employment rights of persons enjoying international protection (Article 75(1-2), (6) and (7)).

AGIPA was significantly amended in May 2016 to transpose the second-generation EU asylum *acquis*, and to further specify and detail a number of issues. These include: the introduction of a procedure to prioritize the processing of applicants with special needs and manifestly-founded cases; the incorporation of the principle of the best interests of the child at all stages of the refugee status determination procedure; the

⁵⁶ Act on Granting International Protection to Aliens (*Välismaalasele rahvusvahelise kaitse andmise seadus*), RT I 2006, 2, 3, available at: <https://www.riigiteataja.ee/en/eli/529042016002/consolide>.

extension of special procedural guarantees to all asylum-seeking children irrespective of whether they are accompanied or not; the inclusion of parents and guardians of asylum-seeking children in the definition of “family members”; and the introduction of the obligation to identify applicants with special needs as soon as possible after submission of the application for international protection for all relevant Estonian administrative institutions and persons. The amendments also limited the amount of financial support provided to refugees, and set out mandatory obligations such as acquisition of language skills, participation in the adaptation programme and use of the support person service. Finally, through these amendments, definitions of relocation and resettlement were included in AGIPA.

6.5 Relevant Estonian policies and strategies

There is no separate government strategy or plan which specifically covers the topic of refugee integration in Estonia and its numerous legal, economic, socio-cultural and civil and political aspects. Nevertheless, there are several national policy documents which address specific issues related to the integration of refugees in Estonia. For example, the Internal Security Development Plan 2015–2020⁵⁷ deals with specific aspects of asylum policy. Under sub-target 6.6 “Balanced Migration and Citizenship Policy” it includes the policy instrument No. 3 entitled “Ensuring international protection and reception conditions”. One of the goals of the policy instrument is that “reception conditions and supporting services are guaranteed to the applicants for international protection and refugees according to their cultural, gender-based, religious, language and other background.” According to Action 1.2 under this policy instrument, “the Ministry of the Interior and Ministry of Social Affairs shall ensure the availability of services which support the well-being, adaptation and further integration of beneficiaries of international protection into Estonian society”.

Integration of refugees also forms a part of Integrating Estonia 2020, which is mainly targeted towards the integration of the Russian-speaking minority population (the so-called less integrated population). The strategy includes a separate goal on supporting the integration of newly or recently arrived immigrants. That goal affirms that once they receive a residence permit, refugees will have access to services aimed at the newly arrived and those specific for recipients of international protection. There are no other specific provisions covering the integration of refugees.⁵⁸

There is also a separate government-level Action Plan, which details the relocation and resettlement of refugees according to the EU’s emergency relocation and resettlement schemes.⁵⁹ In terms of integration, the 8 October 2015 version of the Action Plan sets out a detailed description of how the relocation and resettlement mechanism will work and also a description of responsible authorities and specific integration activities envisaged for the individual relocated or resettled refugee in the long term. The Action Plan foresees:

- Day 1: health check at the airport (provided by the Emergency Service, paid for by MoSA), transport to accommodation in a municipality (MoSA contractor), contact with the support person (NGO partner), including interpretation service (paid for by MoSA).

⁵⁷ *Siseturvalisuse arendamise kava 2015 – 2020*, available at: <https://goo.gl/NN0SSB>

⁵⁸ UNHCR RRNE submitted comments on the draft strategy in 2012, in which the Office encouraged the Government to include references to refugees as a specific category of legal residents requiring particular support in the integration process, available at: <http://goo.gl/S5Fjg8>.

⁵⁹ Estonian Government Office, see at: <https://goo.gl/fKGH79>

- Month 1: Various registrations at relevant governmental agencies, including registration for the welcoming programme, for Estonian language courses, at the Estonian Unemployment Insurance Fund (EUIF), and at local government offices (for population registry).
- Starting from Month 2: participation in Estonian language studies and welcoming programme, services offered by EUIF, other needs based social services (health care, education etc.).
- Starting from Year 3: integration consultation services by MISA, participation in cultural societies, participation in Estonian language and culture clubs.

The Action Plan includes descriptions of various services, and analyses potential threats, such as dangers to public order and security.

Since 2015, an inter-governmental coordination group has been in place, led by Mol, to oversee the implementation of the Action Plan on the implementation of the EU's emergency relocation and resettlement schemes. This includes representatives of MoSA, MoC, Ministry of Education and Research (MoER), Ministry of Foreign Affairs (MFA), Ministry of Finance (MoF), Ministry of Economics and Communication, Ministry of Justice, PBGB, Estonian Internal Security Service, Government Office, Office of the President of the Republic, and the Chancellor of Justice. In addition, Mol convenes on a regular basis meetings with civil society actors engaged in refugee protection and integration activities. The aim of these meetings is to collect feedback from the participants, share information and facilitate cooperation between all relevant stakeholders.

Hence, even though there is no comprehensive national strategy for the integration of all refugees in place, nor a coordination mechanism responsible for overseeing the implementation of such a strategy, extending beyond the EU's emergency relocation and resettlement schemes, the aforementioned policy documents and inter-governmental coordination group form an excellent basis for the further development of such a policy framework and administrative structure.

6.6 Competences of relevant institutions at national and municipal level

The following institutions and actors have roles in the integration of refugees in Estonia.

Mol is in charge of policy making in the asylum area, including in the implementation of the Development Plan for Internal Security 2020 in cooperation with other ministries. One of the responsibilities of Mol together with MoSA is the creation of conditions for the adaptation and further integration of refugees. Mol plans and provides the welcoming programme, and MoSA the language training and support service, on the basis of refugees' cultural, gender, religious, linguistic and other needs. At Mol, the Citizenship and Migration Policy Department is responsible for the overall coordination of this policy. Mol also coordinates the work of the inter-departmental coordination group on the EU's emergency relocation and resettlement schemes, as well as wider information meetings with so-called social partners (representatives of different national NGOs and institutions), which take place monthly.

MoC is responsible for the overall integration policy and coordinates the implementation of Integrating Estonia 2020. There are no persons currently working at MoC that have refugees as their main work responsibility.

According to the current division of responsibilities between MoI and MoC, the former is in charge of facilitating the adaptation of all foreigners, including refugees, while the latter is responsible for the integration of foreigners. The adaptation process (first five years after arrival when the immigrant receives basic knowledge and skills to function in the society) is considered to be part of the migration policy, and the first step in the integration process. Although successful adaptation after arrival is key to further successful integration, these processes are not the same, as adaptation does not mean instant integration, according to MoI.⁶⁰

Matters related to the provision of social assistance to refugees are placed under the competence of MoSA. In cooperation with the welfare service AS Hoolekandeteenused, national NGOs and local governments, MoSA finances and organizes the settlement of refugees in municipalities, language training provision and support person service. It is also responsible for policy making in the areas of employment, health, social protection and equality. Currently there are three employees working specifically on refugee related issues at MoSA.

MoER is mainly entrusted to coordinate the provision of all levels of education, youth work and recognition of professional qualifications. There are no persons working at MoER currently that have refugees as their main work responsibility.

MFA assists in issues related to family reunification.

The Government Office coordinates public communication regarding the EU relocation programme and the resettlement of refugees.

The PBGB conducts the international protection procedures and is responsible for the granting, renewal and revocation of residence permits as well as for ensuring public order and safety. The PBGB works under the auspices of MoI. The asylum decision-making competence is divided between several structural units of the PBGB, i.e. the Aliens Division of the Migration Bureau of Intelligence Management and Investigation Department and the four Regional Prefectures. The Aliens Division includes staff of the previously disbanded International Protection Division and is tasked with, *inter alia*, the examination of applications for international protection lodged inside the territory; the granting, extension and revocation of identity documents; and the issuance of residence and work permits for all aliens, including refugees. The task of the Regional Prefectures is to register applications for international protection lodged in the border areas or at border-crossing points by persons who have no legal grounds for residence in Estonia, including persons who are transferred to Estonia on the basis of the Dublin III Regulation. The border guard officials of the Regional Prefectures are also authorized to reject applications for international protection lodged at the borders.

Hoolekandeteenused AS is a fully State-owned enterprise which mainly provides social welfare services to adults with special mental needs. According to an administrative contract with MoSA from April 2013 until April 2018, it also operates the Accommodation Centres for Applicants for International Protection in Vao and Vägeva municipalities. The accommodation centres employ a number of staff dedicated to assisting applicants for international protection during their stay at the centres, but also encompassing help to refugees prior to their settlement in a municipality.

⁶⁰ See the national AMIF programme for Estonia for the period 2014-2020, March 2016, page 5. Available at: www.amif.ee.

The Estonian Unemployment Insurance Fund (EUIF) provides a wide range of employment and labour market services and training, including language training. It is an independent public body with tripartite management, where the government is represented, and has a wide network of offices.

The Estonian National Social Insurance Board (ENSIB) provides social benefits to eligible persons, including refugees. It also provides a victim support service. It works under the auspices of MoSA and has a wide network of offices.

The Estonian ENIC/NARIC Centre under the Archimedes Foundation (under the auspices of MoER) is responsible for the recognition of academic qualifications.

The Integration and Migration Foundation Our People (MISA) operates under the supervision of the Supervisory Board.⁶¹ Its purpose is to initiate and support activities that promote the integration process in Estonian society and activities that are related to migration. MISA's activities are financed from State budget funds, allocated through the budgets of ministries and foreign sources, including EU programmes. Activities are planned in cooperation with MoC, MoER and other ministries engaged in the implementation of activities in the area of integration. Currently MISA has consultation and advice centres in the capital Tallinn and the third largest city Narva (North-East Estonia).

Local governments (municipalities) are responsible for finding housing; providing social and health services; organizing interpretation and Estonian language instruction; dissemination of information concerning refugees' rights and duties; and resolving other issues (Articles 73, 73¹, 73² of the AGIPA). However, these responsibilities can also be undertaken by a private company or an NGO.

6.7 Involvement of non-state actors

The non-state actors in Estonia mostly provide services to refugees or engage in asylum-related advocacy and awareness-raising.

The Estonian Refugee Council (ERC) is an NGO based in Tartu which facilitates the cultural, social and labour market integration of refugees. ERC also engages in public awareness activities relating to refugees and advocacy, and represents refugee interests. Moreover, it provides humanitarian aid outside of Estonia and operates a volunteer-based support person service.

JMC is an NGO based in Tartu, which provides the support person service and leisure activities for asylum-seekers and refugees in Estonia.

NGO Pagula is a newly established NGO based in Haapsalu, which provides support person services and cultural integration activities in the western part of Estonia in order to help refugees there integrate fast and effectively.

The Estonian office of the International Organization for Migration (IOM Estonia) is based in Tallinn and offers adaptation courses (also known as the welcoming programme) for refugees. This activity is co-financed by AMIF and MoI. IOM also provides training and conducts awareness raising activities at large.

⁶¹ More information about MISA can be found here: <http://www.meis.ee/about-the-foundation>.

The Estonian Human Rights Centre (EHRC) is a general human rights NGO based in Tallinn that, *inter alia*, focuses on advancing the human rights of asylum-seekers and refugees. EHRC has a partnership agreement with UNHCR relating to legal counselling of asylum-seekers.

The Estonian Roundtable for Refugee Organizations comprises EHRC, ERC, JMC and IOM Estonia. They engage in joint advocacy in the asylum area by providing comments on policy and legal initiatives.

There are no NGOs in Estonia established or managed by refugees themselves.

Unlike in a number of other Member States, the Red Cross in Estonia is not particularly active in the area of refugee protection and/or integration.

6.8 Financing mechanisms at national level

The financing mechanisms available for the integration of refugees depend, first of all, on whether the service or measure in question is “mainstream” and provided to every citizen and long-term resident on the same basis (usually on a needs basis). In this case, there is no difference in how services accessible to refugees are financed. This is the case for labour market services, health care services and education services as well as needs-based social support.

Those services that are targeted specifically to refugees, such as the welcoming programme and the support person service and certain language courses, are mostly financed through AMIF and Mol (25 per cent co-financing). Some support measures, such as interpretation and language classes available during the first two years after receiving a residence permit, are financed through the State budget. In addition, extra financing from the EU is available for local governments which accept refugees under the EU’s emergency relocation and resettlement schemes.

The national AMIF programme for Estonia for the period 2014–2020 was initially adopted in February 2015 and subsequently amended following the EU Council Decisions 2015/1523 and 2015/1601.⁶² The programme provides guidance and priority areas for the use of AMIF resources on activities related to asylum-seekers and refugees. In the period 2014–2020 Estonia will receive more than 10.1 million Euros. Mol is responsible for the implementation of AMIF-funded measures in Estonia. Under AMIF, Estonia has set the following overall goals:

- newly arrived Third-Country Nationals (including refugees) are adapted and participate actively in Estonian society;
- knowledge-based approach to the development of migration and adaptation policies has been strengthened;
- involvement of Third-Country Nationals and persons with undetermined citizenship in society has increased;
- society’s awareness and tolerance of Third-Country Nationals has increased and there is a positive overall background that facilitates adaptation as a first step in integration and further integration.

⁶² See further regarding priority areas in the national AMIF programme of Estonia, at: <https://goo.gl/b2DpmB>.

7.

Mapping the integration of refugees in Estonia – applicable rights, procedures and assistance

7.1 Legal status

7.1.1 Legal status and residence permits

In accordance with the Identity Documents Act,⁶³ applicants for international protection may receive either 1951 Convention refugee status or subsidiary protection status. Persons granted Convention refugee status receive a residence permit for three years, which can be extended for another three years (Articles 38(1) and 39(1) of the AGIPA). Recipients of subsidiary protection are initially granted a residence permit for one year, which can be extended for two years (Articles 38(2) and 39(2) of the AGIPA). A beneficiary's status is not extended if the circumstances that gave rise to the need for protection have ceased to exist, or if there is another reason why the status should be revoked (Articles 40–43 of the AGIPA).

Apart from the duration of the residence permit, there are no significant differences in the rights and obligations that derive from the different statuses afforded.

In terms of documents, all third country nationals who live in Estonia legally, including refugees, are issued with, and are required to have, a residence permit card.⁶⁴ The residence permit card is an identity document that can be used within Estonia, and to access various e-services. The card is issued for up to five years, but not for a longer period than the validity of the residence permit. Therefore, it is not immediately apparent from the identity card that the person is a refugee.

For travel, persons granted refugee status can apply for the 1951 Refugee Convention travel document, which has to comply with the schedule in the 1951 Refugee Convention and International Civil Aviation Organization standards.⁶⁵ Recipients of subsidiary protection status are eligible to receive an alien's

⁶³ The Identity Documents Act (*Isikut tõendavate dokumentide seadus*), RT I 1999, 25, 365, available at: <https://www.riigiteataja.ee/en/eli/501112016002/consolide>.

⁶⁴ Article 6(2) of the Identity Documents Act.

⁶⁵ Article 31 of the Identity Documents Act.

passport if they prove that they do not hold, or cannot obtain, a travel document issued by a foreign State. Both the Convention travel document and alien's passport can be issued with a maximum validity of five years, but not longer than the validity of the residence permit granted to the beneficiary concerned.

Article 48(1) of the AGIPA foresees six grounds for cessation⁶⁶ of refugee status, while Article 48(2) provides the grounds for ceasing subsidiary protection status. Article 49(1) of the AGIPA further provides that the PBGB shall initiate the invalidation⁶⁷ (*kehtetuks tunnistamine*) of refugee status or subsidiary protection status in certain situations. In effect, Article 49(1) of the AGIPA comprises a combination of grounds for cessation, cancellation⁶⁸ and revocation⁶⁹ of refugee status.

Since May 2016, an individual's fulfilment of the integration requirements (acquisition of Estonian language skills, participation in the adaptation course and use of support person service) are taken into account when deciding on the extension of his or her residence permit, according to Article 75 of the AGIPA. However, it is unclear how this provision is going to be applied, considering that neither international nor European law allows for withdrawal of protection based on lack of integration in the host society.⁷⁰

7.1.2 Permanent residence and citizenship

According to Article 44 of the AGIPA, a refugee can apply for a long-term resident's (permanent) residence permit "on the basis of and pursuant to the procedure provided in the Aliens Act". The latter requires that in order to obtain this type of residence permit, an applicant has, *inter alia*, resided in Estonia permanently on the basis of a residence permit for at least the last five years before the submission of the application (Aliens Act Article 232(1¹). In the case of refugees, since 1 May 2016 the period of permanent residence also includes the time resided in Estonia as an applicant for international protection (Aliens Act Article 232(2²).

⁶⁶ "Cessation" is the ending of refugee status pursuant to Article 1C of the 1951 Refugee Convention because international protection is no longer necessary or justified on the basis of certain voluntary acts of the individual concerned or a fundamental change in the situation prevailing in the country of origin. Cessation has effect for the future (*ex nunc*). See UNHCR, *Note on the Cancellation of Refugee Status*, 22 November 2004, para 1(iii). Available at: <http://www.refworld.org/docid/41a5dfd94.html>.

⁶⁷ Please note that the official English translation of the Estonian Administrative Procedure Act operates with the term 'repeal' instead of 'cancellation' when it discusses the issues related to invalidation (*kehtetuks tunnistamine*) of administrative acts both proactively (*edasiulatuvalt* or *ex nunc*) and retroactively (*tagasiulatuvalt* or *ex tunc*).

⁶⁸ "Cancellation" is a decision to invalidate a refugee status recognition which should not have been granted in the first place. Cancellation affects determinations that have become final, that is, they are no longer subject to appeal or review. It has the effect of rendering refugee status null and void from the date of the initial determination (*ab initio* or *ex tunc* – from the start or from then). See UNHCR, *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, December 2011, HCR/1P/4/ENG/REV.3 ("UNHCR, *Handbook*"), para 117. Available at: <http://www.refworld.org/docid/4f33c8d92.html>. See also UNHCR, *Cancellation of Refugee Status*, March 2003, PPLA/2003/02, para 5. Available at: <http://www.refworld.org/docid/3f4de8a74.html>.

⁶⁹ "Revocation" is a withdrawal of refugee status in situations where a person engages in conduct which comes within the scope of Article 1F(a) or 1F(c) of the 1951 Refugee Convention after having been recognized as a refugee. This has effect for the future (*ex nunc*). See UNHCR, *Note on the Cancellation of Refugee Status*, 22 November 2004, para 1 (ii). Available at: <http://www.refworld.org/docid/41a5dfd94.html>.

⁷⁰ Pursuant to the 1951 Refugee Convention, refugee status can only be ended in certain, exhaustively defined situations.

Additional requirements for acquiring a long-term resident's residence permit include permanent legal income, medical insurance, registration in the population register, and, for most applicants,⁷¹ the ability to speak the Estonian language at least at level B1.⁷² For refugees, the long-term resident's residence permit can be refused⁷³ or revoked⁷⁴ at any time if there are grounds based on which refugee status or subsidiary protection status ends or is revoked.

Refugees have access to citizenship by naturalization on an equal footing with all other permanent residents, despite the call on States, in Article 34 of the 1951 Refugee Convention, to facilitate the naturalization of refugees. Hence, refugees need to have a long-term resident's residence permit, fulfil the criteria of a minimum of eight years of residence in Estonia out of which five on a permanent basis, complete the B1 language exam and a separate citizenship exam. From 1 January 2016, individuals who were granted international protection in Estonia or other EU countries are released from the requirement to renounce their previous citizenship if such a renunciation is impossible because the circumstances in the home country have not significantly changed.

There is currently only one recipient of subsidiary protection who has been granted Estonian citizenship. No Convention refugee has been granted citizenship yet.

7.2 Labour market participation

7.2.1 Access to the employment market

Refugees have the right to work in Estonia (Article 75(6) of the AGIPA), and Estonia is one of the few countries in the OECD region which applies a targeted dispersal strategy based on refugees' skills and their prospects of entering the local labour market.⁷⁵ Asylum-seekers can also work during the asylum procedure if no decision has been made within six months of submitting the application for international protection.⁷⁶ Since 2013, no separate document (such as a work permit) is necessary for aliens, including refugees, to work in Estonia. Language training is provided to applicants for international protection during the procedure, but not adult education combined with long-term language training, or skills assessment or civic education.

⁷¹ This language requirement does not apply to persons younger than 15 or older than 65 years, persons with restricted legal capacity or persons who have completed basic, secondary or higher education in Estonian. Additionally, a person can be released from the exam either partially or fully if their health does not allow to complete the exam.

⁷² B1 according to the Common European Framework of Reference for Languages means intermediate independent user of the language. According to the Citizenship Act this includes: 1) the applicant is able to cope in most everyday situations; 2) the applicant is able to describe experiences, events, dreams and goals and can briefly give reasons for and explain his or her views and intentions; 3) the applicant is able to fully understand the gist on familiar topics such as work, school and leisure; 4) the applicant is able to compose a simple text on a topic which he or she is familiar with or takes an interest in.

⁷³ Item 4 of Article 237(2) of the Aliens Act.

⁷⁴ Item 4 of Article 241(1) of the Aliens Act.

⁷⁵ OECD, *Report*, p. 23 and table 3a at p. 27.

⁷⁶ Article 10¹ of the AGIPA. See also OECD, *Report*, Table 1, p 16.

However, only citizens of Estonia or other Member States can be employed in the civil service as officials, and certain positions are further limited to Estonian citizens only.⁷⁷ This does not fully exclude refugees from employment by the public authorities: they can work in supporting positions which are based on an employment relationship (i.e. those which are not part of the civil servants corps in the strict sense), such as accounting, human resource work, records management, activities of procurement specialists, activities of administrative personnel, activities of information technologists or other support work.

Third country nationals, including refugees, are not allowed to work permanently as sworn advocates in Estonia. A foreign sworn advocate may only represent or defend a client in a court in Estonia together with an Estonian sworn advocate.⁷⁸

Refugees cannot receive a business licence in areas related to weapons and ammunition⁷⁹ and there are restrictions in operating a security firm.⁸⁰

There are a number of types of employment which require a certain level of knowledge of Estonian.⁸¹ Selected examples include:

- A2 level: employees that perform technical or support functions for a public authority, such as drivers, stokers, photocopy machine operators and other similar professions; train drivers, guards, ticket inspectors, cloakroom attendants, door keepers and messengers also in the private sector.
- B1 level: employees that perform certain administrative support services for a public authority, such as data entry clerks and postal secretaries; Rescue Board officials, teaching staff (except schoolteachers), service and sales personnel, who are either directly or regularly in touch with customers, who communicate work related data or who are responsible for workplace safety; managers of small companies which provide catering, sales or accommodation services, who serve customers; assistant care workers, drivers of public transport (excluding trains, ships and planes), skilled workers and craftsmen who also serve customers, operators of machines and equipment who also serve customers.
- B2 level: accountants and technical secretaries at public authorities; schoolteachers; care workers; nurses; other medical staff who communicate with patients; service or salespersons in the insurance industry; service or salespersons who deal with goods that can harm the life or health of a person; private security officers who have special equipment (such as a gun); workers for a public authority; other employees who work at positions which require vocational secondary education or higher education and who serve customers, communicate work-related information or are responsible for workplace safety.
- C1 level: lawyers, doctors, psychologists, pharmacists, etc.

Therefore, the existing language requirements may be an obstacle to accessing the Estonian employment market for those refugees who have not yet learned the language to the necessary level.

⁷⁷ Article 14 of the Civil Service Act (*Avaliku teenistuse seadus*), RT I, 06 July 2012, 1, available at: <https://www.riigiteataja.ee/en/eli/511102016001/consolide>.

⁷⁸ Article 74(3) and (4) of the Bar Association Act (*Advokatuuriseadus*), 21 March 2001, RT I 2001, 36, 201, available at: <https://www.riigiteataja.ee/en/eli/530102013022/consolide>.

⁷⁹ Articles 66 and 67 of the Weapons Act (*Relvaseadus*), 13 June 2001, RT I 2001, 65, 377, available at: <https://www.riigiteataja.ee/en/eli/504122014001/consolide>.

⁸⁰ Article 16(2) of the Security Act (*Turvaseadus*), 08 October 2003, RT I 2003, 68, 461, available at: <https://www.riigiteataja.ee/en/eli/525062015002/consolide>.

⁸¹ *Ametniku, töötaja ning füüsilisest isikust ettevõtja eesti keele oskuse ja kasutamise nõuded*, 20 June 2011, Regulation No 84, RT I, 2011, 1.

All employees are registered by the employer in the Employment Registry of the Estonian Tax and Customs Board, regardless of the type and duration of the employment.⁸² If an employee does not yet have an Estonian ID code, which may take up to 30 days to obtain, the individual can still be entered in the registry, but might not be eligible for social benefits. Refugees also have the right to register themselves as unemployed and get access to all the labour market benefits and services that are available to other residents in Estonia.⁸³

Labour market services are mainly offered by the Estonian Unemployment Insurance Fund (EUIF). The EUIF has a diverse set of measures in order to meet various individual needs. The measures are not diversified according to specific labour market groups, but are offered according to the special circumstances, individual needs, and obstacles to entering the labour market of each person in every individual case. The EUIF also offers services to employers, so that they can support an employer who hires a refugee. The EUIF moreover has funds to offer labour market services according to the needs of its client groups.

Some of the main services provided by the EUIF require the client to read and speak Estonian or Russian at an advanced level. They include:

- Information about the labour market, labour market services and benefits;
- Job mediation service;
- Labour market training, ranging from one day to up to one year courses, in flexible formats (either in groups or based on special training share), including work-related Estonian language courses;
- Career counselling;
- Work experience for up to four months;
- Short-term temporary paid public works (up to 10 days), which does not require special skills;
- Trial days service, or coaching for people to get them used to working;
- Limited time wage subsidy of 50 per cent for employers who hire a long-term unemployed person.

The subsidies provided by the EUIF include:

- Unemployment insurance benefit of 40-50 per cent of the previous salary for those who have worked in Estonia at least 12 months within a three-year period; special conditions apply and the duration depends on the duration of being insured (maximum 360 days);
- Unemployment allowance if the person has previously been employed or engaged in work or an activity equal to work in Estonia (e.g. taking care of a young child or child with a disability);
- Scholarship for participating in training, internships, work experience, sheltered employment service or voluntary work;
- transportation and accommodation allowance for using most services.

When visiting an office of the EUIF for the first time, a refugee is usually accompanied by a support person or by a staff member from the Vao Accommodation Centre. For refugees, registering as an unemployed person or a job-seeker triggers the entitlement to health insurance coverage for a beneficiary of international protection, once the registration is recorded at the Estonian Health Insurance Fund; this takes a maximum of 30 days.⁸⁴

⁸² Article 25¹ of the Taxation Act (*Maksudkorralduse seadus*), 20 February 2002, RT I 2002, 26, 150, available at: <https://www.riigiteataja.ee/en/eli/531102016007/consolide>.

⁸³ Labour Market Services and Benefits Act (*Tööturuteenuste ja -toetuste seadus*), 28 September 2005, RT I 2005, 54, 430, available at: <https://www.riigiteataja.ee/en/eli/506062014001/consolide>.

⁸⁴ Article 9¹ of the Health Insurance Act (*Ravikindlustuse seadus*), 19 June 2002, RT I 2002, 62, 377, available at <https://www.riigiteataja.ee/en/eli/514062016008/consolide>.

If a suitable job offer is refused three times without any good reason, or if the person does not appear at the EUIF office every 30 days, unemployment registration can be stopped and all related benefits and services (including health care insurance coverage) discontinued.⁸⁵ This rule applies equally to all residents of Estonia irrespective of their citizenship or type of residence permit, hence including refugees.

7.2.2 Self-employment and liberal professions

Refugees have equal access to self-employment and finding a job in Estonia. They can engage in self-employment like other residents, and face no restrictions to owning or managing businesses. Registering a company in Estonia can be done quickly at a government e-portal, and there are no requirements to pay a minimum share capital.

The EUIF offers support up to a maximum of 4,500 Euros for starting up a business after completing an entrepreneurship course and submitting a business plan.⁸⁶ The EUIF also has follow-up support (training, counselling, mentor clubs). This support is available equally to all residents of Estonia irrespective of their citizenship or type of residence permit.

Enterprise Estonia also offers a start-up grant of up to 15,000 Euros, which accounts for a maximum 80 per cent of the entire cost⁸⁷ and business consulting services. Some local governments also offer their own entrepreneurship support services. This support is available equally to all residents of Estonia irrespective of their citizenship or type of residence permit.

7.2.3 Recognition of qualifications

Refugees may need to prove certain academic or professional qualifications in order to apply for a job. The procedure differs for the recognition of academic degrees and for regulated professions: foreign academic qualifications and degrees are recognized by the Estonian ENIC/NARIC centre, whereas professional qualifications are recognized by a wide range of professional bodies.

The Estonian ENIC/NARIC Centre has extensive experience in the recognition of diplomas and other academic qualifications of immigrants from a variety of countries. However, their experience with refugees is more limited. So far, no concerns have been reported regarding recognition of refugees' academic qualifications in connection with seeking employment or in connection with studies, either for direct applications or applications made through an intermediary (such as a university).⁸⁸ The assessment and recognition is based on a government Regulation,⁸⁹ which sets out the requirements for the recognition of academic qualifications obtained in countries other than Estonia.

⁸⁵ Article 7(1) of the Labour Market Services and Benefits Act.

⁸⁶ See <https://www.tootukassa.ee/eng/content/services/business-start-subsidy>.

⁸⁷ See <http://www.eas.ee/service/starditoetus-eng/?lang=en>.

⁸⁸ Interview with Gunnar Vaht, Estonian ENIC/NARIC Centre.

⁸⁹ Government of the Republic of Estonia Regulation No 89 of 6 April 2006 "Criteria and Procedures for Assessment and Academic Recognition of Foreign Qualifications and for Use of Title of Qualification Granted in Foreign Education System" (Välisriigi haridust tõendavate dokumentide hindamise ja akadeemilise tunnustamise ning välisriigi haridussüsteemis antud kvalifikatsiooni nimetuse kasutamise tingimused ja kord), 06 April 2006, RT I 2006, 16, 130, available at: <http://goo.gl/SkD5Kf>.

The Regulation currently does not envisage a procedure for evaluating and recognizing academic qualifications in the case where documents proving the qualification, such as a diploma, are missing. A procedure for resolving this gap is currently being discussed by MoER based on the experiences of other European countries.⁹⁰

The recognition of foreign professional qualifications is regulated by the Recognition of Foreign Professional Qualifications Act.⁹¹ Article 6(4) of this law specifically refers to refugees who reside in Estonia on the basis of a temporary residence permit, as possible applicants. There is a list of professions which require a special professional qualification.⁹² These include professions related to land transport (driver of trams, trains, etc.), fishing (coastal fisherman), education and training (teacher, counsellor in a youth camp), various types of equipment (electrical, gas, machinery, pyrotechnics, pressure equipment and lifting equipment), architecture (architect, spatial planner), law (forensic expert, probation officer, bankruptcy trustee, patent agent, sworn advocate, sworn translator), audit (internal auditor, sworn auditor), social care (child care, provider of rehabilitation service, provider of victim support service, substitute home educator), health care (pharmacist, dentist, doctor, midwife, nurse), sports (coach), mining (blaster, person responsible for handling explosives), environment (agricultural adviser, environmental impact assessment expert, forest surveyor, hydrogeologist, land valuer and other specialized positions), fire safety and security (chimney sweep, guard, private security agent, stove-maker, voluntary rescuer) and veterinary surgeons.

Therefore, where a refugee needs to have his or her professional qualification recognized, the individual has to contact a competent authority in the respective area of activity.⁹³ A competent authority, which can be State authorities or professional bodies (for example the Bar Association or the Ministry of Culture) decides whether the education or work experience of the individual is sufficient for working in the same profession in Estonia. If so, the professional qualification will be recognized, and the beneficiary of international protection is permitted to work in the regulated profession. If there are substantial differences (e.g. in the content of the education or professional activity), the competent authority may impose compensation measures (adaptation period or aptitude test). The process is coordinated by MoER, which acts as an information and contact point.

As with the recognition of academic qualifications, obstacles can arise when there are no documents that prove the existence of a qualification, which might be the case for some refugees. So far, there have been no cases relating to refugees, as far as MoER is aware. However, when such issues arise, they will be decided on a case-by-case basis.⁹⁴

⁹⁰ Interview with Gunnar Vaht, Estonian ENIC/NARIC Centre.

⁹¹ Act on Recognition of Foreign Professional Qualifications (*Välisriigi kutsekvalifikatsiooni tunnustamise seadus*), 19 June 2008, RT I 2008, 30, 191, available at: <https://www.riigiteataja.ee/en/eli/509062014001/consolide>.

⁹² The professions are regulated in various legal acts, see the list at: <http://archimedes.ee/enic/en/kutsealane/reguleeritud-kutsed/>.

⁹³ More information is available at: <http://archimedes.ee/enic/en/kutsealane/padevad-asutused/>.

⁹⁴ Interview with Tiia Raudma, Ministry of Education and Research. See also the discussion concerning the lack of systematic skills assessment of refugees in Estonia in the *OECD Report*, p. 34.

7.2.4 Prevention of discrimination in the workplace

Discrimination in the workplace is prohibited according to the Employment Contracts Act, Gender Equality Act and Equal Treatment Act. Article 3 of the Employment Contracts Act states that an employer shall ensure the protection of employees against discrimination, follow the principle of equal treatment, and promote equality in accordance with the Equal Treatment Act and Gender Equality Act. The latter Acts protect against discrimination in the workplace based on gender, nationality (ethnic origin), race, colour, religion or other beliefs, age, disability and sexual orientation.

According to the Gender Equality Act and Equal Treatment Act, employers are required to take appropriate measures to protect employees against discrimination and inform employees of their rights and obligations in an appropriate manner.

Discrimination can be addressed by asking for a non-binding opinion from the Gender Equality and Equal Treatment Commissioner or filing a complaint with the courts. However, there has been no special attention to inform or enable refugees to use these options.

7.3 Education

7.3.1 Estonian language learning

Knowledge of Estonian is a prerequisite for receiving a long-term residence permit and applying for Estonian citizenship, but is clearly also important for other aspects of integration, such as accessing education and employment as well as civil, cultural and social integration. In addition, there are a number of positions in which an employee is required to have Estonian language skills, as indicated in Section 7.2.1.

There is no single coordinating authority for the provision of language training for refugees in Estonia. Nor are there a set of quality standards for schools or teachers. Options for learning Estonian are various and formally depend on how long the person has been in Estonia as well as whether they are unemployed or not. In practice, the availability of teachers and a refugee's place of residence play a significant role since the availability of teachers and quality of learning vary throughout the country.

Language is taught free of charge at the Vao Accommodation Centre. The language training is provided by different teachers and volunteers, and mainly targets those asylum-seekers who can follow the course in English or Russian. In early 2016, there were at least two different teachers, one of whom is the local social worker, who were teaching twice a week. Sporadically, there are also volunteers who come and teach Estonian at the centre.

After receiving protection status, a refugee has several options for learning Estonian free of charge, which can all be used simultaneously:

- Work-related Estonian language courses provided by EUIF after registration as an unemployed person or a job-seeker. These language courses are aimed at supporting the person to find a job and as such can be tailored specifically for the position sought. When a person finds a job, he or she cannot benefit from further courses, but an ongoing course can be completed with EUIF allowances.

- Language learning offered by private training companies, which is reimbursed to the refugee through the Vao Accommodation Centre. The total amount of the support is 12 times the subsistence limit, which in 2016 is 130 Euros per month. This means that the total sum is 1,560 Euros and it can be used for up to two years after recognition of status. This sum is available regardless of whether the beneficiary is working or not. This benefit is financed through the State Budget.
- In early 2016 MoSA announced a tender to find a service provider that, for a two-year period, will provide refugees with Estonian language training from level A2 up to level B2. The tender was won by *Tartu Rahvaülikool* (Tartu Folk High School) and envisages 100 hours of training per person for up to 150 persons over the next two years. These courses are financed through AMIF.
- Since Spring 2016, Tallinn University has also started to offer free Estonian language courses at various levels, both for applicants for international protection and refugees, which it finances from its own budget.

In addition, there is a web-based self-learning portal *Keelekliik*,⁹⁵ which includes a free online Estonian course for beginners on the basis of English or Russian, which is suitable for individual study to reach level A2. The course consists of 16 comprehensive language learning units which include a total of 200 animations, over 100 videos explaining grammar, and roughly 1200 exercises. It is unclear how many refugees have used this, or if they are aware of it.

There are reports⁹⁶ of volunteers who teach refugees on an individual, non-structured basis and commercial language courses are available in bigger cities for a fee.

From 1 May 2016, refugees between 18 years and the retirement age are required to learn Estonian by law, except if they are studying primary, secondary or higher education in Estonian (Article 43 of the AGIPA). There are different requirements depending on the type of status granted to an individual. Persons granted Convention refugee status can be asked to pay back the costs of studying Estonian if they have not gained language skills at level A2 within two years, and level B1 within five years from receiving international protection. A recipient of subsidiary protection status can be asked to pay back the costs if they have not gained the language skills at least at level A1 within one year from receiving protection, level A2 within two years from the extension of their protection status, and level B1 within five years from receiving international protection.

Additionally, all refugees may lose the right to social benefits if they do not reach the required level of language skills. It is not clear under which conditions this can happen or which benefits are affected. According to Article 4⁴ of the AGIPA, the specific conditions for participation in Estonian language training, including the procedure for recovering its costs, shall be established by a regulation of the Minister responsible for the area. Such regulation had not yet been adopted at the time of writing of this report.

⁹⁵ Visit <https://www.keelekliik.ee/en/welcome>.

⁹⁶ This was reported by the Vao Accommodation Centre management as well as several support persons who were interviewed during the project.

7.3.2 Basic education

Children who are refugees or whose parents are refugees have access to education on the same basis as citizens of Estonia (Article 75(6²) and (7) of the AGIPA). Under Estonian law,⁹⁷ all children between 7 and 17 years of age, regardless of any disabilities or low level of attainment,⁹⁸ are obliged to go to school until they have finished basic education (grades 1-9).⁹⁹ Education for children is free of charge.

There are also lifelong learning opportunities for adults. Estonian adult education centres offer flexible options for obtaining lower and upper secondary education. There are also flexible possibilities to obtain professional qualifications in vocational schools.

The opportunity to acquire basic education must be provided by the local government to persons who reside within its territory.¹⁰⁰ It is thus the local governments which must ensure that there are a sufficient number of places in the local schools (or find alternative arrangements), including for refugees and their children. MoER has been active in supporting schools which involve refugees. The overall number of students is decreasing¹⁰¹ in many rural areas due to a combination of urbanization, emigration and demographic decline, and schools with a low number of students are being closed.

7.3.3 Secondary, vocational and higher education, pre-school education and care

The organization of secondary and vocational education is the responsibility of MoER.

Secondary education is voluntary in Estonia. A person can choose to continue acquiring general secondary education (three years) at an upper secondary school (grades 10-12) or acquire vocational secondary education at a vocational educational institution. Vocational education can also be acquired after the completion of general secondary education. Refugees who are children have access to secondary and vocational education on an equal basis to Estonian nationals (Article 75(6), (6²) and (7) of the AGIPA).

Upper secondary schools require completed basic education, whereas access to vocational secondary education requires completed basic education or, for students older than 22 years who do not have basic education, competences which correspond to basic education. This is evaluated by each school. The studies are free of charge.

Adult refugees have the same rights as other third country nationals living in Estonia to access vocational education.

There are no special programmes or measures for refugees in secondary or vocational education nor a specific institution that supervises or coordinates the tuition.

⁹⁷ Basic Schools and Upper Secondary Schools Act (*Põhikooli- ja gümnaasiumiseadus*), 09 June 2010, RT I 2010, 41, 240, available at: <https://www.riigiteataja.ee/en/eli/530102013042/consolide>.

⁹⁸ The Basic Schools and Upper Secondary Schools Act provides flexible possibilities to study according to an individual curriculum in order to ensure that knowledge and skills are acquired according to one's abilities, while at the same time ensuring maximum integration with other students.

⁹⁹ Article 9 of the Basic Schools and Upper Secondary Schools Act.

¹⁰⁰ Article 10(1) of the Basic Schools and Upper Secondary Schools Act.

¹⁰¹ See general education statistics at: <http://www.haridussilm.ee>.

The vocational education system has several levels (2-5). Second and third levels do not require prior education, but require knowledge of Estonian (or Russian).

In addition, refugees can access shorter term trainings offered through EUIF.

Higher education is provided at universities and professional higher education colleges, which are in general accessible for refugees on the same basis as other third country nationals living in Estonia with a residence permit.

It is the responsibility of municipalities to provide sufficient kindergarten and child care places to all residents within their municipality, including to refugees.

Pre-school and tertiary education may not be free of charge.

7.4 Housing

According to Article 73(3) of the AGIPA, refugees who have received their residence permit have the right to remain at the accommodation centre for asylum-seekers or another location provided by MoSA or its sub-agency for up to four months, by which time they have to settle in a local community.

MoSA, or an agency under its area of responsibility, is tasked with organizing the settlement of the refugee in the territory of a local government in agreement with the local government, taking into account the person's state of health, the place of residence of any family members and other significant circumstances. The housing situation and employment opportunities, including the proportional allocation of refugees among the local governments, should also be considered. Also, according to Article 73(2) of the AGIPA, "a beneficiary of international protection may participate in the selection of the local government most suited to him or her." However, due to the limited housing available for refugees, in practice, refugees cannot influence this choice to a great extent.

MoSA then concludes an agreement with the local government, an NGO, a private company, or a private legal person to organize reception and assistance. The contracted local government or the legal person then has the obligation to assist refugees in finding housing (Article 73 of the AGIPA).

Until April 2016, refugees' monthly rent was reimbursed for up to two years. Starting from May 2016, a one-time payment to cover the costs related to the rental agreement is paid from the State Budget. The amount of the one-time payment is six times the subsistence level per family; in 2016 this was 780 Euros. This subsidy is financed through the local government or private legal person that has been appointed to provide assistance. Any further support for rental costs must be borne by the local government on an equal basis with support for other people who cannot afford to pay for their housing. For this, there are a number of limits set by the State (regarding the size of the apartment) or municipality regulations (regarding upper limits to payments or payments of related costs).

According to MoSA, if a refugee refuses to take up residence in the territory of the local government where MoSA has provided a place for them, they can be asked to find their own housing and bear all related costs themselves. The refugee may remain at an accommodation centre for asylum-seekers for two months after having declined the place offered.

7.5 Health care

Emergency health care, including transportation by ambulance in the case of an emergency, is available free of charge to everyone in Estonia. A visitation fee of up to 5 Euros can be charged if a person goes to the emergency room.

For most other health care services, the Estonian Health Insurance Fund operates a national mandatory health insurance scheme. The national health insurance scheme covers about 95 per cent of the population. Health insurance is covered for employed persons; public servants; members of management or supervisory boards of legal entities; persons employed under a contract according to the law of obligations; unemployed persons registered at the EUIF; persons who participated in the elimination of the consequences of a nuclear disaster; conscripts; non-working spouses of a diplomat or a public servant; carers of a disabled person; persons receiving child care allowance; dependent spouses, for whom the government pays social tax; persons receiving social allowance and PhD students who receive a doctoral support. For these people the employer or the State pays the health insurance taxes.

There are also a number of individuals for whom the employer or the State does not pay health insurance contributions, but who nevertheless receive health insurance coverage. They include pregnant women; persons under 19 years of age; persons receiving the Estonian State pension; an insured person's dependent spouse, who is no more than five years away from attaining the age limit for old-age pension; pupils (with age limits); students who are long-term residents (i.e. not foreign students); and persons joining the scheme voluntarily by paying a fee (in 2015 c. 130 Euros per month). From May 2016, insurance coverage also includes unemployed refugees who have attained the age limit for the old-age pension, but do not receive the pension.¹⁰²

Therefore, access to national health care services may be limited for those refugees who are unable or ineligible to register with the EUIF or who lose the registration for different reasons. For example, refugees who are adult students, and treated as third country nationals, are not eligible for insurance coverage. This limits their access to healthcare and might be a deterrent to obtaining vocational or higher education.

Health care services that are fully or partly paid for by the Estonian Health Insurance Fund include visits to doctors, different diagnostics, operations, reduced price medicines etc. For certain services a nominal fee is charged. A free check-up for any contagious diseases is provided for refugees in case public health protection requires it.

Primary health care is provided by family physicians; individuals register with the physician of their choice.

7.6 Victim support

There is a broad system of victim support in Estonia, which could be developed for helping refugees, especially with psychological assistance.

The Victim Support Service is a public service which is aimed at maintaining or enhancing individuals' ability to cope when they have fallen victim to negligence, mistreatment or physical, mental or sexual abuse. This service is provided by the Estonian Social Insurance Board. The Board also provides a conciliation service, reimbursement of the cost of psychological care paid within the framework of provision of victim support

¹⁰² A full list of conditions is available at: <https://goo.gl/Fivbr8>.

services and the organization of payment of State compensation to victims of crimes of violence. The Victim Support Department has 15 centres all across Estonia and employs 27 specialists. Victim Support Centres are located in every county.

Currently, it appears that only a few refugees have used the victim support service so far. As more detailed information about psychological counselling within the victim support system is provided to all relocated and resettled refugees, it is expected that this group will become more aware of the possibilities offered.¹⁰³

7.7 Cultural orientation and integration services

Pursuant to Article 471 of the AGIPA, upon receiving a residence permit in Estonia all refugees and their family members are informed by the PBGB about the existing welcoming programme, which was initiated by MoI during the second half of 2015. As of 1 May 2016, refugees are obliged to attend the international protection module of the welcoming programme. Failing to complete the one-day module may be taken into account when extending the residence permit of a refugee.

The welcoming programme is also available for all other immigrants who have less than five years of legal residency in Estonia. The programme consists of eight modules, each of which takes approximately eight hours (one day) to complete. The modules cover the topics of working and entrepreneurship, studying, research, family life, international protection, children and young people, and language training. Most of the modules are available in English and Russian, except the module on international protection, which is also provided in Arabic and French. Training is normally provided in Tallinn, Tartu or Narva. The language training module is not available for refugees, as there are other arrangements provided (see Section 7.3.1 on language learning).

The international protection module is specifically targeted at refugees, and includes the following mandatory topics:

- Legal information corresponding to the type of migration status, including the terms and conditions for granting and extending residence permits for different statuses of international protection;
- Social welfare, including services and benefits provided by the State and local authorities;
- Communal rules and customs, e.g. in an apartment building;
- Financial literacy (how to handle loans and financial responsibilities);
- Access to education, opportunities for continuing education;
- Work culture;
- Overview of other services offered to refugees.

Those refugees who are temporarily accommodated at the accommodation centres for asylum-seekers may also receive practical information about Estonian customs and practices, although this is not specifically listed among the obligations of the centre. From 2013 to mid-2015, IOM provided cultural orientation courses at the centre, but this project has been discontinued.

¹⁰³ According to information provided by MoSA in its feedback on the initial draft of the present research, 25 October 2016.

Refugees also have access to the services (language clubs, counselling service) offered by MISA for less integrated persons (i.e. the Russian-speaking minority that has lived in Estonia long-term), but these are not tailored to the specific needs of refugees.¹⁰⁴

7.7.1 Support person service

Practical assistance and support provided by individual volunteers or NGO staff (so-called support person services) are usually provided when a refugee has settled in a local municipality.

These services are offered by NGOs and are not regulated by any legal act. Instead, the specific goals and objectives, or standards, are set for each NGO in the agreement which it concludes with MoI after the tendering process or project competitions. For non-relocated and non-resettled refugees, JMC has a project-based support person service, funded by AMIF and MoI, whereas ERC provides such service on the basis of volunteers. For relocated and resettled refugees, in May 2016 JMC and NGO Pagula were contracted by MoSA to provide the support person service in the eastern and western regions of Estonia (Ida-Virumaa, Lääne-Virumaa, Läänemaa, Pärnumaa, Hiiumaa and Saaremaa) while ERC was contracted in the northern and southern regions.

The support person services are central in helping refugees settle in the municipalities, and become aware of the mainstream services and benefits available to them. The aim of the support person service is to assist the refugees in becoming self-sufficient and independent. There are no time limits stipulated for the support person service, but on average, it is needed by the refugee for about one year.¹⁰⁵ According to Article 75 of the AGIPA, as of May 2016, the use of the support person service is compulsory if the service has been assigned to the refugee; refusal to use the service could result in loss of social benefits. The application of this rule in practice can be problematic as the support person service relies on the voluntary cooperation of the refugee concerned.¹⁰⁶

7.7.2 Financial and social support

The General Part of the Social Code Act states that the purpose of social protection is to support and increase a person's independent living and social inclusion, create equal opportunities, achieve a high level of employment, prevent unemployment, and support reconciliation of work and private life. Article 3(3) of the General Part of the Social Code Act states that "a beneficiary of international protection or an asylum-seeker who is staying in Estonia shall have the right to receive social protection on the bases established in the AGIPA."

According to Article 75(1) of the AGIPA, refugees have the right to receive a State pension, family benefits, employment benefits, social benefits, health care benefits and other support on an equal basis as permanent residents (i.e. long-term residents or EU nationals). Since May 2016, the payment of benefits may be stopped if a refugee has not complied with the requirements of learning Estonian, participated in the welcoming

¹⁰⁴ More information about this service is available at: <http://www.meis.ee/elanike-noustamine-eng> and <http://www.meis.ee/eesti-keele-ope-2015-2020-eng>.

¹⁰⁵ Interview with Juhan Saharov, JMC.

¹⁰⁶ Interview with Juhan Saharov, JMC and Eero Janson, ERC.

programme or used the help of a support person (Article 75(47) of the AGIPA). However, according to Article 3(2) of the General Part of the Social Code: “every person staying in Estonia shall have the right to receive emergency care on the basis provided by law.” This could be interpreted that a minimum of social care still needs to be provided even to those who have not complied with the requirements, pursuant to Article 8 of the Social Welfare Act.¹⁰⁷

The local government may also pay refugees a subsistence allowance from its own budget, as well as act as an intermediary when it comes to several State-provided social support measures, such as the subsistence benefit.¹⁰⁸

7.7.3 Interpretation and translation services

According to Article 73(4) of the AGIPA, the local government or private legal person who has been tasked with assisting a refugee is also responsible for organizing the provision of translation services.

During the first two years of stay, a refugee is entitled to reimbursement of translation costs of up to eight times the subsistence cost (in 2016 – 1,040 Euros) per person or 16 times subsistence cost (in 2016 – 2,080 Euros) per family (Article 73(5) of the AGIPA). This compensation is paid through the local government or private legal person.

7.7.4 Information and knowledge about rights, access to legal aid, courts and extrajudicial procedures

There are no special measures in place to ensure access to information and knowledge about rights and obligations for refugees, beyond the welcoming programme. There are no special leaflets provided specifically to refugees at any of the service providers or State agencies, in other languages than Estonian and Russian.

There is a legal consultant at the Vao Accommodation Centre, who can advise applicants for international protection and refugees while they are staying there. However, beyond this possibility, refugees need to utilize the ordinary State legal aid system, which may not always be able to meet their specific needs. The support person might assist in applying for State sponsored legal aid, if necessary.

Courts are accessible to refugees on an equal basis as all other persons within the jurisdiction of Estonia.

There are a number of extrajudicial bodies, such as the Chancellor of Justice, the Gender Equality and Equal Treatment Commissioner, the Estonian Data Protection Inspectorate, and labour dispute committees, which are available for refugees on an equal basis as for other persons in Estonia.

The Penal Code does not penalize hate crimes, i.e. a crime motivated by the victim’s race, skin colour, national or ethnic origin. According to information from the public authorities, there were no cases registered by the PBGB, or prosecuted or processed in court, where it was alleged that the crime had racist motives.

¹⁰⁷ Social Welfare Act (*Sotsiaalhoolekande seadus*), 08 February 1995, RT I 1995, 21, 323, available at: <https://www.riigiteataja.ee/akt/123032015134>.

¹⁰⁸ See Chapter 2 of the Social Welfare Act.

7.8 Participation in communal, cultural and political life

Refugees have the same possibilities as other lawful residents in Estonia to form and belong to non-profit associations. According to the Non-profit Associations Act,¹⁰⁹ there are no limitations regarding who the founders, members or members of management bodies are. It is only required that at least half of the management board members have their place of residence (*elukoht*) in Estonia, in another Member State or in Switzerland. The same rules apply to Foundations, according to the Foundations Act.¹¹⁰

There are no restrictions on refugees' participation in cultural life. A number of measures are available to encourage participation, such as funding for cultural activities for ethnic minorities, which are also available for refugees.¹¹¹

However, only Estonian citizens can become members of political parties, according to the Political Parties Act.¹¹² This means that refugees are not able to join political parties or get elected to the European Parliament, Estonian Parliament (*Riigikogu*), or local government councils unless they acquire Estonian citizenship.

Persons who reside in Estonia on the basis of a long-term resident's residence permit can vote, but not stand as candidates at the local government council elections, according to the Local Government Council Election Act.¹¹³

7.9 Family reunification

Article 46 of the AGIPA provides that family members of refugees are entitled to a residence permit in Estonia.

Currently, applications are initiated through an "invitation form" which has been approved by the Director General of the PBGB. The form must be filled in by the person who has received protection in Estonia, after which the PBGB checks whether the individuals named in the form are family members and whether the family existed prior to departure from the country of origin. If all the requirements are fulfilled, the applicant is informed that the family reunification may take place, and the MFA is informed that the family members in question will apply for an entry visa. The issuance of a visa is decided by the Estonian representation abroad. One of the main difficulties for family reunification has been lack of identity documents suitable for travel to Estonia, according to the ERC Asylum Yearbook 2014.

¹⁰⁹ Non-profit Associations Act (*Mittetulundusühingute seadus*), 06 June 1996, RT I 1996, 42, 811, available at: <https://www.riigiteataja.ee/en/eli/510042014003/consolide>.

¹¹⁰ Foundations Act (*Sihtasutuste seadus*), 15 November 1995, RT I 1995, 92, 1604, available at: <https://www.riigiteataja.ee/en/eli/529012015010/consolide>.

¹¹¹ See <http://www.meis.ee/eng-kultuuriline-mitmekesisus>.

¹¹² Political Parties Act (*Erakonnaseadus*), 11 May 1994, RT I 1994, 40, 654, available at: <https://www.riigiteataja.ee/en/eli/502062014001/consolide>.

¹¹³ Local Government Council Election Act (*Kohaliku omavalitsuse volikogu valimise seadus*), 27 March 2002, RT I 2002, 36, 220, available at: <https://www.riigiteataja.ee/en/eli/511072016012/consolide>.

Article 7 of the AGIPA provides that family members of a refugee are:

- his or her spouse;
- his or her and his or her spouse's unmarried minor child, including an adopted child;
- a minor, unmarried child under his or her or his or her spouse's custody, including an adopted child. In case of shared custody the agreement of the other party sharing custody is required;
- his or her or his or her spouse's unmarried adult child if the child is unable to cope independently due to his or her state of health or disability;
- a parent or grandparent maintained by him or her, or his or her spouse, if the country of origin does not provide support resulting from other family ties.

In Estonia, marriage is reserved only to different-sex couples. Same-sex couples can enter into a registered partnership from 1 January 2016,¹¹⁴ but there are as yet no implementing acts which would include recognition of registered partners as family members of refugees.

In order to reunite with his or her family, an applicant shall apply for a residence permit at the earliest opportunity but not later than six months from the date the refugee received his or her residence permit. If the application is submitted at a later date, or if family reunification is possible in another country, the family member may need to show that they have housing in Estonia and a health insurance contract.

Applications for family reunification can be made in the country of asylum, at an Estonian embassy or, in principle, at an embassy of another Schengen country upon agreement with the PBGB. Only official documents are accepted as evidence of the family relationship. National passports and Convention travel documents are accepted for travelling to Estonia. The travel costs have to be paid by the applicant or his or her family. Entry visas are issued at the embassies, and applicants are required to cover the cost of 60 Euros for the issuance.

If a refugee loses his or her status, but can stay in Estonia based on another status, the family member can be granted a residence permit as a spouse or close family member of a resident.

The Estonian Constitution prohibits discrimination based on nationality, race, colour, sex, language, origin, religion, political or other views, property or social status, or other grounds.¹¹⁵ This wide definition of discrimination has been, however, interpreted more restrictively in other Estonian laws. The Equal Treatment Act,¹¹⁶ which became in force in 2009, transposes the two European Union equal treatment directives.¹¹⁷ The Equal Treatment Act prohibits discrimination on the grounds of ethnic origin, race or skin colour in all areas (employment, education, health care and social services, and access to goods and services), and on the grounds of beliefs, age, disability or sexual orientation only in employment.

The anti-discrimination laws have been criticized by NGOs and international monitoring bodies as not being effective.¹¹⁸ There are no sufficient resources for the equality body Gender Equality and Equal Treatment

¹¹⁴ Registered Partnership Act (*Kooseluseadus*), 16 October 2014, RT I, available at: <https://www.riigiteataja.ee/en/eli/527112014001/consolide>.

¹¹⁵ Estonia, Constitution, Article 12. Available at: <https://www.riigiteataja.ee/en/eli/521052015001/consolide>

¹¹⁶ Estonia, Equal Treatment Act. Available at: <https://www.riigiteataja.ee/en/eli/530102013066/consolide>

¹¹⁷ European Union, Council Directive of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, and European Union, Council Directive of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

¹¹⁸ Estonia, Grossthal, Kelly, Prohibition of Discrimination, Human Rights in Estonia 2014-2015, Estonian Human Rights Centre 2015. Available at <https://goo.gl/7NpyQN>

Commissioner to raise awareness or bring cases to courts. Each year only a few cases end up in courts based on the law. Although the website of the commissioner is available in multiple languages, statistics show that in 2014 only 8 complaints were submitted based on ethnic and national origin.¹¹⁹

In terms of the fight against xenophobia and intolerance, Estonian Penal Code requires that concrete harm to life, health or property has been caused in order to classify and act as incitement to hatred.¹²⁰ This has been criticised by international monitoring bodies and NGOs as not being adequate,¹²¹ as well as not being in compliance with the relevant EU legislation.¹²² In the penal code, hatred based on race, ethnic origin or other grounds does not appear in the list of aggravating factors for punishment, which means that hate crimes as such are not recognised or specifically punished in Estonian law.

7.10 Discrimination, xenophobia and intolerance

The Estonian Constitution prohibits discrimination based on nationality, race, colour, sex, language, origin, religion, political or other views, property or social status, or other grounds.¹²³ This wide definition of discrimination has, however, been interpreted more restrictively in other Estonian laws. The Equal Treatment Act,¹²⁴ which came into force in 2009, and transposes the two European Union equal treatment directives,¹²⁵ prohibits discrimination on the grounds of ethnic origin, race or skin colour in all areas (employment, education, health care and social services, as well as access to goods and services), and on the grounds of beliefs, age, disability or sexual orientation, but only in the area of employment.

There is a national equality body (Gender Equality and Equal Treatment Commissioner) whose task it is, *inter alia*, to monitor the compliance with the requirements of the Equal Treatment Act. The Commissioner accepts applications from persons, provides opinions concerning possible cases of discrimination, makes proposals to the government agencies, municipalities and their agencies for amendments to the legislation and takes other necessary measures to promote equal treatment. In 2014 the national equality body (Gender Equality and Equal Treatment Commissioner) received 8 complaints claiming discrimination on the basis of ethnic/ national origin.¹²⁶

¹¹⁹ Estonia, Gender Equality and Equal Treatment Commissioner, *Soolise võrdõiguslikkuse ja võrdse kohtlemise voliniku 2014. aasta tegevuse aruanne*, 2015. Available at: <http://goo.gl/dBy5hK>

¹²⁰ Estonia, Penal Code, Article 151. Available at <https://www.riigiteataja.ee/en/eli/521062016004/consolide>

¹²¹ Estonia, Estonian Human Rights Centre, *Vihakõne ja vaenu õhutamise keelust* <https://humanrights.ee/2015/09/vihakone-ja-vaenu-ohutamise-keelust/>

¹²² European Union, Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law

¹²³ Article 12 of the Estonian Constitution. Available at: <https://www.riigiteataja.ee/en/eli/521052015001/consolide>.

¹²⁴ Equal Treatment Act (*Võrdse kohtlemise seadus*), RT I 2008, 56, 315, available at: <https://goo.gl/kYbjwH>.

¹²⁵ European Union, *Council Directive of 27 November 2000 establishing a general framework for equal treatment in employment and occupation*, Official Journal L 303, 02/12/2000 P. 0016 – 0022, available at: <http://goo.gl/iF1XFj>; European Union, *Council Directive of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin*, Official Journal L 180, 19/07/2000 P. 0022 – 0026, available at: <http://goo.gl/88mpTh>.

¹²⁶ 2014 annual report of the Estonian Gender Equality and Equal Treatment Commissioner, 2015. Available at: <http://goo.gl/mu1xHX>.

In terms of combating xenophobia and intolerance, Article 151 of the Estonian Penal Code requires that concrete harm to life, health or property is caused in order to classify statements as incitement to hatred. The PBGB and the Office of the Prosecutor General have elaborated internal guidelines with a view to guarantee an efficient implementation of this article in practice. Nevertheless, the UN Committee on the Elimination of Racial Discrimination has recommended Estonia to amend Article 151 of the Penal Code, by including a specific provision ensuring that the motive of hatred is taken into account as an aggravating circumstance in proceedings under criminal law.¹²⁷ A similar recommendation was also proposed by the Estonian Human Rights Centre.¹²⁸

Despite the absence of a national strategy for the prevention of intolerance and xenophobia, the Estonian law enforcement agencies regularly organize different training activities on prevention of hate speech and hate crimes. There is, however, no specific funding allocated for raising awareness about racial, religious or other types of hatred or violence in Estonian society.

The adoption of the EU's emergency relocation and resettlement schemes has initially prompted several demonstrations¹²⁹ in Estonia. Also, a number of far right political groups have emerged, such as the anti-migration *Rahva Ühtsuse Erakond* (People's Unity Party), as well as Estonian branches of Fortress Europe and Pegida groupings, members which also belong to the more mainstream parliamentary *Eesti Konservatiivne Rahvaerakond* (Estonian Conservative People's Party).¹³⁰

The threat of far right extremism has been highlighted by the 2015 Annual Review of the Estonian Internal Security Service, which states that "[t]he main issue relating to the subject of migration in Estonia is fear caused by ignorance, which has created fertile ground for the growth of anxiety, tension and aggression in society. Like in many countries in Europe currently, opposition to the EU and support for populist and extremist politicians has grown. Anti-refugee groups were created on social media and about ten public meetings were organized by anti-refugee groups. Amid this increased public and media attention, the accommodation centre for asylum-seekers in Vao was repeatedly attacked."¹³¹

For refugees, the lack of effective legal protection and spreading of anti-immigration sentiments can have a negative impact on feeling safe and secure in the society, which, in turn can become a serious obstacle to integration. This applies especially to refugees who stand out because of their skin colour, religious affiliation or other distinguishing factors.

¹²⁷ See follow up letter of the UN Committee on the Elimination of Racial Discrimination to Estonian Government, 26 January 2016. Available at: <http://goo.gl/K3qHO1>.

¹²⁸ Estonia, Estonian Human Rights Centre, *Vihakõne ja vaenu õhutamise keelust*, available at: <https://goo.gl/t1XzXB>. See also Kelly Grossthal, *Prohibition of Discrimination, Human Rights in Estonia 2014-2015*, Estonian Human Rights Centre 2015. Available at <https://goo.gl/oqceql>.

¹²⁹ See for example: <http://goo.gl/GZ31dg>.

¹³⁰ See the counter on the website <http://www.ekre.ee>.

¹³¹ Estonia, Estonian Internal Security Service, Annual Review 2015, 2016. Available at: <https://goo.gl/h8aLwN>.

8.

Integration opportunities and challenges identified based on the desk research, stakeholder consultations and experiences of the refugees

This section summarizes the feedback from the stakeholder consultations and the PAs with refugees in relation to the respective themes. It identifies good practices and also gaps in relation to international and European standards, as well as integration experiences, lessons learned and good practice from other European countries, in particular in Northern Europe. However, it needs to be stressed that this section does not, in any way, attempt to provide a comprehensive assessment and analysis of the national and legal framework *vis-à-vis* the international and European standards in these thematic areas.

The section is introduced with some general observations regarding the integration of refugees in Estonia, based on the input received from the stakeholders and refugees.

8.1 General observations regarding integration of refugees in Estonia

Some of the national stakeholders interviewed (including the Mol and the PBGB) expressed the view that a significant obstacle to integration is the lack of interest shown by some of the refugees in integrating in Estonia. This could be due to the absence of a refugee diaspora in the country and possibilities to interact with persons coming from a similar cultural background, and/or the inability to rely on family support. On the other hand, most of the refugees consulted said that they were doing their best to find their way into the new society. They showed gratitude for the protection received in Estonia, and stated that they had come to Estonia because of the critical situation in their home country, not to get a better financial situation. They conveyed that being a refugee, having had to leave your country because of persecution and war, is difficult in itself. Starting a new life is a challenge anywhere, for everyone, irrespective of where you end up.

“ In Estonia, for anybody who comes from other countries, in the beginning it is very hard, because of language, culture, food, customs... because in our country everything is different. So the main thing is that without the language, any person is a social animal, so the language is the basic problem.”

The PAs revealed that some of the greatest challenges confronting the newly arrived refugees were learning the Estonian language, finding housing and being able to register in a municipality; finding employment at the level of the individual's qualifications was also difficult. The short duration of residence permits was moreover cited by beneficiaries of subsidiary protection status as de-motivating in relation to integration.

In spite of these difficulties, most of the refugees demonstrated a strong motivation to integrate and expressed a wish to work, to be "useful for the Estonian society", and to be able to return something to the country that had granted them protection. Many conveyed that they were generally happy with their current situation, and that they had found a job and friends, including Estonians. Such particularly positive feedback was shared by the refugees interviewed in Rakvere, who had arrived to Estonia in recent years and benefited from the crucial support by the Vao Accommodation Centre. In addition, most of the refugees interviewed expressed gratitude for having been invited to take part in the PAs.

By contrast, two refugees who had stayed the longest in Estonia expressed disappointment at the poor integration support received when they had arrived, and frustration that previous consultations on how the support could be improved had not led to any significant changes in their own situation.

8.2 Legal status

8.2.1 Temporary residence permits

One issue of key concern highlighted by a number of stakeholders, mostly NGO representatives and support persons, was the impact of the short duration of the initial residence permit granted to beneficiaries of subsidiary protection. It was explained that the one year duration of the residence permit can create a significant barrier to integration, if the beneficiary is unsure of whether the permit will be prolonged or not; this insecurity might deter them from making the necessary effort to integrate. As touched upon above, starting a new life in an unknown environment demands a certain level of determination and motivation.

A number of specific obstacles were identified for the group of beneficiaries of subsidiary protection, as a direct or indirect result of having been granted a temporary residence permit. Examples of such difficulties were accessing housing and obtaining telecommunication service contracts for a one-year period only, as normally these are concluded for a minimum of 24 months.

The three-year refugee status did not seem to pose similar concerns, although there were different views regarding the quality of the decisions on international protection made by the PBGB.

The fact that the law allows for quite a wide scope of decision-making when it comes to extending the residence permit for refugees provides flexibility, but also creates uncertainty. If there was a policy change, the law could be interpreted in a more restrictive manner and the rate of non-extensions might increase.

Furthermore, based on the latest changes to AGIPA, the law requires taking into account the fulfilment of mandatory integration requirements (learning Estonian, participation in the welcoming programme, use of the service of a support person) when deciding on a residence permit extension, which is not compatible with Estonia's obligations under EU law and international law.

UNHCR has consistently considered that there is no reason to expect the protection needs of subsidiary protection beneficiaries to be of shorter duration than the need for protection under the 1951 Refugee

Convention,¹³² and that access for subsidiary protection beneficiaries to similar rights as those of Convention refugees is a significant element in facilitating their early participation and contribution to the host community.¹³³ Also, as with Convention refugees, UNHCR is of the view that the status of a beneficiary of subsidiary protection should not in principle be subject to frequent review to the detriment of his or her sense of security, which international protection is intended to provide.¹³⁴

PROPOSED RECOMMENDATIONS

- UNHCR recommends considering the possibility to extend the duration of the residence permit granted to beneficiaries of subsidiary protection from one to three years, in order to provide this group of refugees with residence permits of the same duration as those granted to Convention refugees, and thus facilitate their early participation and contribution to Estonian society.

8.2.2 Permanent residence and citizenship

Although stakeholders interviewed were of the view that a long-term resident (permanent) residence permit is not easily obtained in Estonia, they did not generally appreciate its motivational value in relation to integration. The refugees, on the other hand, expressed that the long-term residence permit was important in providing stability and psychological security.

“ You do not feel safe until you have received a permanent residence permit” “A temporary permit is insecure. The law [affecting my situation] might be changing.”

The refugees explicitly stated that the use of renewable, short-term residence permits, was in itself an obstacle to integration as it created stress and diverted their attention from other areas of importance for the integration process. A long-term residence permit, on the other hand, was considered to provide a sense of security, a feeling that one can trust that living in Estonia is a long-term solution, and that one is safe, even if there is a change in the law. This security had a psychological impact that allowed the refugee to relax.

“ I am from Helmand, I do not want to return, I am afraid to go back, so I need the permanent residence permit. It is tiring to answer the questions every three years. We have to fill the papers and answer questions, and make a 2 hours interview”.

“ I am not asking for financial assistance or social services, I am not asking for anything but the long term residence permit”.

The possibility of applying for a long-term (permanent) residence permit only comes up after five years of continuous legal residence, which starts from the beginning of the asylum process. After five years, a refugee

¹³² UNHCR, *UNHCR comments on the European Commission's proposal for a Directive of the European Parliament and of the Council on minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted* (COM(2009)551, 21 October 2009), 29 July 2010, para. 8, available at: <http://www.refworld.org/docid/4c503db52.html>.

¹³³ Ibid.

¹³⁴ UNHCR, *Handbook*, para. 135, also Cambridge University Press, *Cessation of Refugee Protection*, June 2003, p. 515 “Refugees should be spared ‘frequent review’ of their continued eligibility, as this may undermine their sense of security”, available at: <http://www.refworld.org/docid/470a33bc0.html>.

is already considered to be self-sufficient and is not expected to require the assistance of support persons. However, NGOs working with refugees have confirmed that they have assisted some individuals who have tried to apply for long-term residence permits or Estonian citizenship. It appears, from the consultations, that the current system does not provide sufficient support at this stage of the integration process. Most of the support available is provided within two years of the refugee receiving his or her residence permit, whereas the period thereafter is not sufficiently well covered in terms of the availability of the support person service, translation, language learning and other support mechanisms.

According to the government stakeholders, support for long-term integration and naturalization should generally be provided by MoC and MISA. However, in practice, the services available have not been designed with specific attention to the needs of refugees. Instead, the services provided by MISA mainly target the Russian-speaking long-term residents, some of whom were born in Estonia. While the programmes, measures and consultations designed for this group may be beneficial for some of the Russian-speaking refugees, they do not take into account the specific needs of refugees of other origins. Examples of such support are the provision of language courses in Russian and in English.

In the PAs, the refugees who had lived long enough in Estonia to qualify for the long-term residence permit explained that it is difficult to obtain, due to the requirement to pass the Estonian language exam at level B1. The refugees said that it was difficult to learn the language, particularly because of the insufficient support provided. They also mentioned that the information available about language courses offered was insufficient, and that the cost to attend the courses constituted an obstacle. In addition, the refugees referred to the fact that “Scandinavian countries” do not require similar exams to qualify for a long-term residence permit.

Some stakeholders, mostly NGOs and support persons, stated that more should be done to support refugees in obtaining long-term residence permits and citizenship. The low success rates in the language tests required to obtain the long-term residence permit may dissuade other refugees from taking the test altogether.

The recent amendment to the Citizenship Act entailing that it is no longer necessary to obtain the home country’s consent for the release of citizenship was welcomed by NGO stakeholders and MoI/PBGB.

ExCom Conclusion No. 104 on local integration (para.(l)) affirms “the particular importance of the legal dimension of integration, which entails the host State granting refugees a secure legal status and a progressively wider range of rights and entitlements that are broadly commensurate with those enjoyed by its citizens and, over time, the possibility of naturalizing”. Against this background, and the feedback received from the refugees consulted and several of the stakeholders consulted, UNHCR recommends considering increasing the possibilities for Convention refugees and beneficiaries of subsidiary protection to obtain long-term residence permits at the end of a three year residence period.

PROPOSED RECOMMENDATIONS

- UNHCR recommends considering the possibility of easing the requirements for granting Convention refugees and beneficiaries of subsidiary protection long-term resident residence permits, including by reducing the required length of residence in Estonia from five to three years.

8.3 Labour market participation

8.3.1 General overview

Refugees generally have access to the labour market, with a few exceptions comprising jobs reserved for Estonian citizens or nationals of other Member States. However, the strict Estonian language requirements that apply, even for relatively simple jobs that require minimal interaction with customers, could prove to be an obstacle in practice for those who have not yet learned the language. According to the experience of the EUIF representative, being fluent in Estonian is not a prerequisite to take up a job (except for professions, where speaking Estonian is needed in order to fulfil the tasks given). Rather, it is more important that the employer and employee find a common language in which to communicate.

The flexible and comparatively less regulated labour market in Estonia provides easy and simple access to employment for refugees. For employers, refugees are relatively easy to employ, as there are significantly less administrative or bureaucratic requirements than for other third country nationals. Essentially, refugees are treated in the same way as Estonian residents, and most training programmes and services are provided only in Estonian or in Russian, requiring a fairly high level of language skills in order to fully enjoy those services. ERC highlighted this as a significant barrier to access to vocational education (including courses provided by EUIF).

In the view of MoSA, currently there are both financial resources and staff available at EUIF. EUIF has a nationwide network of offices allowing assistance to be provided locally, close to the beneficiary. Furthermore, there are currently no concerns regarding the funding of the services provided.

However, it appears from several interviews with stakeholders that there is a lack of coordination between the labour market services and other services provided to refugees, such as language tuition and interpretation. The provision of EUIF services relies on support persons and externally organized or coordinated translation services to be effective. In addition, there are no special EUIF allowances and services targeting refugees specifically to facilitate their inclusion into the Estonian labour market. In this regard, the general needs-based approach taken in offering the services might not fully take into account the special situation in which refugees find themselves.

The work-related Estonian language courses for unemployed persons provided through EUIF can be very useful, though the limited possibilities of continuing language studies after finding employment may hamper the individual's ability to acquire advanced Estonian language skills.

There have been cases where employers contact the administration of the Vao Accommodation Centre in order to offer unskilled jobs to asylum-seekers and refugees. According to the EMN 2016 study, most refugees find permanent work within nine months from receiving the residence permit. They are mostly employed in production and service areas in Estonia, in manufacturing companies, laundry services, construction of wooden houses, cleaning and caretaking. The IBS 2011 study found that many refugees secured employment in restaurants and bars, mostly in kitchen duties. Although it was not possible to verify in this study, one NGO stakeholder stated that there have been cases in the past of refugees working without written contracts and under conditions that are not in conformity with Estonian labour legislation. It is unclear who monitors such cases.

According to the EMN study, refugees are highly motivated as job-seekers and in taking up work. The obstacles identified in this respect include the lack of suitable transportation options if they live in rural areas (though some employers provide transport), limited professional skills, language skills or work experience. This is confirmed by the Asylum Yearbook 2014, which however also notes that employers' attitudes

towards non-Estonians could be an obstacle in accessing employment. Many refugees thus have to take up an unskilled or low-skilled job below their level, using their network of peers to find the job. Workplace discrimination was also highlighted in the study on afrophobia by the European Network Against Racism.

The PAs brought up examples of refugees who had been compelled to take up low-skilled jobs below their level, both as a result of difficulties in validating and recognizing diplomas, and due to negative attitudes of employers and discrimination. The Russian-speaking group interviewed in Tallinn in particular, shared such experiences with the MFT.

EUIF trains its counsellors in cross-cultural communication with job-seekers of different backgrounds. In every local office there will be at least one worker who is specialized in working with multicultural clients.

“ I want to work with what I like, what I know. I have resources. I could translate from Persian to Estonian. Now I work in a supermarket. I am very disappointed, but I have no option.”

According to EUIF, it can procure consulting, training and other labour market services in other languages than Estonian or Russian, depending on which language is needed and available on the market (or together with suitable translation, as needed). In practice, however, most services available on the market are in Estonian and Russian only.

The refugees who were interviewed were aware of EUIF and had used their services. Some of the refugees however expressed disappointment at the jobs offered to them, because they were significantly different from their acquired qualifications or because the salary offered was too low to maintain themselves and their families.

According to one of the EUIF stakeholders interviewed, there has been at least one case in which a refugee refused work offers three times and whose registration as unemployed was thus stopped and the related unemployment benefits and health care insurance coverage terminated.

Some refugees who took part in the PAs had managed to secure employment but stated that the very low salaries received constituted an important cause of marginalization. The low salary entailed working long hours, sometimes in different places to make ends meet. An additional consequence of this, noted by the refugees, was the difficulty in participating in language courses and thus inability to further improve the level of Estonian, which, in turn may become a barrier for longer-term integration, and acquisition of Estonian citizenship.

The formalities to set up a company in Estonia are relatively uncomplicated, though it requires refugees applying for financial support from EUIF or Enterprise Estonia to draft a business plan in Estonian (though exceptions are sometimes made), and to demonstrate the ability to run a business. Also, accounting and reporting practices might be different from those in the refugees' countries of origin and therefore difficult to understand, at least initially.

The general business culture and environment in Estonia may also be different from that in the refugees' countries of origin, which may become an additional obstacle according to stakeholders interviewed. In order to prepare the refugees for entering the Estonian labour market, including the private business sector, it would be useful to offer training on relevant aspects of the work environment, culture and practices in Estonia, possibly as part of the cultural orientation.

“ I am a chef in a restaurant, I started with dish-washing. I do not have money to pay for a telephone, and the money I earn is not enough to eat.”

The experience of some Nordic countries in developing individual “labour inclusion plans” has been positive, and contributed to a more comprehensive involvement of the refugees in the national labour market. Such a plan often encompasses job training and language learning within the framework of a post-recognition integration programme. A starting point for such plans is always an assessment of the individual refugee’s educational and professional background as well as his or her capacities and career aspirations. In the preparation of these individual plans, opportunities can be provided for dialogue between a service provider and the individual refugee around the goals, modalities and content of the integration support, with a view to enhancing the empowering nature of the integration programmes.

PROPOSED RECOMMENDATIONS

- UNHCR recommends considering the introduction of individual “labour inclusion plans” for refugees, which are built on the individual’s educational and professional background and his or her capacities and career aspirations, possibly within the competence of EUIF, to strengthen the refugees’ sense of empowerment and provide a basis for better matching of refugees’ skills with the needs of Estonian employers.
- UNHCR recommends strengthening the module on the Estonian work environment, including business culture and practices, possibly as part of the cultural orientation, to facilitate smooth labour market integration. Sessions on cross-cultural communication and multi-cultural practices could also usefully be provided for employers, including private businesses, and EUIF staff, in order to enable them to benefit from the capacities, and meet the needs, of their employers or clients, respectively.

8.3.2 Recognition of qualifications

The recognition of professional and academic qualifications is an important prerequisite for refugees to access employment corresponding to their actual educational background and skills, and, consequently, successful integration in the host society. The Estonian system of recognizing foreign academic qualifications is so far better developed than the recognition of professional qualifications, as Estonia has more longstanding experience with foreign workers and students than with refugees. For regulated professional qualifications, this system is less centralized and thus experiences might vary. In both systems, there is currently no possibility to evaluate and recognize qualifications when documentary proof of qualification is missing. For example, the admissions regulations of the University of Tartu require applicants to provide original documents which certify their academic qualifications.¹³⁵ For many refugees this requirement may be a serious obstacle.

The PAs highlighted the difficulties many refugees with higher education face when trying to find employment at their level, partly due to negative attitudes of employers, but also due to challenges in relation to the validation of qualifications. Therefore, it seems that the current national legal framework concerning recognition of academic and professional qualifications treats refugees like any other aliens.

ExCom Conclusion No. 104 on local integration encourages States to recognize the equivalency of academic, professional and vocational diplomas, certificates and degrees acquired by refugees prior to entry into the host country. Furthermore, Article 28(2) of the recast QD requires Member States “to facilitate full access for beneficiaries of international protection who cannot provide documentary

¹³⁵ Ülle Tensing, University of Tartu, presentation at the European Migration Network’s conference “Assessment and recognition of the qualifications of third country nationals – Challenges and best practices”, Tallinn, 03 November 2016.

evidence of their qualifications to appropriate schemes for the assessment, validation and accreditation of their prior learning". Importantly, any such measures shall comply with Articles 2(2) and 3(3) of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications. The adoption of this provision was based on the understanding¹³⁶ that special measures need to be considered with a view to effectively address the practical difficulties encountered by refugees concerning the authentication of their foreign diplomas, certificates or other evidence of formal qualifications, in particular due to the lack of documentary evidence and their inability to meet the costs related to the recognition procedures.

Against this background, and the challenges some refugees face, UNHCR recommends reviewing, in consultation with the ENIC/NARIC, relevant authorities, and selected private companies, the current legal framework and practice to see how it could be strengthened. The outcome of the review should be to facilitate full access for refugees, who cannot provide documentary evidence of their qualifications, to appropriate schemes for the assessment, validation and accreditation of their prior learning, to enable them to apply for jobs at the level of their educational and professional background.

PROPOSED RECOMMENDATIONS

- UNHCR recommends reviewing the Estonian legal framework and practice for the validation of academic and professional qualifications in order to ensure full access for refugees by drawing on experiences and good practices from other European countries, and ensuring that refugees receive information about the requirements and procedures for such validation and recognition of diplomas.
- UNHCR recommends introducing special methods for evaluating and recognizing academic and professional qualifications of those refugees who cannot provide documentary evidence of their qualifications.

8.4 Education and language courses

8.4.1 Language training

Through the research, stakeholder consultations and PAs with the refugees, a number of challenges have been identified affecting refugees' ability to learn Estonian, even when highly motivated. For example, following a visit to the Vao Accommodation Centre for asylum-seekers in 2014, the Chancellor of Justice recommended dividing the learners into different groups depending on their level of advancement to increase efficiency of learning.¹³⁷ According to the EMN 2016 study, previous experience shows that language learning starts from the beginning each time a new asylum-seeker moves to an accommodation centre, thus slowing down the progress of the other students who have stayed longer at the centre. At present, the Vao and Vägeva Accommodation Centres have the capacity to divide the students into two groups according to their performance in the language. However, according to the teachers, there is no structured system or systematic coordination between the two teachers to ensure that the students are in the appropriate group for their level.

¹³⁶ See Recital 44 of the recast QD.

¹³⁷ Estonian Chancellor of Justice, *Inspection of the Vao Accommodation Centre for Asylum Seekers*, available at: <http://goo.gl/TRRFuP>

The EMN 2016 study noted that employed refugees have difficulties participating in language courses alongside their work. Some of the refugees who took part in the PAs also mentioned difficulties combining work and Estonian language learning, while others stated that they had found employment in Russian-speaking places where they had limited opportunities to practise Estonian. As intensive courses are expensive and might not be sufficient to meet the needs of employed refugees wanting to further develop their Estonian language skills, more flexible solutions in relation to language learning may be needed for those who work.

According to EUIF, motivation to learn the language amongst the refugees that turn to them is low. The experience of the MFT who took part in the PA is, however, the opposite. As mentioned in Section 8, the refugees who took part in the PAs demonstrated a high motivation to integrate in Estonia, including to learn the language, but had experienced different obstacles in this regard.

As one refugee put it:

“ When everything is new, it is very hard. The language is new, the customs are new, the food, everything is different. As human beings are ‘social animals’ learning the language is key to overcome the barriers”.

The same refugee also remarked that

“ it is very difficult to learn the language when the programme foresees lessons only 2 days per week. To absorb the language, 4 to 5 hours per day would be needed. There are different steps in learning. You can learn level A and B and understand, but still have difficulties to express yourself. Learning the language is a prerequisite for many other things, such as finding a job.”

Some of the refugees interviewed were of the view that it should be possible to learn Estonian in an intensive format during the first six months from receiving the residence permit, because as time goes by, the immediate need and motivation to learn the language decreases.

Furthermore, several refugees mentioned that the cost of the language courses constitutes an obstacle. The salaries paid in the type of jobs usually accessible for refugees are generally low. Also, the requirement to score 60 per cent in the language test was considered difficult.

Some refugees stated that they had attempted to pass the exam several times but still failed. This seemed to affect the motivation of some.

“ I came here to live like a normal person, because my country is at war, but nobody listens to me. I will learn the language if I find the time. I did not get anything from Estonia. I slept in the park, I will not complain about it. I am paying my taxes, but from where can I pay 20 Euros for the language course if my salary is 3.50 Euros per hour? I did not pass the B1 level test, but I do not want to move, I want to stay in Estonia. There has to be some flexibility in the language requirements.”

Some of the stakeholders noted that, in light of the changes to the AGIPA, introducing an obligation to learn Estonian, the State should ensure the availability and the quality of language courses. In relation to this, it should be noted that several of the refugees and some of the stakeholders expressed concern over the insufficient quality of the language courses and stated that the quality varied greatly, and that many teachers employ outdated teaching methods which are unsuitable for refugees. Some of the refugees interviewed expressed that there are too few options for learning Estonian on the basis of Arabic or illiteracy.

Many stakeholders and refugees mentioned Tallinn University's own-initiative free-of-charge language courses as a good example of professional, flexible courses. However, these are only available in Tallinn.

Overall, many of the stakeholders interviewed were critical of the current language learning system. For example, the MoSA official stated that the present organization of language courses through MoSA is not the best solution, because this Ministry does not have the necessary expertise and capacity, as language teaching is not within its area of competence. Others pointed to the lack of coordination and centralization, and the overlap between different systems for language learning, which makes it complicated for refugees to navigate and identify a suitable course. Another issue mentioned was the lack of quality control of the courses.

Against this background, some of the stakeholders proposed that the various, mostly overlapping courses and funding sources could be merged into one, thereby centralizing and facilitating access to the language courses which would also be available to other migrants. In this respect, MoSA proposed that the new language learning opportunity provided by the Tartu Folk High School contracted by them, could provide a blueprint for the future and eventually replace the other State-provided courses.

PROPOSED RECOMMENDATIONS

- UNHCR recommends undertaking a review of the multitude of options for Estonian language tuition available to refugees, in order to assess how the accessibility, quality and effectiveness of language learning could be strengthened to better meet the individual needs and capacities of the diverse refugee population (including intensive learning options). The proposal made by some stakeholders, to establish a centralized language learning centre or programme for all third country nationals, including refugees, could be considered, and experiences in this area drawn upon from the Nordic countries. In this context, it is also recommended to consider the possibility of introducing combined language and job training programmes and activities, drawing as relevant on positive experiences from the Nordic countries.
- UNHCR recommends further developing and improving the provision and dissemination of information to refugees about the availability of language classes, how to enrol in them, and how to finance the studies, and considering ways of providing practical support to refugees to facilitate their access to the courses available.
- UNHCR recommends reviewing the practice of requiring refugees to pay back the financial support provided for language courses if their skills have not improved sufficiently after attending courses, and consider providing language courses free of charge.

8.4.2 Education

The language of instruction in schools is predominantly Estonian, but there are also Russian-language schools and English-language studies available in some schools, universities and other higher education institutions.

The National Audit Office found in their audit that one out of six audited local governments was unable to provide places in school for refugees as the school already had many students whose mother tongue was not Estonian. Other municipalities were able to find places, but it was nonetheless questioned whether the teachers and support staff (speech therapists, psychologists, special education teachers) were prepared to receive children with a different cultural background. They also expressed concern to the NAO, that

such students would need more attention from the staff and, therefore, more financial resources from the State budget for education. As the experience of Tartu Raadiku School shows, a special intensive language teacher employed to teach the three refugee children in that school, required the administration to ask for additional resources from the municipality.¹³⁸

There are no special programmes or measures for refugees in basic education. The NAO considers in its audit report that there is no assurance that the existing services are sufficient and cover the special needs of all refugees.

For adults who do not have any, or only very little basic education, there are very few options to obtain it, except through vocational schools. To overcome this situation, special flexible measures such as e-learning and other diverse methods could be employed, according to stakeholders interviewed.

Although Estonian schools already have experience with children from foreign backgrounds, there is very little experience with refugees. From the stakeholder interviews, it seems that schools have very different experiences based on the attitude of the headmaster of the school and the staff, as well as the support available in terms of study visits and mutual learning. Although MoER stakeholders were enthusiastic regarding the possibilities, stakeholders from local governments and schools were more hesitant and concerned about the lack of support.

The availability of child care and kindergarten places varies in different municipalities, but no overall picture exists. Some stakeholders reported that in some places, locals do not want too many children who are foreign-born at the kindergartens.

According to the EMN 2016 study, only marginal numbers of refugees have pursued vocational education so far. Therefore, very little practical information is available regarding attitudes of the institutions and their staff.

According to stakeholders interviewed, there have been instances of bullying of refugee children at school. Although the management of the school tries to solve it, ERC emphasized that communication between the school and parents is key.

Whereas the refugee parents interviewed were generally satisfied with education in Estonia and the situation at school, the feedback received during the PAs revealed that schools have a key role in relation to the integration of children and highlighted that teachers and other personnel need to work together to create an atmosphere of acceptance and tolerance.

The majority of the refugees who took part in the PAs said that their children were happy, learning the language fast and integrating well, but that there were also examples of children whose situation at school was less positive. The meeting with refugee children sadly confirmed the rather serious bullying case mentioned by the integration stakeholders. For the children concerned, such difficulties at school led to isolation, which hampers social integration.

PROPOSED RECOMMENDATIONS

- UNHCR recommends considering ways of further strengthening the capacity of schools and teachers to receive and fully include children with a refugee background in the teaching and social life and environment at the school, including the possibility to develop modules about human rights, non-discrimination and asylum related issues in the teachers' training programme.

¹³⁸ Presentation by Toomas Kink at the first EMN network seminar focusing on education options for refugees on 29 April 2016.

UNHCR recommends incorporating lessons about refugee and asylum matters, as well as cross-cultural awareness, human rights and non-discrimination in the school curriculum. Organizations such as UNICEF have useful material to draw upon in this regard.

8.5 Housing

According to several interviewed stakeholders, renting flats from the private market has been difficult for refugees, whereas there are very few apartments and flats available that are owned by the State or the municipality. Finding housing for refugees will be a major challenge, according to most of the stakeholders consulted.

Human Rights organizations have noted the acute shortage of housing, including social housing in Tallinn in particular, and to a lesser extent in other cities and towns, as well as rural municipalities and urged Estonia to address this shortage, especially for disadvantaged and marginalized groups.¹³⁹

Some private individuals and parishes have offered to rent accommodation to refugees. Some of these offers have, however, been made with a view of making a profit or selling unwanted and unused real estate at a remote location, according to MoSA.

There are currently no plans by the State to build or renovate social housing for refugees. The State is compensating the local governments 3,000 Euros per relocated or resettled refugee.¹⁴⁰ Such subsidies are not provided in respect of refugees who have spontaneously arrived in Estonia and been granted international protection. These funds can be used for education, provision of social services and benefits, and to raise the capacity of the staff working in different municipal institutions. For renovation of municipal or social housing, which will be used for accommodation of relocated or resettled refugees, the municipalities may additionally request financial support from MoSA.¹⁴¹

For the relocated and resettled refugees, a real estate company has been contracted by MoSA to find housing from 2016. It has not yet been possible to evaluate whether this will alleviate the problem. Some stakeholders have suggested that more action is needed by the State in order to provide housing for refugees in areas where they have higher chances of finding employment.

Many of the refugees interviewed indeed pointed to the difficulties in obtaining housing from the private market with a formal contract, because many landlords tend to rent their accommodation without a formal contract in order to avoid paying taxes. In addition, landlords have sometimes not agreed that the address be used for registering the tenant as an inhabitant of the municipality in the Population Register. This registration is mandatory in order for refugees to enjoy many of the social services provided by the State or municipalities.

There have also been frequent instances of discrimination when housing is refused once the landlord learns that the future tenant is a refugee. MoSA reported that one apartment cooperative had already asked how

¹³⁹ Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15(b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, *Human Rights Council Working Group on the Universal Periodic Review*, Twenty-fourth session, 18-29 January 2016, para 42, p. 10. Available at: http://ap.ohchr.org/documents/alldocs.aspx?doc_id=25780.

¹⁴⁰ According to information provided by MoSA on the draft of the integration mapping study, 25 October 2016.

¹⁴¹ Ibid.

they could protect themselves from having refugees living in their building and there have been widespread reports of discrimination from support persons, the Vao Accommodation Centre staff and others who have been involved in trying to assist refugees in finding suitable accommodation.

The refugees mentioned that sometimes, when they succeed in renting an apartment, contracts were later not renewed for unclear reasons. It was not unusual that refugees had to move to new places, clearly disrupting the integration process of families as children had to change kindergarten or schools. In this regard, it should be noted that the RICE study in Sweden identified short-term housing solutions as a barrier to integration, because this leads to frequent moving, which can impede the pursuit of language studies and other educational and job opportunities.

The difficulties in finding apartments also sometimes obliged refugees to share a flat until they could access housing on their own.

Apart from intolerance and xenophobia, one of the reasons why landlords are hesitant to rent apartments to refugees, is, apparently, the length of their residence permit. It seems that some landlords experience a lack of trust towards those tenants who have relatively short (one-year) residence permits.

“ It was hard to find a house in the beginning. The landlord did not accept refugees. [] It might be the media that affected their attitudes. Journalists have focused on the negative issues. I have followed the Estonian media with the help of Google to translate articles. I was living with four other persons in the same room, then the others moved, and I stayed.”

It was also pointed out by those refugees who had been in Estonia for a few years that banks do not give loans to buy an apartment to people who do not have long-term residence permits. At the same time, local authorities do not always have sufficient information about refugees and their rights, which, when combined with landlords' unwillingness to rent flats, creates a serious obstacle to finding housing.

Many refugees, particularly in Tallinn and Tartu, said they had not received support in finding an apartment. If the State could mediate, or “guarantee” the contract, it would solve many problems.

The refugees also mentioned the difficulty in affording the deposit for a flat, and high rents, and that it is difficult for refugees to make ends meet with low paid jobs.

“ I share my apartment with two friends, who come from my country, they are also refugees. We cannot afford our own, separate accommodation.”

The special one-time housing moving-in support is provided per family, which means that for a bigger family there might be more barriers than for example for a single person.

PROPOSED RECOMMENDATIONS

- UNHCR recommends increasing the support given to refugees to find housing and conclude lease agreements with landlords, in order to increase refugees' possibilities of finding appropriate accommodation and prevent them from being exploited by landlords who do not know, or wish to respect, the rights of refugees.
- UNHCR recommends exploring ways of increasing the availability of social housing to refugees.

8.6 Health care

The general health care system is meant to be accessible for refugees on an equal basis as for Estonian residents. In practice, however, there is a gap since health insurance coverage does not become effective immediately after a refugee is granted a residence permit, but only after the refugee has obtained housing and registered in the Population Register as well as at EUIF. Finding housing can be difficult and take between one to four months on average, according to ERC. To bridge the gap for pension-age refugees, health insurance coverage will be provided as of 1 May 2016.

The stakeholders have pointed out that there are issues related to the lack of cross-cultural communication skills among doctors as well as a lack of awareness regarding specific health issues that may affect persons coming from abroad. The refugees are usually accompanied to the doctor by the support person for the first visits, and later by an interpreter, which might raise privacy concerns. The family doctors and nurses have reportedly used Google Translate to communicate with patients due to lack of availability of interpretation.

It was also noted by one stakeholder that asylum-seekers only receive treatment for urgent conditions. Treatment for other, long-term medical conditions can only start when the refugee is granted international protection. As a result, the health condition may deteriorate while the application is pending in the asylum procedure. It was also mentioned that asylum-seekers living outside the Vao or Vägeva Accommodation Centres do not always receive medical assistance easily, even when in need of urgent medical help. If they have no other documentation than the asylum-seeker's card, they might face problems accessing help, for example, due to hospitals not knowing who will pay the bill.

The refugees who took part in the PAs expressed the opinion that medical services are difficult to access and waiting times are long. According to national stakeholders consulted, this perception might be due to the fact that, during their time as asylum-seekers, they enjoyed facilitated access to doctors, in particular for urgent treatment, which is also paid for as private service by the accommodation centres for asylum-seekers.

There are currently no special programmes or measures available for providing psychological assistance to refugees, including victims of torture suffering from Post-Traumatic Stress Disorder (PTSD). However, there is a unique and well-developed victim support system in Estonia that could be utilized to provide consultations, psychological support, dealing with crisis and traumas, according to the MoSA stakeholder.

PROPOSED RECOMMENDATIONS

- UNHCR recommends reviewing whether there is a gap in refugees' access to medical care after they have received a residence permit, but not yet health insurance coverage, to ensure refugees' right to health care is fully guaranteed.
- UNHCR recommends exploring ways of strengthening the awareness of medical personnel about the rights, needs and backgrounds of refugees, to ensure that refugees have equal and non-discriminatory access to medical services.
- UNHCR recommends strengthening the availability of psychological and psychosocial support to refugees, including those suffering from PTSD.

8.7 Cultural orientation and integration-specific services

The welcoming programme for refugees, introduced by Mol as a concrete step to strengthen the integration support available to refugees, has so far been attended by quite a limited number of refugees. According to the IOM office in Tallinn, in 2016 a total of 49 refugees went through the welcoming programme, which was made available six times in Arabic, twice in English and once in Russian. Measures undertaken to reach refugees who were granted protection before the start of the programme do not seem to have reached all eligible refugees yet.

It has been pointed out by some stakeholders that the welcoming programme is very short, and that the one-day obligatory training is not sufficient and effective enough. The NAO, in particular, highlighted this gap, also criticizing the fact that the other modules are available only in English and Russian, which may reduce the impact of the programme beyond the obligatory module covering international protection, which is available in more languages.

Whereas the refugees in the PAs who had gone through the programme were generally satisfied with its content, the discussions confirmed that not all refugees had been offered the programme; this information suggested that the NGO support persons did not always inform their refugee clients of its existence.

Mol officials have indicated an openness for reviewing the programme based on an evaluation by the participants, in order to increase its quality and effectiveness.

In the stakeholder consultations, possible measures to further strengthen the provision of civic and cultural orientation, beyond the existing welcoming programme, were discussed. Some stakeholders highlighted that the services offered by MoC/MISA to facilitate the integration of the Russian-speaking minority might not be equally suitable for refugees, as they are designed to target a group of individuals who have lived all their lives, or many years, in Estonia; the stakeholders therefore highlighted this as an area needing further attention by the authorities.

In relation to this, some stakeholders noted that on a policy level, the cultural and social integration of refugees could benefit from a stronger strategic approach, better defined goals, and a clearer division of responsibilities.

At the time of finalizing the report, a first meeting with integration stakeholders has taken place and their feedback was taken into account when developing the welcoming programme further. It is hoped that the new version will be in place in 2017. In this new version, the mandatory training module will be more comprehensive and all training materials will be translated into Arabic and French. An *unofficial* translation of the mandatory module has already been provided in Sorani and Kurmanji.

PROPOSED RECOMMENDATIONS

- UNHCR recommends considering ways of institutionalizing a continuous evaluation of the content and duration of the welcoming programme to ensure it covers key aspects of civic and social integration, and understanding of Estonian society, institutions, community life and culture beyond the obligatory module on international protection; in this context, it would also be useful to explore different teaching methodologies to strengthen the effectiveness of the programme, for example by inviting refugees who have integrated to participate as facilitators.
- UNHCR recommends exploring ways of offering continuous cultural integration support to refugees beyond the initial adaptation phase and until they acquire citizenship.

8.7.1 Support person service

The support person system is an excellent example of cooperation between the State and civil society in the delivery of a vital service to assist and support refugees in their integration process. The importance of the support person service was emphasized by nearly all the stakeholders.

Nonetheless, several risks were highlighted by stakeholders in regard to the current set up of the service. Firstly, the present project-based approach was mentioned as a challenge in relation to long-term sustainability of the support person service, as secure and stable funding cannot be guaranteed.

Secondly, the interviews with support persons and some stakeholders revealed a lack of policy guidance, coordination, and common quality standards of the support person service, which was identified as an important gap in relation to the quality of the services. Indeed, the content of the support person service is not clearly defined by law, and there are no guidelines or government instructions regulating it. NGOs cannot, without a specific contract with the authorities, implement an essential component of the State's integration strategy. The room for flexibility created by the absence of guidance sometimes led to differences in the content and quality of the support provided to individual refugees, and thus to inequalities in relation to the service provided.

In view of the above, most stakeholders interviewed were of the view that the support person service should be better defined and regulated.

Thirdly, the stakeholders noted the need for better integration of the support person service for refugees with the services provided by local government, including local government case workers and child protection specialists who are supporting individuals or families with needs (financial, housing, education). This would give the support persons specific rights in relation to their interaction with the various authorities involved in providing the necessary integration related services. To address this particular need, it was suggested by JMC that one of the options could be to create a refugee-specific support person position within the local authority. Such a position would be particularly useful in municipalities receiving larger numbers of refugees.

One refugee who took part in the PA identified the support persons' "lack of authority" as a weakness in relation to the provision of services and expressed it as follows:

“ *The support persons are simple people who cannot offer solutions as they do not have the competency to solve the problems*”

An interesting challenge in relation to the methodology and coordination issues discussed above was identified by ERC. Support to refugees needs to be provided in a way that empowers them and does not increase their dependency. ERC expressed concerns that currently, this was not always the case, as there were too many different "helping hands" (i.e. numerous support persons from different NGOs, local government case workers and independent volunteers) who all try to assist a specific refugee family, which might create confusion and overlap.

In view of the gaps identified in relation to the current set up of the support person service, JMC and ERC expressed the view that further discussions aimed at reaching a common understanding and agreement about the role and content of this service should take place, leading, hopefully, to the elaboration of common standards. To inform the further development of guidance on this matter, JMC have asked their clients for feedback on the services they provide.

PROPOSED RECOMMENDATIONS

- UNHCR recommends defining (possibly in national legislation or guidelines) the role, content and requirements of the support person service and exploring ways of monitoring and guaranteeing consistency in the quality and accessibility of the service provided, to ensure that all refugees have equal access to quality support person service. In this regard, UNHCR also recommends a review of the financial sustainability of this service.
- UNHCR recommends reviewing the relationship between the support service person and other mainstream services available to refugees on the same level as other residents of Estonia, to ensure complementarity of the services.

8.7.2 Financial and social support

The system of social protection services in Estonia is needs-based and does not have any exemptions or targeted actions for specific groups, such as refugees. This means that social support should be available for everyone on an equal basis, including refugees. However, it is difficult to assess whether refugees are fully aware of the social support measures available from local government.

Funding-wise, social support is provided to everyone from the State budget on the basis of needs. However, according to officials at MoSA, no local authorities have shown any specific interest in, or asked the Ministry about, social support for refugees. The language barrier or lack of information may in some cases prevent refugees from approaching the social services, as the local authorities usually provide information only in Estonian. There are currently only a few local governments that have had contact with refugees, some of whom are more active than others.

Based on the above, the officials interviewed indicated that language barriers, low awareness and lack of inter-cultural communication skills and knowledge could constitute obstacles for refugees' access to social support services. However, at least some of these issues could be alleviated with the help of the support persons.

National pensions are only available for individuals who have lived in Estonia for at least five years,¹⁴² which can hamper integration. Due to the relatively low number of refugees in Estonia and their average age, UNHCR did not come across any older refugees who had experienced problems in relation to access to pensions during the course of this study.

8.7.3 Interpretation and translation services

There is no clear system of providing interpretation services for refugees. The AGIPA provides for limited funding, for a maximum of two years starting from the issuance of the residence permit. Many stakeholders suggested that it was difficult to find translators because there are no public listings available, especially for less spoken languages. JMC, ERC and other NGOs currently have their own contacts with professional and non-professional interpreters. Therefore, it was suggested to create a centralized list of available interpreters.

The State funding provided for interpretation during the first two years of a refugee's settlement in a municipality was widely regarded as insufficient and inflexible by the stakeholders interviewed, as the

¹⁴² Article 22 of the State Pension Insurance Act (*Riikliku pensionikindlustuse seadus*), 05 December 2001, RT I 2001, 100, 648, available at: <https://www.riigiteataja.ee/en/eli/504072014011/consolide>.

costs for the services are reimbursed through the administration of the Vao Accommodation Centre. This tends to force those working with refugees to use non-professional interpreters and volunteers instead, to make access more efficient. In addition, since the funds allocated are limited, the services are not so widely used and generally reserved for emergency cases when professional translation is necessary (such as for psychological consultations).

As a result, online translation services, such as Google Translate, are used both by the service providers and the refugees. Obviously, the use of such automatic translation services does not ensure the requisite quality, and creates a risk of misunderstandings, including during medical appointments.

PROPOSED RECOMMENDATIONS

- UNHCR recommends that a list of interpretation providers is compiled and maintained by a central authority in order to increase the accessibility of professional interpreters.
- UNHCR recommends that sufficient funding be allocated for interpretation during the integration phase, so that local authorities and service providers, including medical personnel, can use professional interpreters when needed to communicate with refugee clients or patients.

8.7.4 Information and knowledge of rights

Stakeholders confirmed that many refugees lack basic information about their rights and obligations. Unfortunately, while some information of importance for the refugees' ability to integrate is available in Russian, and to a lesser extent in English, most information only exists in Estonian. Also, some of the information that is specifically addressed to refugees, such as information about the welcoming programme or the information provided to relocated and resettled beneficiaries prior to arrival to Estonia exists in English, but not in other languages commonly spoken by refugees (e.g. Arabic). This gap has not been widely recognized by government stakeholders.

The feedback provided, and the questions asked by the refugees during the PAs revealed a high degree of confusion, particularly in relation to regulations concerning the registration of residency in a municipality. This lack of adequate information has led to problems for refugees in registering their residency in an official manner, and consequently resulted in lack of access to medical insurance and training opportunities.

Feedback provided by the refugees during the PAs also illustrated that some lack a general understanding about the levels of social and financial support provided to residents of Estonia, as compared to the allowances provided to refugees. The discussion therefore highlighted the need for additional information regarding refugees' access to rights and services in Estonia, in order to avoid unrealistic expectations or unfounded frustrations.

PROPOSED RECOMMENDATIONS

- UNHCR recommends exploring ways of developing the content and form, and improving the dissemination of information about refugees' rights, obligations and access to services in order to ensure that refugees have a clear understanding of the national system and the roles and responsibilities of national institutions and NGOs that provide integration-related support, including financial assistance. This could be done in connection with efforts to develop the welcome programme for refugees.

8.8 Family reunification

The desk research suggests that there have so far been relatively few cases of family reunification in Estonia, and that the existing cases have been handled relatively quickly and with positive results. The PBGB reports that in 2015, 19 family members of refugees lodged an application for a residence permit. In the same period, 22 family members of refugees were granted residence permits (19 of them arrived in Estonia under family reunification, two initially arrived in Estonia for the purpose of visiting a relative, and one person was born in Estonia).

Nonetheless, some NGO stakeholders observed that there is a lack of information available to refugees in relation to the family reunification process and the requirements, including what information and documentation needs to be provided to the PBGB for the processing of the application. In this regard, ERC has provided support to a number of families through its regular counselling services. Moreover, refugees abroad have difficulties initiating their applications for family reunification in Estonia. This is due to problems in accessing Estonian Embassies and gathering the necessary funds for visas and flight tickets, and securing accommodation and food while waiting for the decision. To alleviate the latter, ERC has provided financial assistance to clients to facilitate family reunion.

ERC expressed concern that the process is non-transparent and suggested that it should be regulated in more detail in law. According to the Asylum Yearbook 2014, the current legislation only specifies which family members are entitled to family reunification, and the procedure after the arrival of the family member in Estonia.¹⁴³ There are no procedures regarding the issuance of visas, nor regarding what responsibilities are placed on Estonia's Embassies abroad.

NGO stakeholders also expressed that the definition of family member could be broader, to encompass, *inter alia*, same-sex partners and adult siblings living alone.

Within the PBGB, there are no officials designated as responsible for these applications, hence making counselling and advice key to the outcome. It was also remarked by the NGO stakeholders that have practical experience of the process that once the number of applications increases, the process risks becoming more difficult and lengthy. As mentioned above, initiating the application and the issuance of travel documents is already reported to be a challenge as Estonia does not have a wide network of consular representations in, or near, countries where the family members live and work.

The topic of family reunification was not covered extensively during the PAs, possibly due to the fact that a significant number of the refugees interviewed either had their closest family members (spouses and minor children) with them in Estonia, or had indicated in the questionnaire that they did not have family members. However, one refugee brought up the issue when answering the interviewer's question what he would like to highlight in terms of specific challenges or opportunities in relation to integration:

“I do not know what to say, because my mind is busy thinking about my family”. “The process [of application] went fast, it was good thanks to JMC, it took between 1 and 2 months. The police also helped, and in Vao, we are like a family. My family is living in Lebanon, in a camp.”

¹⁴³ Estonian Refugee Council, Asylum Yearbook 2014.

This feedback indicates that achieving family reunification is something that preoccupies refugees a lot, particularly if they have nuclear family members still in the country of origin or in a country of first asylum. The refugee quoted above explained that his family would receive their entry visas at the Estonian Embassy in Egypt, as it was not possible for them to go to Turkey, and that the support person from JMC was helping to finalize the process. However, he was worried that the journey to Estonia might present difficulties, as he seemed to have understood that other families coming to Estonia on family reunification had experienced difficulties in leaving the country of asylum, and in transit. The quote above confirms findings from other UNHCR studies on integration, including the RICE study in Sweden, namely that refugees who are separated from their family members find it very difficult to focus on learning the language, seeking jobs, and engaging in other aspects of the integration process, when their minds and hearts are with their loved ones. For the refugee in question, the PA session represented an opportunity to receive additional guidance and advice in regard to the family reunification process.

PROPOSED RECOMMENDATIONS

- UNHCR recommends considering the possibility of regulating family reunification in greater detail, for example in an Order of the Minister of the Interior, in order to ensure legal certainty and transparency.
- UNHCR recommends reviewing how the family reunification application can be made more accessible in practice.
- UNHCR recommends considering the reduction or waiving of administrative and visa fees for family members of refugees, as such costs may otherwise prevent family reunification, and the introduction of a financial support scheme for families who do not have sufficient resources to cover the costs of their travel to Estonia.

8.9 Attitudes towards refugees, discrimination

In a commendable effort to prepare Estonian local communities for the reception of an increased number of refugees via the EU's emergency relocation and resettlement schemes, information days were organized by the Estonian Academy of Security Sciences, in cooperation with MoI, MoSA, MoER and NGOs working with refugees, in October and November 2015. A total of 15 information days, one in each county, were organized, reaching a total of 626 persons including mayors, headmasters of schools, social workers, county officials and community leaders.

The aim of these information days was to raise awareness about the planned relocation and resettlement activities, and to elicit the support of the local governments and prevent possible negative sentiments in relation to the arrival of refugees in the communities concerned. The events included an introduction by migration experts, presentations by the relevant ministries and NGOs on asylum and refugee related issues, a question and answer session, and, at the end, an open discussion which also included representatives of local governments, churches, the business sector, the Estonian Chamber of Commerce, as well as the local police.

While it is difficult to measure the exact impact of these information days, it can be noted that public attitudes towards refugees and asylum-seekers are generally less negative today as compared to 2015. An opinion poll from January 2016 indicates that attitudes towards refugees in Estonia are slowly improving. Estonian experts consider that the growing support is due to better awareness and understanding of refugee issues. Nevertheless, 23 per cent of Estonian residents consider that refugees are the most serious social problem for Estonia. Importantly, these fears were expressed in March 2016, before the first arrivals of relocated refugees from Greece. 34 per cent of the women and 29 per cent of the men consider that people from different cultures should not be permitted to live in Estonia. 35 per cent of the women and 25 per cent of the men hold the position that Estonia is not capable of taking care of refugees and should therefore not accept any. 50 per cent of the respondents found that they would not like to have Muslims as their neighbours. 75 per cent would ban the use of burkas. In total, 795 persons responded to the survey questions.¹⁴⁴

Also, some Estonian journalists continue disregarding the confidentiality principle in their publications, by providing real names, ages and other individual information. Some articles published during the course of 2016 held the view that refugees in the old times (i.e. Estonian Second World War refugees in Sweden) had to work hard but nowadays refugees only demand and receive things without any effort.¹⁴⁵ Most of the articles which were published in the first six months of 2016 were about relocated refugees from Greece. The tone of these publications was sometimes positive, sometimes negative.

Academic research has concluded that Estonians join anti-migrant and anti-refugee groups on Facebook as they see this as an opportunity to obtain true information about the situation in Estonia.¹⁴⁶ It was revealed that members of anti-refugee groups on Facebook were particularly concerned by the fact that the Estonian mainstream media reflects anti-refugee groups only negatively, ridicules them, or is not interested in them at all.¹⁴⁷

The extreme-right vigilante street-patrolling group “Soldiers of Odin”, originating from Finland, has expanded to Estonia, and received a lot of attention in Estonian media, mainly because some of the members have a criminal background.

While there were six registered demonstrations against mass immigration (as well as against refugees in general) in 2015, none was registered in 2016.

Xenophobic attitudes expressed in the media, and also on the streets and in public places, negatively affect the integration environment. The interviewed support persons mentioned that they had encountered hate speech on the streets and in public transport. Some stakeholders mentioned that the refugees interviewed follow the public discussions, and said that they fear contacting Estonians because the latter might misconstrue their approach as hostile.

¹⁴⁴ MTÜ Ühiskonnauuringute Instituut, *The opinion of Estonian population on refugee crisis*, available at <http://goo.gl/ySdS08> See also information about the survey at: <https://goo.gl/OtMIDS>.

¹⁴⁵ One example where these two refugee groups are compared can be found here: <http://goo.gl/r8ySPW>.

¹⁴⁶ BA thesis “*The role of the anti-refugee community „Ei pagulastele/ Estonians against refugee quotas” in the Estonian refugee-debate: Community members’ opinions and experiences*”, Andra Siibak. Information retrieved from <http://m.err.ee/ee/varia/784149>.

¹⁴⁷ The summary of this thesis can be found at: <http://goo.gl/l7flhN>

Some stakeholders consider that refugees would turn to UNHCR or EHRC in case of discrimination by public officials. There are special police officers in social media that monitor the level of hate speech and try to handle the situation. There are no specific statistics in Estonia on hate crime or hate speech.

It should be noted that there are relatively few persons of African origin in Estonia, so refugees from those countries are clearly visible. According to the Population Census in 2011, there were 414 persons living in Estonia (0.0315 per cent of the population) who had one or two parents from an African country of origin.¹⁴⁸

The stakeholders interviewed did not mention many concrete incidents of discrimination beyond what they knew had occurred in relation to housing, and other anecdotal incidents. In many cases, discrimination may remain hidden. It was apparent from the interviews that neither the authorities nor the support persons have been trained to identify instances of discrimination or harassment, or in what to do when this occurs.

The majority of refugees interviewed said that they had not suffered serious problems with xenophobia and intolerance. Contrary to what could have been expected based on the previous research referred to in Section 4 and above, this seemed to be the case also for the Sudanese refugees, and for one refugee woman wearing hijab. However, instances of negative, or less positive responses by locals to refugees were also mentioned. In situations where refugees had been confronted with negative attitudes or verbal insults, these had been left unaddressed or unreported.

“ I have gone out [to socialise with people], people have asked me if I have a bomb, so I stopped to go there.”

“ Some people we meet are surprised and look at us in a strange way. Others are kind. I am wearing a hijab, so it is a bit special.”

Many of the refugees interviewed informed the MFT that they had made friends with neighbours or colleagues at work. However, the PAs also revealed examples of refugees who neither had a network of fellow refugees or countrymen/women, nor had been able to find Estonian friends; as a result, they felt quite isolated.

“ I do not know anyone in this town with whom I could meet, to drink coffee together”.

¹⁴⁸ Estonian Human Rights Centre, *National Report on Afrophobia in Europe 2016*.

PROPOSED RECOMMENDATIONS

- UNHCR recommends that further efforts be undertaken to raise the general public's as well as central and municipal government officials' understanding about why refugees flee to Europe and Estonia and why refugees need protection, in order to dispel myths and fears. In relation to this, UNHCR recommends that specific efforts be undertaken to enhance the knowledge and understanding of the Estonian media and journalists on these topics, to ensure accurate and objective reporting, and avoid stereotyping. This could be done, for example, through information campaigns conveying the personal stories of refugees; seminars for parliamentarians, government officials and civil servants; projects targeting the youth and children in schools; and through projects and events aimed at facilitating contacts and interaction between refugees and the host community and civil society, such as through a host-family system.
- UNHCR recommends that measures be taken to combat hate speech and incitement to hatred, in line with the recommendations published by the Committee on the Elimination of Racial Discrimination.¹⁴⁹

8.10 Impact of the ethnic and linguistic division of Estonian society on integration

At first glance, Russian speaking refugees may seem to have an advantage over other refugees when it comes to integrating in Estonia, considering that a considerable proportion of the Estonian population is Russian speaking, and that certain services are available in Russian. This was also, to a certain extent, the assumption made by some of the stakeholders who provided input for the desk research.

However, the fact that a notable number of “non-Estonians” live below the poverty line, or risk poverty, and are disadvantaged in relation to employment opportunities, may actually hamper the Russian-speaking refugees' socio-economic integration. Also, some segments of the population of Estonia, in particular marginalized individuals and groups, do not participate in cultural activities due to limited accessibility and affordability. This has been noted as a concern both by the Estonian Government, and by human rights bodies examining the situation of minorities.¹⁵⁰ In this regard, the policy document *Integrating Estonia 2020* analyses challenges and gaps, and recognizes the need to address them through concrete measures in order to increase social cohesion in Estonia.

During the PAs, the Russian-speaking refugees mentioned that the ethnic and linguistic division of Estonian society is actually an additional barrier for integration, alongside the obstacles mentioned in relation to housing, residence permits and language learning. The PAs revealed that these refugees feel that they cannot make optimal use of their Russian language skills in terms of social mobility; instead, they tend to “get stuck” both in terms of employment and in relation to housing, in residential areas with a majority

¹⁴⁹ UN Committee on the Elimination of Racial Discrimination, *Concluding observations on the combined tenth and eleventh periodic reports of Estonia*, CERD/C/EST/CO/10-11, 22 September 2014, paras 7a and 8, available at: <http://goo.gl/2paaUu>.

¹⁵⁰ Human Rights Council, Working Group on the Universal Periodic Review, *Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21*, Estonia, Twenty-fourth session, 18-29 January 2016, available at: <http://goo.gl/1qYYxR>.

of Russian-speakers, and that they therefore have fewer opportunities to learn and practise Estonian and immerse themselves in Estonian society.

Although the Russian-speaking refugees who participated in the PAs tended to have higher educational levels than the other refugees, they felt that they had problems accessing jobs at the right level, due to difficulties related to the recognition of diplomas, and due to being “too much associated with the Estonian Russian-speaking population”, a large proportion of whom occupy low paid jobs.

The Russian-speaking refugees also shared their perception that there is a certain level of prejudice and discrimination against the Russian-speaking minority in Estonia. On the other hand, the refugees observed that many Russian-speaking individuals of Estonian origin had a very low level of competence in Estonian, and in this sense, did not constitute good role models for the refugees’ integration aspirations.

Non-Russian-speaking refugees who end up living in predominantly Russian-speaking neighbourhoods with Russian-speaking workplaces, such as areas of Tallinn or North-East Estonia, risk being compelled to learn Russian rather than Estonian. This could result in a situation whereby the intentions of the integration support provided today will not have the intended impact. In order to avoid such a development, it is important to create strong incentives, and real, accessible opportunities to learn and speak the Estonian language.

PROPOSED RECOMMENDATIONS

- UNHCR recommends that the measure proposed for the integration of “non-Estonians” in the policy document *“Integrating Estonia 2020”* are reviewed to ensure that they address the risks of marginalization and socio-economic segregation of the Russian-speaking, and non-Russian-speaking refugee population, and that the implementation of the measures is monitored, including through participatory approaches involving the target populations.

9.

Lessons learned on barriers and facilitators of integration

The following overview of refugee integration related practice is based on the experiences of other Northern European countries than Estonia, Latvia and Lithuania, as the situation in these latter countries has been the subject of UNHCR integration mappings.

The refugee crisis in Europe has brought the topic of refugee and migrant integration to the fore, and placed it high on the political agenda. In the Northern Europe region, the Governments of Denmark, Finland, Iceland, Norway and Sweden have all identified the area of integration as one of the most important political priorities in the years to come and, *inter alia*, assigned integration-related responsibilities to dedicated ministers or inter-ministerial working groups. The Nordic Governments have also initiated specific measures to strengthen, not only the economic integration of refugees, but also the social and cultural aspects, and recognized, in policy documents and action plans, the importance of investing in early support – “frontloading” – in order to enhance the refugees’ prospects of integration.

Denmark, Finland, Norway and Sweden have developed holistic integration models that encompass legislation, funding and institutional structures where immigrants and refugees have access to mainstream services, social support and education after recognition and can access help like any other citizen. In addition to this, refugees receive targeted post-recognition integration support during a transition period, which helps them access mainstream services and rights in practice, as this is often difficult directly upon arrival without knowing the local language or having the requisite knowledge about the society.

The post-recognition targeted support encompasses, at a minimum, language tuition, civic orientation and on-the-job training, and lasts from two to three years. In addition to the services mentioned, refugees receive assistance to find housing. The State compensates the municipalities that bear the costs for the reception of refugees and for the provision of the targeted transition support. During the transition period, the refugees receive financial allowances to cover their costs of living, including rent.

The aim of these policies is to ensure social cohesion and equality of rights, inclusion and participation.

Through the RICE project recently carried out by UNHCR in Europe, and findings from the research and interviews with refugees and integration stakeholders in Austria, Ireland, France and Sweden,¹⁵¹ UNHCR has strengthened its understanding of which factors frequently impact the integration trajectories of refugees.

The RICE studies have confirmed that the quality and efficiency of the asylum procedure coupled with dignified and meaningful reception have a direct impact on the well-being and health of refugees, and can help prevent boredom, depression and loss of self-esteem amongst the asylum-seekers who will later, as refugees, be expected to integrate into society. Measures aimed at shortening the process and ensuring a dignified treatment of asylum-seekers in the process are worth investing in, with a view to reducing both the financial costs for the State and the humanitarian costs for the asylum-seekers. The study, in particular in Sweden, affirms the view that humane and efficient asylum procedures have a positive impact on subsequent integration. In the context of Sweden, it was widely acknowledged by the integration stakeholders that integration is a process that takes time, and therefore, early investments, interventions and integration support are beneficial to the integration process.¹⁵² Integration stakeholders expressed the view that the first months of reception in the asylum process are pivotal for the continued process. It is therefore argued that much is gained if the reception phase of the process is “meaningful” and access to the labour market and integration support, such as language training, is made available during the asylum period.

The findings gathered through the exchanges and discussions with integration stakeholders and refugees in the RICE study also show that there is a close interdependence between different integration policy areas and that employment is a key factor for successful integration. Many other areas, or indicators of integration, in fact, relate back to or depend on economic integration. At the same time, factors such as language skills, education and training, health and accommodation will impact on refugees’ possibilities to access employment and achieve early economic independence.

There is wide acceptance among the countries studied within the RICE project, and in literature on integration, that employment constitutes the biggest issue of concern for refugees. In Austria and in Sweden, the integration of refugees into the labour market is a top priority.

Also, employment is viewed as a key indicator of integration and a central component of measuring integration in many of the EU countries. Another important element, which came out strongly from the RICE study in Sweden, is the fact that refugees cannot be treated as a homogenous group, even when they come from the same country. Although refugees who arrive in a new country will face common structural obstacles, it should be kept in mind that individual backgrounds, gender, age, personality, psychosocial and educational resources, professional skills, history of flight, trauma and a variety of other factors will impact on the resilience and preparedness of the individual to face the challenge of meeting a new culture, learning a new language and starting a new life in a new country. Integration programmes therefore need to take into consideration the individuality of the clients.

¹⁵¹ UNHCR, *A New Beginning: Refugee Integration in Europe*, September 2013, available at: <http://www.refworld.org/docid/522980604.html>.

¹⁵² UNHCR, *A New Beginning: Refugee Integration in Sweden – It’s about time!* September 2013, available at: <http://www.refworld.org/docid/5295a60e4.html>.

For the integration process to work well, it is important to acknowledge that refugees bring with them different human capital and resources, through education, language skills and personal and professional experiences. Against this background, an important aspect of the Nordic countries' integration policies is the development of individually tailored integration plans, which outline the introductory support to be provided during the integration transition period. These plans are discussed and agreed with the client, thereby constituting an empowering tool and placing a shared personal responsibility on the refugee to identify the integration support that will help him or her achieve the agreed goals. One of the lessons learned in this respect is that in order to achieve efficient employment integration, it is necessary not only to work with the clients, but also to undertake training of Employment Office staff to strengthen their capacity and experience to coach refugees in relation to the development of the individual plan, and to review the availability and efficiency of vocational training based on actual employment market opportunities and needs. It is also important to work with employers, including private businesses, to enhance the recruitment of refugees, by changing attitudes and fostering a better understanding of the opportunities created by employing refugees and immigrants.

Increased understanding of the importance of tackling common challenges with regard to integration has brought in new actors to the discussion, and partnerships. In this regard, the OECD and UNHCR have joined forces to highlight the need to scale up efforts to help refugees integrate and contribute to the societies and economies of Europe.¹⁵³ The role of the private sector, including private businesses, in employing refugees and enabling them to put their valuable skills to mutually beneficial use has in particular been recognized over the past few years.

To realize the potential that the individual refugees embody, it is necessary to invest early on in quality language training, cultural and civic orientation as well as orientation about the work and business environment in the country, and in support to refugees in finding housing and accessing health and education, as well as public awareness activities, aimed at creating a welcoming environment in which all individuals, regardless of background, have equal possibilities to develop. While such support costs in the short term, it pays off in the medium and longer term, as the refugees are enabled to recover faster from the trauma experienced, benefit from language learning and education, and find jobs, housing and social and cultural inclusion, and the receiving society can benefit from a new, healthy workforce which contributes to the further development of society.

¹⁵³ Press release *OECD and UNHCR call for scaling up integration policies in favour of refugees*, available at: <http://goo.gl/siblpB>.

10.

Concluding remarks regarding refugee integration opportunities and challenges in Estonia

It should be recognized that Estonia has taken commendable steps within a very short period of time to strengthen its capacity in the areas of reception and integration, in order to receive the refugees it has committed to accept under the EU Solidarity Responses to the European refugee crisis. For example, information days to prepare Estonian local communities for the reception of an increased number of refugees were organized in fall 2015, targeting a variety of “integration stakeholders”, and a special page was created containing information about the global refugee crisis and its implications for Estonia on the government website. In addition, the support person service has been established and the welcoming programme for refugees and migrants was initiated in fall 2015, in order to provide refugees with information to help them understand key aspects of Estonian society.

The mapping of the existing integration framework, the interviews with integration stakeholders and the PAs with refugees in Estonia have shown that the rights accorded to refugees under the national legislation are generally in line with international standards, but that there is a lack of a national strategy and policy on refugee integration which articulates a long-term vision about refugees’ inclusion in society, at the same level of detail and comprehensiveness as the Action Plan on the implementation of the EU’s emergency relocation and resettlement schemes provides for those refugees. Also, the excellent coordination mechanism led by Mol to oversee the implementation of this Action Plan does not extend to integration of refugees coming to Estonia outside of the EU relocation and resettlement schemes. In this context, the mapping has also found that there is no central government body with overall responsibility for refugee integration matters at the moment, and few targeted actions to support refugees’ integration into society beyond the mandatory language learning and module on international protection within the welcoming programme and the support person service.

The interviews with government stakeholders also left the impression that the respective government bodies, local authorities and NGOs involved in facilitating integration seem largely to work within their specific remits, with little coordination amongst them, and without their activities being based on a commonly agreed strategic framework and vision of what the integration support should achieve. There is active coordination in terms of the EU’s emergency relocation and resettlement schemes, but this operates on an *ad hoc* basis and is only concerned with the 550 refugees Estonia has agreed to receive based on that plan. In addition, many of the stakeholders interviewed did not see their role as being primarily related to integration, but rather as providing services and fulfilling goals within their specific area of responsibility. For example, for the PBGB, this was public safety and public order; for local government officials, this was registration in the population registry, management of social benefits and support on the basis of individual need.

The lack of policy guidance and coordination between the actors involved was also one of the main findings of the NAO report, which suggested designating a Ministry as responsible for steering the development of a long-term policy on refugees; this Ministry would in turn help specify the functions of the respective Ministries and other actors and stakeholders involved.

With this in mind, several stakeholders suggested that there should be a framework strategy and policy document outlining the vision and overall goals and indicators for the integration of refugees, including the roles of different actors. Such a framework could constitute a common platform for all of the stakeholders involved, including local governments and NGOs, and a basis for monitoring implementation and progress.

Some governmental officials were of the view that there was no need for targeted interventions for the integration of refugees and that the mainstream services approach and existing policy frameworks in the relevant domains allow refugees to access the necessary support and services. Others, however, thought that, alongside an overarching policy framework, it would be important to have stronger coordination and a clearer allocation of roles and responsibilities between the Ministries and government bodies involved. Many stakeholders cautioned that MoC, while considered by some as the main Ministry responsible for integration and inclusion into society, lacks the necessary experience and expertise in the area of refugee integration specifically, and that the integration measures currently targeting the Russian-speaking, so-called “less integrated” population, are not adapted to the needs of refugees.

Some government officials, especially from MoSA, were of the opinion that the services and integration support provided needed to be more centralized, and suggested that there be a central contact point for refugees, through which all of the key integration-related services could be channelled, or coordinated. It was suggested that EUIF could fulfil such a role, as it already has a wide network of offices, and is a State agency that already has experience with key issues relating to employment and vocational training. Alternatively, this role could be performed by ENSIB or MISA. However, placing this responsibility on these bodies would require additional resources. MoSA also expressed the view that local governments have varied approaches and different levels of engagement, experience or expertise in relation to integration, and that this was a weakness with respect to ensuring a consistent quality of integration measures across the country.

Recently, considerable attention has been placed on the integration of refugees who arrive as part of the EU’s emergency relocation and resettlement schemes, and resources have been allocated for the reception of these groups, whereas the same support is not always envisaged for the refugees who have come to Estonia on their own. Consequently, concern was expressed that a “two-track system” of integration is emerging.

The difference in treatment of these respective groups is, in particular, visible in how the support person service has been designed, and in relation to the extra financial support offered to local governments for their reception and integration of relocated and resettled refugees. Although legal standards do not make a difference between the two categories of refugees, from an integration point of view, asylum-seekers who arrive in Estonia spontaneously have to spend a considerable amount of time at the Vao or Vägeva Accommodation Centres, or detained at the Harku Detention Centre, during the asylum process. In this respect, the stakeholders interviewed acknowledged that for asylum-seekers who arrive in Estonia spontaneously, the asylum procedure itself has an impact on their integration; namely, the faster asylum decisions can be made, the easier it is to integrate, as early interventions are beneficial, as noted in Section 9 above. When the residence permit is granted, they will not receive the same support as the relocated and resettled refugees. According to the stakeholders interviewed, such unequal treatment might give rise to dissatisfaction among the spontaneous arrivals and decrease their motivation to integrate. In addition, it further complicates the already fragmented approach and enhances the gaps in the support provided. In relation to this, it may be noted that a similar situation has existed in Iceland, where the resettled refugees have received much more integration support from the moment of arrival in Iceland, compared to the spontaneous arrivals. The challenges and inequalities this is creating for the spontaneous arrivals, and the negative impact on their integration possibilities, have been recognized by the responsible authorities and NGOs involved, and the Government is therefore in the process of reviewing how it can develop a national integration strategy and programme benefitting all refugees in Iceland.

Also, it also appears from the Action Plan¹⁵⁴ that the government views the relocation and resettlement of 550 persons in two years as a one-off event, and from practice, that the Action Plan is only applied on

¹⁵⁴ See *supra* fn. 4.

an *ad hoc* basis for a limited duration. According to some of the stakeholders, this approach prevents the development of a long-term strategy for all refugees.

Against this background, several stakeholders, both from MoSA and other government bodies as well as civil society, were of the view that the integration policy should, as far as possible, treat the spontaneous arrivals in the same way as relocated and resettled refugees, and that the financial support provided by the State to the local governments should be the same.

It was suggested that the Government's Action Plan on the implementation of the EU's emergency relocation and resettlement schemes could serve as a blueprint and starting point for the development of a longer-term national strategy and policy framework for the integration of all refugees. This framework could also form a part of, and/or be compatible with the *Integrating Estonia 2020* strategy, as well as with the Internal Security Development Plan 2015–2020.

While the challenges and gaps in relation to the integration of refugees was not such a notable problem in the past in Estonia, as the existing stakeholders were able to assist the small number of refugees on an individual, case-by-case basis, the expected continued increase in the arrival of refugees will accentuate the need to have a comprehensive programme in place. The global refugee crisis, and the higher number of arrivals in Europe as a whole, have underscored the need for States to develop efficient and effective, longer-term multi-stakeholder strategies and programmes which truly facilitate refugees' inclusion and self-sustainability in the societies of European countries.

PROPOSED RECOMMENDATIONS

- UNHCR recommends the formulation of a national refugee integration strategy and policy framework, which articulates a clear vision of refugees' civil, political, social, economic and cultural inclusion and integration into society, and sets out goals and indicators in the areas of importance for integration to be achieved. Such a framework should ideally recognize the interrelatedness of the areas of particular importance for refugees' ability to integrate legally, economically, socially and culturally, and aim at facilitating refugees' equal access to mainstream services, while recognizing the need for targeted integration support in certain areas, based on the individual needs, age, gender and background of the refugees.
- In formulating such a strategy and policy framework, it is recommended that the Estonian government reviews the roles and responsibilities of the competent institutions and non-governmental actors to clearly define their roles, responsibilities and accountabilities in the various areas of refugee integration, and ensures that these are matched with adequate administrative and financial resources from the State budget, to ensure sustainability. In this context, it is also recommended to consider the suggestions made to designate a central contact point for refugees, which has the necessary geographical coverage, and through which all of the key integration-related information and services could be coordinated and/or channelled.
- UNHCR recommends considering the suggestion made by both national and non-governmental stakeholders, to introduce a post-recognition transition or preparatory phase, which would be aimed at facilitating, *inter alia*, refugees' early access to language training, employment, social assistance and housing. In relation to this, UNHCR also recommends considering the possibility of introducing individual integration plans, which are developed in a participatory manner and build on the individual refugee's educational and professional background, capacities and aspirations.
- UNHCR finally recommends finding ways of institutionalizing participatory approaches and the systematic participation of refugees in the identification of capacities and needs, and in the development and implementation of programmes and responses.

Annexes

Annex 1: Stakeholder interviews

♂ **Mart Vain**

Audit Manager, Performance Audit Dept,
State Audit Office

♀ **Jana Selesneva**

Manager, Accommodation Centre for Asylum
Seekers (Vao)
AS Hoolekandeteenused

♀ **Merje Leemets**

Headmistress
Kiltsi School

♀ **Anneli Võsa**

Social Worker, Accommodation Centre for
Asylum Seekers (Vao),
AS Hoolekandeteenused

♂ **Indrek Kesküla**

Mayor
Väike-Maarja Municipality Government

♀ **Maria-Kristina Ploom**

Coordinator of Volunteers
Estonian Refugee Council

♂ **Kalvi Almosen**

Chief Law Enforcement Officer, Dept of
development, Office of Prevention and Offence
Proceedings
Police and Border Guard Board

♀ **Marina Pöldma**

Chief Specialist, Dept of Development, Office of
Identity and Statuses
Police and Border Guard Board

♀ **Koidu Mesilane**

Adviser, Citizenship and Migration Policy Dept
Ministry of Interior

♀ **Ly Pärn**

Adviser, Citizenship and Migration Policy Dept
Ministry of Interior

♀ **Kristi Käsper**

Adviser, Citizenship and Migration Policy Dept
Ministry of Interior

♀ **Liana Roosmaa**

Adviser, Citizenship and Migration Policy Dept
Ministry of Interior

♀ **Inge Kool**

Head, Dept of Social Welfare and Health Care
Tartu City Government

♀ **Alesja Belogub**

Social Worker, Dept of Social Welfare and Health
Care
Tartu City Government

♀ **Brit Peterson**

Child Protection Specialist, Dept of Social
Welfare and Health Care
Tartu City Government

♂ **Juhan Saharov**

Project Manager
Johannes Mihkelson Centre

♀ **Kersti Kivirüüt**

Chief Expert, General Education Dept
Ministry of Education and Research

♀ **Katrin Siider**
Chief Expert, Youth Affairs Dept
Ministry of Education and Research

♀ **Ursula Tubli**
Chief Expert, Research Policy Dept
Ministry of Education and Research

♀ **Mari Tikerpuu**
Chief Expert, Vocational Education Dept
Ministry of Education and Research

♀ **Kristiina Albi**
Adviser, Law Enforcement Affairs Dept
Chancellor of Justice

♀ **Margit Sarv**
Senior Adviser, Children's and Youth Rights Dept
Chancellor of Justice

♀ **Kaili Hendla**
Adviser, Social Welfare Dept
Ministry of Social Affairs

♂ **Tõnis Vaik**
Adviser, Social Welfare Dept
Ministry of Social Affairs

♀ **Annika Sepp**
Adviser, Employment Dept
Ministry of Social Affairs

♀ **Katre Pall**
Head of Dept, Social Security Dept
Ministry of Social Affairs

♀ **Helena Pall**
Adviser, Equality Policies Dept
Ministry of Social Affairs

♀ **Ülle Jordan**
Chief Specialist, Health System
Development Dept
Ministry of Social Affairs

♀ **Triin Raag**
Head of International Protection Policy
Ministry of Social Affairs

♀ **Kaisa Üprus-Tali**
Adviser
Ministry of Social Affairs

♂ **Aleksandr Aidarov**
Adviser, Cultural Diversity Department
Ministry of Culture

♂ **Eero Janson**
Chairman of Board
Estonian Refugee Council

♀ **Helin Vaher**
Government Media Adviser
State Chancellery

♂ **Gunnar Vaht**
Head of ENIC/NARIC Centre
Estonian ENIC/NARIC Centre

♀ **Tii Raudma**
Adviser, Higher Education Dept
Ministry of Education and Research

Annex 2: Information Note to refugees invited to the Participatory Assessment

Mapping the legal standards, policies, institutional roles and responsibilities and practice pertaining to the integration of beneficiaries of international protection in Estonia

To gain an improved understanding of the current situation with regard to integration of beneficiaries of international protection in Estonia, including those granted refugee status and subsidiary protection, UNHCR Regional Representation for Northern Europe (RRNE) has launched a project in co-operation with the Estonian Ministry of the Interior, Estonian Ministry of Social Affairs and Johannes Mihkelson Centre titled *“Mapping the legal standards, policies, institutional roles and responsibilities and practice pertaining to the integration of beneficiaries of international protection in Estonia”*.

The objective of the project is to map relevant legal frameworks, policies and strategies, institutional roles and responsibilities and practice, as well as to hear from a broad range of stakeholders from both the state and NGO sectors (conducted by an external consultant) and directly from persons of concern through a Participatory Assessment (PA). This methodology entails holding discussions, or interviews with refugee women, men, girls and boys of different ages and backgrounds to gather information on the specific situation they face to understand their capacities and to hear their proposed solutions where there are concerns. The PAs will be undertaken by a so called multi-functional team, comprising of UNHCR RRNE as well as representatives of relevant ministries and NGOs.

The finding from the PAs will serve as an evidence-based guide for future advocacy efforts aimed at further improving the integration environment for refugees in Estonia.

We would hence like to hear from you – what has been good with your stay in Estonia, what has been difficult, and your recommendations for improvements. We would like to gather information on the topics of housing, employment, education, language learning, support and benefits, health, social integration, residence permits and family reunification. If there are issues related to the asylum-process these can also be brought forward.

Interpretation will be arranged to facilitate the communication during the meetings. Snacks and drinks will be provided to those who participate in the meetings and, if necessary, travel costs will be reimbursed.

Some of the meetings will be held in the morning, some later in the afternoon, in order to ensure participation including of refugees who are employed. Johannes Mihkelson Centre will contact refugees and beneficiaries of subsidiary protection in Estonia and invite for a specific meeting at a specific time.

If you have any questions about this project and/or not yet contacted or invited by Johannes Mihkelson Centre to a meeting and would like to participate, please call: _____

Thank you very much for your participation! Your opinion is important!



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