

# Aliens Act

Passed 8 July 1993

(RT<sup>1</sup> I 1999, 44, 637; consolidated text RT I 2004, 58, 410),

entered into force 12 July 1993,

amended by the following Acts:

23.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 494;

15.06.2005 entered into force 01.01.2006 - RT I 2005, 39, 308;

13.04.2005 entered into force 01.11.2005 - RT I 2005, 24, 181;

23.03.2005 entered into force 24.04.2005 - RT I 2005, 20, 128.

Based on the rights and freedoms arising from the Constitution of the Republic of Estonia,

considering that generally recognised principles and rules of international law are an inseparable part of the Estonian legal system,

based on the need to guarantee aliens residing in Estonia with an internationally recognised status and to determine the duties of aliens,

desiring to create a sense of security by law for aliens residing both temporarily and permanently in Estonia, this Act is passed.

## Chapter I

### General Provisions

#### § 1. Scope of application

(1) This Act regulates the entry of aliens into Estonia, their stay, residence and employment in Estonia and the bases for legal liability of aliens.

(20.11.2002 entered into force 01.05.2004 - RT I 2002, 102, 599)

(2) The Citizen of the European Union Act (RT I 2002, 102, 599; 2004, 19, 134) regulates the basis of stay in Estonia of citizens of member states of the European Union, citizens of the member states of the European Economic Area or citizens of the Swiss Confederation and their family members.

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

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

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(4) The Administrative Procedure Act does not apply to the visa procedure provided for in this Act.

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

## **§ 2. Competence of officials of administrative authorities**

The head of an administrative authority shall designate officials within the administrative authority for taking measures and issue of administrative acts arising from this Act on behalf of the administrative authority, unless otherwise provided by law or legislation established on the basis thereof.

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

## **§ 3. Alien**

(1) For the purposes of this Act, an alien is a person who is not an Estonian citizen.

(21.10.98 entered into force 01.04.99 - RT I 1998, 98/99, 1575)

(2) The procedure for the stay of refugees in Estonia shall be provided by a separate Act.

(18.02.97 entered into force 09.07.97 - RT I 1997, 19, 306)

## **§ 4. Permanent resident**

(1) A permanent resident is an Estonian citizen residing in Estonia or an alien residing in Estonia who holds a permanent residence permit.

(2) The definition of a permanent resident for the purposes of this Act does not extend to legislation which was adopted before the entry into force of this Act.

## **§ 4<sup>1</sup>. Minor child**

For the purposes of this Act, a minor child is a person under 18 years of age. A person who is married, has a separate family or leads an independent life is not deemed to be a minor child.

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

## **§ 4<sup>2</sup>. Permanent residence in Estonia**

Permanent residence in Estonia is deemed to mean that an Estonian citizen or an alien who holds a residence permit in Estonia stays in Estonia for at least 183 days a year.

(12.06.2002 entered into force 01.10.2002 - RT I 2002, 56, 351)

#### **§ 4<sup>3</sup>. Legal income**

Lawfully earned remuneration for work, income received from lawful business activities or property, pensions, scholarships, support, benefits paid by a foreign state and the maintenance ensured by family members earning legal income are deemed to be legal income.

(12.06.2002 entered into force 01.10.2002 - RT I 2002, 56, 351)

#### **§ 5. Rights and duties of aliens**

(1) Aliens staying in Estonia are guaranteed rights and freedoms equal to those of Estonian citizens unless the Constitution, this Act, other Acts or international agreements of Estonia provide otherwise.

(2) Aliens are guaranteed the rights and freedoms arising from the generally recognised rules of international law and international custom.

(3) Aliens staying in Estonia are required to observe the constitutional order and legislation of Estonia.

#### **§ 5<sup>1</sup>. Legal bases for alien to enter Estonia and stay in Estonia**

(1) A legal basis must exist for an alien to enter Estonia or stay in Estonia. The legal bases for an alien to stay in Estonia are:

- 1) an Estonian residence permit;
- 2) a residence permit issued by a competent agency of a member state of the European Union, a member state of the European Economic Area or the Swiss Confederation, except Estonia;
- 3) an Estonian visa;
- 4) a uniform visa issued by a competent agency of a member state of the European Union, a member state of the European Economic Area or the Swiss Confederation, except Estonia;
- 5) the right to stay in Estonia arising from an international agreement;
- 6) the right to stay in Estonia arising from a resolution of the Government of the Republic to forego the visa requirement;
- 7) the right or obligation to stay in Estonia directly arising from law, a court decision or an administrative act;

8) a residence permit or a return visa issued by a competent agency which belongs to the common visa area.

(2) If an alien, during the period of validity of his or her residence permit, applies for an extension of the residence permit or for a permanent residence permit pursuant to the procedure established by the Government of the Republic, his or her stay in Estonia is deemed to be legal during the review of his or her application.

(3) It is permitted to stay in Estonia on the basis of a residence permit issued by a competent agency of a member state of the European Union, a member state of the European Economic Area or the Swiss Confederation, except Estonia, for up to a total of ninety calendar days during six months.

(4) An alien who is a citizen of a foreign state with whom Estonia has entered into an agreement for visa-free travel or whose citizens are unilaterally relieved of the visa requirement in Estonia may stay in Estonia for up to a total of ninety calendar days during six months, unless otherwise provided by an international agreement.

(5) As an exception, the visa-free period of stay permitted to an alien on the basis of an agreement on visa-free travel between states or another international agreement which permits the alien to temporarily stay in Estonia or a resolution of the Government of the Republic to forego the visa requirement may be extended if the provisions regarding extension of the period of stay determined by a visa are applied.

(6) On the basis of a residence permit or a return visa specified in clause (1) 8) of this section, an alien is permitted to stay in Estonia up to five calendar days in order to enter into a state which issued the specified residence permit or return visa, provided that no circumstance which constitutes the basis for a prohibition on entry into Estonia exists in respect of the alien and the alien enters into Estonia from a state other than a state belonging to the common visa area or a member state of the European Union.

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

## **§ 5<sup>2</sup>. Specifications for performance of procedural acts**

(1) An alien of at least 15 years of age may perform the acts arising from this Act independently.

(2) A minor who permanently resides in a foreign state may file an application for a temporary residence permit and work permit in person with the notarially authenticated consent of the legal representative.

(3) A minor who permanently resides in a foreign state may submit a visa application in person. Upon submission of the visa application in person, a notarially authenticated consent of the legal representative may be demanded.

(4) If the acts arising from this Act are performed through a representative, the representative shall present an identity document and a document certifying the right of representation.

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

### **§ 5<sup>3</sup>. Format and signing of applications**

(1) In order to apply for the issue of an administrative act or taking of a measure arising from this Act, a standard application shall be submitted.

(2) A person shall sign an application personally.

(3) An application of a minor under 15 years of age or of a person whose active legal capacity is restricted by a court shall be signed by the legal representative.

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

### **§ 5<sup>4</sup>. Notification**

A person shall be notified of administrative acts and measures arising from this Act if notification is prescribed by law or legislation of general application established on the basis thereof, according to the details indicated by the person in a request or an application or at the residential address registered in Estonia.

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

### **§ 5<sup>5</sup>. State fees**

A state fee shall be paid for the review of applications for the taking of measures and issue of administrative acts.

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

## **Chapter II**

### **Immigration Quota**

#### **§ 6. Immigration quota**

(1) The annual immigration quota is the quota for aliens immigrating to Estonia which shall not exceed 0.05 per cent of the permanent population of Estonia annually. The immigration quota shall be established by the Government of the Republic. Within the limits of the immigration quota, the Minister of Internal Affairs may, by a ruling, establish a distribution of the immigration quota according to the grounds for application for the residence permit and the basis for issuing the residence permit, and the annual schedule. Persons who have the right to settle in Estonia outside of the immigration quota or to whom the immigration quota does not apply are not included in calculating fulfilment of the immigration quota.

(23.09.97 entered into force 26.10.97 - RT I 1997, 73, 1202; 15.12.99 entered into force 31.12.99 - RT I 1999, 101, 900; 18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(2) Every Estonian has the right to settle in Estonia outside of the immigration quota.

(2<sup>1</sup>) The immigration quota does not apply to the following:

1) the spouse of an Estonian citizen or of an alien who resides in Estonia on the basis of a residence permit to whom a residence permit is issued on the basis of subsection 12 (2);

2) a minor child, adult child, parent, grandparent or ward of an Estonian citizen or of an alien who resides in Estonia on the basis of a residence permit to whom a residence permit is issued on the basis of clause 12 (1) 3).

(12.06.2002 entered into force 01.10.2002 - RT I 2002, 56, 351)

(3) The immigration quota does not apply to citizens of the United States of America and Japan.

(15.12.99 entered into force 31.12.99 - RT I 1999, 101, 900; 20.11.2002 entered into force 01.05.2004 - RT I 2002, 102, 599)

(4) The Minister of Internal Affairs may, on a reasoned proposal of the Minister of Economic Affairs and Communications, Minister of Finance, Minister of Culture or Minister of Education and Research, exempt specific persons from the immigration quota if their arrival in Estonia is necessary in the national interests for economic, educational, scientific or cultural development.

(15.12.99 entered into force 31.12.99 - RT I 1999, 101, 900; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521; 17.12.2003 entered into force 08.01.2004 - RT I 2003, 88, 594)

## **Chapter III**

### **Passport Requirements**

#### **§ 7. Identification of aliens**

All aliens entering and staying in Estonia must hold a valid passport or equivalent document. The valid passport or equivalent document of an alien must certify his or her right to stay in Estonia.

#### **§ 8. Alien's passport**

(1) An alien's passport may be issued to an alien who does not have a passport or equivalent document.

(2) An alien's passport may be issued to an alien staying in Estonia with regard to whom a decision to issue a residence permit has been made. The validity of an alien's passport shall not exceed the validity of a residence permit. An alien's passport is valid for a term of up to five years.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

(3) An alien's passport and residence permit shall be applied for concurrently.

(4) Aliens who are unable to obtain a passport or equivalent document of their country of origin or of any other state have the right to obtain an alien's passport. The format, and the conditions and procedure for issue of alien's passports shall be established by the Government of the Republic.

## **Chapter IV**

### **Visa**

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

**§ 9.** (Repealed - 14.04.2004 entered into force 01.05.2004 - RT I 2004, 28, 189)

#### **§ 10. Definition of visa**

A visa is a permit issued to an alien for entry into Estonia pursuant to the provisions of the State Borders Act (RT I 1994, 54, 902; 1997, 77, 1315; 1999, 25, 365; 2000, 86, 550; 2001, 23, 126; 2002, 58, 363; 63, 387; 90, 516; 102, 599; 2003, 23, 138; 26, 156; 51, 350; 88, 591; 2004, 2, 4) and for stay in Estonia under the conditions indicated on the visa, unless otherwise provided for in this Act.

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

#### **§ 10<sup>1</sup>. Conditions determined by visa**

(1) The following conditions shall be determined by a visa:

1) period of validity – a period during which a visa is valid for single, double or multiple entries into Estonia, stay in Estonia and departure from Estonia;

2) period of stay – a number of days during which an alien may stay in Estonia within six months during the period of validity of the visa;

(23.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 494)

3) number of entries – the number of entries into Estonia permitted to an alien during the period of validity of the visa;

4) territorial validity – a territory of one or several states belonging to the common visa area or a part of the territory where an alien may stay on the condition that the visa area is entered and left through the territory of a state determined by territorial validity.

(2) An alien is required to comply with the conditions indicated on the visa upon entry into Estonia, stay in Estonia and departure from Estonia.

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

## **§ 10<sup>2</sup>. Validity of visa**

(1) A single-entry visa expires:

- 1) upon the expiry of the period of validity of the visa;
- 2) upon termination of the period of stay unless the period of validity of the visa expires earlier;
- 3) when the alien leaves Estonia;
- 4) upon premature termination of the period of stay;
- 5) upon revocation of the visa.

(2) A multiple-entry visa expires:

- 1) upon the expiry of the period of validity of the visa;
- 2) upon expiry of the period of stay determined by the visa after all the entries into Estonia permitted to the alien by the visa are used, unless the period of validity of the visa expires earlier;
- 3) upon expiry of the period of stay determined by the visa after all the entries into Estonia permitted to the alien by the visa are used, unless the alien departs from Estonia earlier;
- 4) when the alien departs from Estonia after all the entries into Estonia permitted to the alien by the visa are used, unless the period of stay or period of validity expires earlier;
- 5) upon revocation of the visa.

(3) An alien is required to leave Estonia not later than by the time of expiry of the visa.

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

## **§ 10<sup>3</sup>. Categories of visas**



The categories of visas are:

- 1) airport transit visa (category A);
- 2) transit visa (category B);
- 3) short-stay visa (category C);
- 4) long-stay visa (category D).

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

#### **§ 10<sup>4</sup>. Airport transit visa**

(1) An airport transit visa (category A) may be issued to an alien for entry into an international transit zone at an Estonian airport and for stay therein and departure therefrom into the next transit country or country of destination into which the alien has a legal basis to enter.

(2) An airport transit visa may be issued with a period of validity up to three months.

(3) An airport transit visa does not grant the right to enter into Estonia or stay in Estonia.

(4) The following aliens need not hold an airport transit visa:

1) aliens who are members of an aircraft crew and who are citizens of a state who is party to the Convention on International Civil Aviation (RT II 2000, 2, 12);

2) aliens who hold valid diplomatic passports, official passports or service passports;

3) aliens who hold residence permits issued by a competent agency of a member state of the European Economic Area, the United States of America, Andorra, Japan, Canada, Monaco or San Marino, which grant the unconditional right of return.

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

#### **§ 10<sup>5</sup>. Transit visa**

(1) A transit visa (category B) may be issued to an alien for travelling through Estonia in transit once or twice into the next transit country or country of destination into which the alien has a legal basis to enter.

(2) A transit visa may be issued with a period of validity up to three months.

(3) A transit visa may determine a period of stay of up to five consecutive calendar days.

(4) A transit visa may be issued to an alien for travelling through Estonia in transit more than twice into the next transit country or country of destination into which the

alien has a legal basis to enter if this is necessary for the performance of official duties, service duties or other duties.

(5) A visa specified in subsection (4) of this section may be issued with a period of validity up to six months.

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

#### **§ 10<sup>6</sup>. Short-stay visa**

(1) A short-stay visa (category C) may be issued to an alien for single or multiple entries into Estonia and stay in Estonia.

(2) A single-entry short-stay visa may be issued with a period of validity up to six months.

(3) A multiple-entry short-stay visa may be issued with a period of validity up to five years.

(4) A single-entry short-stay visa may be issued with a period of stay up to 90 calendar days.

(5) A multiple-entry short-stay visa may be issued with a period of stay up to 90 calendar days within six months, which is calculated as of the first calendar day of entry into the state.

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

(6) A single-entry short-stay visa with a period of stay up to five calendar days may be issued to an alien for entry into Estonia or stay in Estonia in order to use tourism services or leisure services if his or her financial situation enables him or her to perform the obligations specified in subsection 10<sup>16</sup> (3) and 16<sup>1</sup> (1) of this Act. In such case, the alien need not have a sponsor specified in § 10<sup>16</sup> of this Act.

(23.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 494)

#### **§ 10<sup>7</sup>. Long-stay visa**

(1) A long-stay visa (category D) may be issued for single or multiple entries into Estonia and stay in Estonia to an alien who:

1) is a journalist accredited by the Ministry of Foreign Affairs who is representing foreign media;

2) is the honorary consul of Estonia;

3) has registered his or her short-time employment in Estonia according to § 13<sup>2</sup> of this Act before application for the visa;

3<sup>1</sup>) is a person determined in an international agreement, under the conditions determined by the international agreement;

(23.03.2005 entered into force 24.04.2005 - RT I 2005, 20, 128)

4) is the spouse, a minor child or an adult child, who due to his or her state of health or disability is unable cope independently, of a person specified in clauses 1)-3) of this subsection, if he or she enters into Estonia together with the specified person or to stay with the specified person.

(2) A long-stay visa may be issued with a period of validity up to twelve months, unless otherwise provided by this Act or an international agreement.

(3) A long-stay visa may be issued with a period of stay up to six months, unless otherwise provided by an international agreement.

(23.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 494)

(4) A long-stay visa which permits a single or multiple period of stay which altogether must not exceed six months may be issued to an alien specified in clause (1) 3) of this section.

(5) A visa shall be issued to the spouse, a minor child or an adult child, who due to his or her state of health or disability is unable cope independently, of a person specified in clauses 1)-3) of this subsection, under the same conditions as to the specified person.

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

#### **§ 10<sup>8</sup>. Diplomatic visa and service visa**

(1) A diplomatic visa of category B or C may be issued to a person who travels through Estonia in transit or is sent to Estonia on official business and who is enjoying a diplomatic status of a foreign state or an international organisation.

(2) A diplomatic visa of category C may be issued to a person who is sent to Estonia on official business and to whom diplomatic immunity and privileges are ensured in the territory of Estonia on the basis of the international obligations of Estonia or an international agreement.

(3) The Ministry of Foreign Affairs may issue multiple-entry diplomatic or service visas of category D with a period of validity and period of stay until the end of the period of accreditation to the staff of diplomatic representations and consular posts of foreign states and representations of international organisations, provided that the staff is accredited to Estonia, their family members and private staff.

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

#### **§ 10<sup>9</sup>. Conditions for issue of visas**

(1) A visa may be issued to an alien:

- 1) who holds a valid travel document which is recognised by Estonia;
- 2) if the purpose and reason of his or her planned stay in Estonia have been proved and these are in accordance with the provisions of legislation regulating the temporary stay of aliens in Estonia;
- 3) if it is proved that the costs relating to his or her accommodation and stay are covered during his or her stay in Estonia;
- 4) if he or she proves the intention to leave Estonia not later than upon termination of the period of stay;
- 5) if it is proved that the costs relating to his or her return to his or her country of origin or departure from Estonia into another country into which he or she has a legal basis to enter are covered;
- 6) who has a valid health insurance policy guaranteeing that any costs related to his or her medical treatment as a result of illness or injury during the period of validity of the visa will be met.

(2) A health insurance policy is not required in the cases provided for in § 17<sup>1</sup> of this Act or if the costs relating to the medical treatment of an alien are met by another state or international organisation.

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

#### **§ 10<sup>10</sup>. Grounds for refusal to issue visa**

(1) A visa shall not be issued if:

- 1) the alien does not comply with the conditions for the issue of a visa provided for in § 10<sup>9</sup> of this Act;
- 2) the alien has submitted false information or falsified documents upon application for the visa;
- 3) a prohibition on entry applies with regard to the alien;
- 4) a circumstance which is the basis for application of a prohibition on entry exists in respect of the alien;
- 5) there is doubt that the entry of the alien into Estonia may endanger public order, public safety or national security;
- 6) the alien fails to appear, at the invitation of a consular officer, in the representation in person in order to provide explanations concerning facts which are relevant upon application for the visa or for additional identification;

7) other circumstances precluding issue of the visa become evident.

(2) Issue of a visa may be refused if:

1) the alien has stayed in Estonia for longer than ninety calendar days within six months prior to submission of the visa application;

2) the alien has committed an offence in Estonia;

3) the alien has failed to pay an amount of pecuniary punishment imposed on him or her for an offence committed in Estonia;

4) there is doubt that the purpose of arrival of the alien in Estonia does not correspond to the alleged purpose;

5) there is doubt that the alien does not leave Estonia after the expiry of the visa;

6) there is doubt that the alien may violate the conditions of the visa;

7) there is reason to doubt the trustworthiness of the alien;

8) application for the visa is not justified;

9) an agency within the area of government of the Ministry of Internal Affairs, which is designated by the Minister of Internal Affairs refuses to grant approval for issue of the visa to the alien;

10) other circumstances precluding issue of the visa become evident.

(3) Refusal to issue a visa need not be substantiated.

(23.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 494)

### **§ 10<sup>11</sup>. Application for visa at representation of Estonia**

(1) In order to apply for a visa, an alien shall submit a visa application to a representation of Estonia unless otherwise provided for in this Act.

(2) An alien may submit a visa application to a representation of Estonia by post if the state where the alien permanently stays does not have a representation of Estonia.

(3) A visa application may be submitted to a representation of Estonia also through a representative.

(4) If a representative of an alien is a courier of a governmental authority or a local government agency of the receiving state, a representation or an international organisation, he or she need not submit a document certifying the right to represent the alien.

(5) At the request of a consular officer, an applicant for a visa is required to appear in the representation in person in order to provide explanations concerning facts which are relevant upon application for the visa or for additional identification.

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

### **§ 10<sup>12</sup>. Issue of visa at representation of Estonia**

(1) Issue of a visa or refusal to issue a visa shall be decided by a consular officer.

(2) A consular officer is required to obtain approval for the issue of a visa from an agency within the area of government of the Ministry of Internal Affairs, which is designated by the Minister of Internal Affairs pursuant to the procedure established by the Government of the Republic. If the agency within the area of government of the Ministry of Internal Affairs, which is designated by the Minister of Internal Affairs refuses to grant approval for the issue of the visa, the consular officer shall substantiate his or her decision in the visa register upon issue of the visa.

(23.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 494)

(3) A consular officer shall decide to issue a visa or refuse to issue a visa on the basis of information submitted in the visa application and the documents appended to the visa application and other circumstances known about the person.

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

### **§ 10<sup>13</sup>. Application for visa at border checkpoint**

(1) At a border checkpoint, a visa may be applied for by an alien:

1) who, arising from objective circumstances, could not apply for the visa at a representation of Estonia;

2) who is a crew member if he or she applies for the visa in order to commence or terminate employment as a crew member on board a ship in an Estonian port or commencement of employment on board another ship in an Estonian port;

3) who applies for the issue of the visa on humanitarian grounds;

4) who arrives in Estonia arising from national interests at the invitation of a member of the Government of the Republic;

5) who applies for the issue of the visa for the performance of international obligations of Estonia.

(2) Upon application for a visa at a border checkpoint, an applicant shall submit a visa application in person or through a representative.

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

## **§ 10<sup>14</sup>. Issue of visa at border checkpoint**

(1) Generally, visas are not issued at border checkpoints.

(2) As an exception, issue of a visa or refusal to issue a visa at a border checkpoint shall be decided by the Minister of Internal Affairs. The Minister of Internal Affairs may authorise a higher official of the Ministry of Internal Affairs to decide on the issue of a visa or refusal to issue a visa.

(3) As an exception, issue of a diplomatic visa or refusal to issue a diplomatic visa at a border checkpoint shall be decided by the Minister of Foreign Affairs. The Minister of Foreign Affairs may authorise a higher official of the Ministry of Foreign Affairs to decide on the issue of a diplomatic visa or refusal to issue a diplomatic visa.

(4) The following may be issued at border checkpoints:

1) a single-entry transit visa with a period of stay up to five calendar days;

2) a single-entry short-stay visa with a period of stay up to 15 calendar days.

(5) A visa may be issued to an alien specified in clause 10<sup>13</sup> (1) 1) or 2) of this Act if:

1) he or she complies with the conditions for the issue of visas provided for in § 10<sup>9</sup> of this Act;

2) no circumstances which are the bases for refusal to issue a visa provided for in § 10<sup>10</sup> of this Act exist in respect of him or her;

3) he or she proves the unforeseeable and urgent circumstances for entry in Estonia.

(6) An alien specified in clause 10<sup>13</sup> (1) 3) of this Act shall, upon request, submit documents certifying humanitarian grounds.

(7) Issue of a visa or refusal to issue a visa shall be decided on the basis of information submitted in the visa application and the documents appended to the visa application and other circumstances known about the person.

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

## **§ 10<sup>15</sup>. Formalisation of issue of visa**

Issue of a visa shall be formalised by entry of a visa-sticker in the travel document or on a loose-leaf of the travel document of an alien.

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

## **§ 10<sup>16</sup>. Invitation of alien to Estonia**

(1) The following may be the persons who invite an alien to Estonia (hereinafter in this Chapter sponsor):

- 1) Estonian citizens with active legal capacity staying permanently in Estonia;
- 2) aliens with active legal capacity holding residence permits and staying permanently in Estonia;
- 3) state or local governments agencies;
- 4) legal persons entered in the register prescribed by law in Estonia.

(2) In order to invite an alien into Estonia, a sponsor shall formalise a visa invitation.

(3) By a visa invitation, a sponsor assumes the obligation to host an alien in Estonia, ensure his or her accommodation and to bear the costs of the stay of the alien in Estonia and his or her departure from Estonia, including transportation costs borne in connection with the expulsion of the alien from Estonia.

(4) If the sponsor is a natural person, he or she shall have a residence registered in Estonia.

(5) If a sponsor who is a natural person plans to accommodate an alien in his or her dwelling, he or she shall, at the request of the Citizenship and Migration Board, prove the existence of a dwelling suitable for accommodation.

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

#### **§ 10<sup>17</sup>. Submission of visa invitation**

(1) If the sponsor is a natural person or legal person in private law, a visa invitation shall be submitted to the Citizenship and Migration Board for approval.

(2) A visa invitation of a state or local government agency shall be signed by the head of the state or local government agency.

(3) A visa invitation of a legal person shall be signed in the name of the legal person by a person who has the right of signature, who must be an Estonian citizen with active legal capacity or an alien with active legal capacity staying in Estonia on the basis of a residence permit.

(4) A visa invitation is valid for application for a visa for six months as of the date of approval of the invitation.

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

#### **§ 10<sup>18</sup>. Approval or refusal to approve visa invitation**

(1) The Citizenship and Migration Board shall decide on the approval or refusal to approve a visa invitation.

(2) Approval of a visa invitation shall be refused if:



1) the conditions for the invitation of the alien to Estonia which are provided for in § 10<sup>16</sup> of this Act or the conditions for the submission of a visa invitation which are provided for in § 10<sup>17</sup> of this Act are not complied with;

2) false information has been submitted in the visa invitation or upon approval of the visa invitation or the documents appended to the visa invitation are falsified;

3) the estimated costs of the stay of the alien in Estonia and his or her departure from Estonia exceed the legal income of the sponsor within the preceding six months, from which the subsistence level of the family in kroons for the same period of time has been deducted;

4) the sponsor has refused to submit the documents and information demanded by the Citizenship and Migration Board;

5) the sponsor has earlier failed to perform the obligation specified in subsection 10<sup>16</sup> (3) of this Act;

6) bankruptcy proceedings have been initiated in respect of the sponsor or the sponsor is declared bankrupt;

7) criminal proceedings have been commenced in respect of the sponsor on the basis of a provision of the Penal Code (RT I 2001, 61, 364; 2002, 86, 504; 82, 480; 105, 612; 2003, 4, 22; 83, 557; 90, 601; 2004, 7, 40) the sanction of which prescribes imprisonment;

8) the sponsor has been punished by imprisonment and the punishment has been enforced;

9) there is reason to doubt the trustworthiness of the sponsor and the motives for the invitation of the alien to Estonia;

10) in the case of the alien whom the sponsor wishes to invite to Estonia, a circumstance exists which is the bases for refusal to issue a visa.

(3) If the financial situation of the sponsor clearly enables to bear the estimated costs of the stay of the alien in Estonia and his or her departure from Estonia, the Citizenship and Migration Board may not apply clause (2) 3) of this section.

(4) The Citizenship and Migration Board shall decide on the approval or refusal to approve a visa invitation on the basis of the information set out in the visa invitation and the documents appended to the visa invitation and other circumstances known about the sponsor or the sponsored alien.

(5) At the written request of a sponsor, the Citizenship and Migration Board shall substantiate refusal to approve a visa invitation in writing.

(6) Refusal to approve a visa invitation need not be substantiated if the visa invitation is not approved due to a circumstance specified in clauses (2) 9) or 10) of this section.

(7) The Citizenship and Migration Board shall revoke an approved visa invitation if, before the issue of a visa to an alien, circumstances which would have been the bases for refusal to approve the visa invitation become evident.

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

### **§ 10<sup>19</sup>. Extension of period of stay**

(1) The period of stay determined by a visa is generally not extended.

(2) As an exception, the Citizenship and Migration Board may extend a period of stay if:

1) the President of the Republic, a member of the Board of the Riigikogu<sup>2</sup>, a member of the Government of the Republic, the Legal Chancellor, the Auditor General, the Chief Justice of the Supreme Court or the Commander-in-Chief of the Defence Forces supports extension of the period of stay arising from national interests;

2) a circumstance has arisen which the alien was unaware of before entry into Estonia or a new circumstance has arisen after the issue of the visa and the entry of the alien into Estonia.

(3) *Force majeure*, medical, humanitarian, serious professional grounds or personal reasons which require the continued stay of the alien in Estonia or prevent his or her departure from Estonia are deemed to be circumstances specified in clause (2) 2) of this section.

(4) The Citizenship and Migration Board shall decide to extend a period of stay or refuse extension of a period of stay on the basis of the information submitted in the application for the extension of the period of stay and the documents appended to the application for the extension of the period of stay and other circumstances known about the alien.

(5) Submission of an application for the extension of a period of stay does not constitute a legal basis for the stay of an alien in Estonia and does not postpone the performance of his or her duty to leave Estonia.

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

### **§ 10<sup>20</sup>. Term for submission of application for extension of period of stay**

(1) An application for the extension of a period of stay shall be submitted not later than three working days before the expiry of the period of stay.

(2) As an exception, an alien may submit an application for the extension of a period of stay after the term specified in subsection (1) of this section but not later than on the last day of the period of stay if the alien proves that the reason for application for the extension of the period of stay became evident or arose after the specified term.

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

### **§ 10<sup>21</sup>. Application for extension of period of stay**

(1) In order to apply for extension of a period of stay, an alien or his or her representative shall appear to the Citizenship and Migration Board in person.

(2) In order to apply for the extension of a period of stay, an application for extension of the period of stay shall be submitted.

(3) An alien applying for extension of a period of stay shall have a health insurance policy guaranteeing that any costs related to his or her medical treatment as a result of illness or injury during his or her stay in Estonia will be met. A health insurance policy is not required in the cases provided for in § 17<sup>1</sup> of this Act or if the specified costs are met by another state or international organisation.

(4) Upon application for extension for a period of stay, an alien shall prove the circumstances specified in clause 10<sup>19</sup> (2) of this Act.

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

### **§ 10<sup>22</sup>. Refusal to extend period of stay**

(1) The Citizenship and Migration Board shall refuse extension of a period of stay if:

1) a circumstance which is the bases for refusal to issue a visa provided for in § 10<sup>10</sup> of this Act exists in respect of the alien;

2) an application for the extension of the period of stay is not submitted within the specified term;

3) upon application for the extension of the period of stay, false information or falsified documents have been submitted;

4) the alien fails to submit information and documents at the request of and within the term designated by the Citizenship and Migration Board;

5) there is doubt that the purpose of extension of the period of stay of the alien does not correspond to the actual purpose of the continued stay of the alien in Estonia;

6) an application for the extension of the period of stay submitted by the alien is not substantiated;

7) there is reason to doubt the trustworthiness of the alien or sponsor;

8) the travel document of the alien does not comply with the established requirements;

9) the alien does not hold a valid travel document;

10) other circumstances which preclude extension of the period of stay exist.

(2) Refusal to extend a period of stay need not be substantiated.

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

**§ 10<sup>23</sup>. Formalisation of extension of period of stay**

(1) The Citizenship and Migration Board shall formalise extension of a period of stay by entry of a visa-sticker in the travel document of the alien.

(2) In order to formalise the extension of a period of stay, the applicant or his or her representative shall appear to the Citizenship and Migration Board in person.

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

**§ 10<sup>24</sup>. Premature termination of period of stay**

(1) Upon premature termination of a period of stay, the period of stay permitted by a visa shall be shortened once.

(2) In the case of an alien staying in Estonia on the grounds specified in clauses 5<sup>1</sup> (1) 5) and 6) of this Act, a period of stay may also be terminated prematurely.

(3) A period of stay shall be terminated prematurely by the Ministry of Foreign Affairs, the Citizenship and Migration Board, the Border Guard Administration or a police authority designated by the Minister of Internal Affairs.

(4) A period of stay may be terminated prematurely at any time before entry of the alien into Estonia, at a border checkpoint or during the stay of the alien in Estonia.

(5) A period of stay may be terminated prematurely if:

1) an alien or a person who invited him or her to Estonia lack the required sufficient funds to bear the costs of the stay of the alien in Estonia and his or her departure from Estonia or ensure the accommodation of the alien;

2) the health insurance policy of the alien expires before the expiry of the permitted period of stay;

3) a circumstance which was the basis for the grant or extension of the period of stay has ceased to exist or ended.

(6) The premature termination of a period of stay permitted by a multiple-entry visa does not terminate the period of validity of the visa.

(7) A period of stay of an alien staying in Estonia on the grounds specified in clauses 5<sup>1</sup> (1) 5) and 6) of this Act may be terminated prematurely also if the circumstance specified in subsection 10<sup>25</sup> (4) becomes evident.

(8) Premature termination of a period of stay need not be substantiated.

(9) Upon premature termination of a period of stay before entry of an alien into Estonia or at a border checkpoint, the alien is not permitted into Estonia and shall be returned pursuant to the procedure provided for in the State Borders Act.

(10) Upon premature termination of a period of stay, an alien is required to immediately leave Estonia. The duty to leave may be immediately enforced pursuant to the procedure provided for in the Duty to Leave and Prohibition on Entry Act.

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

### **§ 10<sup>25</sup>. Revocation of visa**

(1) Upon revocation of a visa, the period of validity of the visa shall be terminated prematurely.

(2) A visa shall be revoked by the Ministry of Foreign Affairs, the Citizenship and Migration Board, the Border Guard Administration or a police authority designated by the Minister of Internal Affairs.

(3) A visa may be revoked at any time before entry of the alien into Estonia, at a border checkpoint or during the stay of the alien in Estonia.

(4) A visa shall be revoked if:

1) after the issue of the visa, a circumstance which constitutes a basis for refusal to issue a visa becomes evident or arises;

2) a circumstance which constitutes a basis for issue of the visa has materially changed or ceased to exist;

3) a circumstance which constitutes a basis for application of a prohibition on entry or for refusal of grant of permission to enter into Estonia without the application of a prohibition on entry becomes evident in respect of the alien;

4) the alien is employed in Estonia without a legal basis;

5) the alien has committed an offence during his or her stay in Estonia;

6) other grounds which constitute a basis for revocation of the visa become evident.

(5) Revocation of a visa need not be substantiated.

(6) If an alien enters into Estonia at the invitation of a natural or legal person, the alien is deemed to be notified of revocation of a visa after the notification of the person who invited him or her to Estonia.

(7) Upon revocation of a visa, an alien staying in Estonia is required to immediately leave Estonia. The duty to leave may be immediately enforced pursuant to the procedure provided for in the Duty to Leave and Prohibition on Entry Act.

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

### **§ 10<sup>26</sup>. Visa register**

(1) The state visa register shall be maintained regarding visa applications, visa invitations and applications for extension of a period of stay and regarding the issue and refusal to issue visas, extension, refusal to extend and premature termination of periods of stay, revocation of visas and the border-crossing of aliens temporarily entering into the state and temporarily staying in the state.

(2) The state visa register specified in subsection (1) of this section shall be established by a regulation of the Government of the Republic.

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

### **§ 10<sup>27</sup>. Contestation of visa proceedings**

(1) A complaint may be filed against proceedings regarding the approval of a visa invitation, extension of a period of stay, premature termination of a period of stay and revocation of a visa with an administrative court within ten days after the date on which the procedural act is performed.

(2) Filing of a complaint specified in subsection (1) of this section does not constitute a legal basis for the entry of an alien into Estonia, for the continued stay of an alien in Estonia or does not postpone the performance of the obligation of an alien to leave Estonia.

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

### **§ 10<sup>28</sup>. Organisation of visa affairs**

(1) The following shall be established by a regulation of the Government of the Republic:

1) a list of documents and information to be submitted upon application for the issue of visas, approval of visa invitations and extension of periods of stay;

2) the terms for the issue of and refusal to issue visas, the approval of and refusal to approve visa invitations, the extension of and refusal to extend periods of stay and the premature termination of periods of stay and the revocation of visas;

3) the procedure and terms for the grant of approval upon making decisions on the issue of visas;

4) the rate of funds which are sufficient to cover for the expenses specified in this Chapter and the rate of the amount of insurance coverage indicated in health insurance policies.

(2) The Government of the Republic may enter into visa-free travel agreements with foreign states and forego the visa requirement unilaterally.

(3) The following shall be established by a regulation of the Minister of Internal Affairs:

- 1) the format and requirements for the completion of visa invitations;
- 2) the format and requirements for the completion of applications for extension of a period of stay.

(4) The following shall be established by a regulation of the Minister of Foreign Affairs:

- 1) a list of the states the citizens of which or the holders of the travel documents issued by which need airport transit visas;
- 2) the procedure for the issue, extension and revocation of diplomatic visas and service visas;
- 3) the format and requirements for the completion of visa applications;
- 4) the format of visa stickers.

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

#### **§ 10<sup>29</sup>. Organisation of exchange of information relating to uniform visa**

(1) Exchange of information relating to the uniform visa shall be organised by the Ministry of Internal Affairs or a governmental authority within the area of government of the Ministry of Internal Affairs, which is designated by the Minister of Internal Affairs.

(2) In Estonia, exchange of information relating to the uniform visa shall be organised through the visa register.

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

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

#### **Residence Permit and Work Permit**

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

#### **§ 11. Residence permits**

(1) Residence permits are:

- 1) temporary, which are issued for a term of up to five years;
- 2) permanent.

(1<sup>1</sup>) Upon determination of the period of validity of a temporary residence permit, the proof of the circumstances which are the basis for the issue or extension of the residence permit or other circumstances which are relevant to the matter and the possibility that such circumstances may change during the period of validity of the residence permit to be issued or extended shall be taken into account.

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

(2) A temporary residence permit shall be extended on the basis of an application of an alien if the basis for the issue of the residence permit has not ceased to exist, and there is no basis to refuse to extend the residence permit and if the extension of the residence permit is justified.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

(3) The validity of a temporary residence permit issued to an alien who has stayed in Estonia permanently for a period of at least ten years on the basis of temporary residence permit is five years, and such permit is extended on application of the alien for further periods of five years, except where the alien applies for a temporary residence permit or extension thereof for a shorter period.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(4) In order to submit an application for a temporary residence permit and for entry of information concerning a permanent residence permit in a travel document, an alien shall address a competent agency in person.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

### **§ 11<sup>1</sup>. Application for residence permit**

(1) An alien may submit an application for a temporary residence permit to a representation of Estonia which, after identification of the applicant, shall forward it to the Citizenship and Migration Board for processing.

(2) The following may apply for a temporary residence permit at the Citizenship and Migration Board:

- 1) Estonians and their spouses and minor children;
- 2) the spouses and minor children of Estonian citizens;
- 3) children under one year of age descending from aliens who reside in Estonia on the basis of a residence permit;
- 4) aliens for activities in the framework of an international program of co-operation involving agencies with state or local government participation;
- 5) aliens who stay in Estonia on the basis of a temporary residence permit and apply for a new temporary residence permit;



6) aliens to whom the Citizenship and Migration Board has granted such permission as an exception on the condition that they are unable to apply for a residence permit at a representation of Estonia for good reason;

7) aliens to whom the Minister of Internal Affairs has, on the basis of a reasoned proposal of a member of the Government of the Republic, granted a permission therefor on the grounds that their entry into Estonia is necessary in the national interests;

8) aliens who are citizens of a state with whom Estonia has entered into an agreement for visa-free travel or whose citizens are unilaterally relieved of the visa requirement in Estonia, and the spouses and children of the specified aliens;

9) aliens specified in subsections 6 (3) and (4) of this Act and their spouses and minor children;

10) aliens who settled in Estonia before 1 July 1990 and have not thereafter left Estonia to reside in another country and to whom issue of a residence permit or extension of a residence permit has not been refused or whose residence permit has not been revoked.

(3) An alien who has a residence permit for study and who is applying for a residence permit for taking employment does not have the right specified in clause (2) 5) of this section.

(4) An alien is required to provide evidence in proof of the circumstances specified in clauses (2) 6) and 10) of this section.

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

## **§ 12. Bases for issue of residence permits**

(1) A temporary residence permit may be issued to aliens:

1) for employment;

1<sup>1</sup>) for enterprise;

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

2) for study in an educational institution according to the application of the educational institution;

3) in order to settle with a close relative permanently resident in Estonia;

4) whose permanent legal income ensures their subsistence in Estonia;

(12.06.2002 entered into force 01.10.2002 - RT I 2002, 56, 351)

5) whose application for a residence permit is based on an international agreement.

(2) A temporary residence permit may be issued to an alien who is married to a person permanently resident in Estonia.

(2<sup>1</sup>) A temporary residence permit shall be issued to an alien who has served in the armed forces of a foreign state, has been assigned to the reserve forces thereof or has retired therefrom and to whom the "Agreement between the Republic of Estonia and the Russian Federation on Social Guarantees for Pensioners of the Armed Forces of the Russian Federation in the Territory of the Republic of Estonia" (RT II 1995, 46, 203) applies, and to the spouse or minor children of the alien; the temporary residence permit shall be extended if the alien does not pose a threat to the national security.

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

(2<sup>2</sup>) A temporary residence permit may be issued to the widow or widower of an alien specified in subsection (2<sup>1</sup>) of this section and his or her adult children. A permanent residence permit may be issued to the specified persons if they meet the conditions provided for in subsection (3) and (3<sup>2</sup>) of this section.

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

(2<sup>3</sup>) Subsection 20 (1) of this Act does not apply to an alien specified in subsection (2<sup>1</sup>) of this section or the spouse or minor children of the alien.

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

(3) A permanent residence permit may be issued to an alien who has resided in Estonia on the basis of a temporary residence permit for at least three years within the last five years and who has a valid residence permit, a residence in Estonia and permanent legal income for subsistence in Estonia, unless otherwise provided by this Act. A permanent residence permit shall not be issued to an alien who has received a residence permit in Estonia pursuant to clauses (1) 1) or 2) of this section or to a person specified in subsection (2<sup>1</sup>) of this section.

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

(3<sup>1</sup>) A permanent residence permit may be issued to a minor child of an Estonian citizen residing in Estonia or an alien residing in Estonia on the basis of a permanent residence permit unless the child resides in a foreign state and wishes to settle in Estonia.

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

(3<sup>2</sup>) As an additional condition for extension of residence permits and issue of permanent residence permits, the aliens are required to enter their residence in Estonia in the population register.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(4) A residence permit shall not be issued to or extended for an alien if:

- 1) he or she has submitted false information (including information concerning his or her earlier activities) upon application for a visa, residence permit or work permit or upon application for extension thereof;
- 2) he or she does not observe the constitutional order and laws of Estonia;
- 3) his or her activities have been or are or there is good reason to believe that such activities have been or are directed against the Estonian state and its security;
- 4) he or she has incited or incites, or there is good reason to believe that he or she has incited or incites racial, religious or political hatred or violence;
- 5) he or she has committed a criminal offence for which he or she has been sentenced to imprisonment for a term of more than one year and his or her criminal record has neither expired nor been expunged, or the information concerning the punishment has not been expunged from the punishment register;
- 6) he or she is in the active service of the armed forces of a foreign state;
- 7) he or she has served as a professional member of the armed forces of a foreign state or has been assigned to the reserve forces thereof or has retired therefrom;
- 8) he or she has been repeatedly punished pursuant to criminal procedure for an intentionally committed criminal offence;
- 9) there is information or good reason to believe that he or she belongs to a criminal organisation, that he or she is connected with the illegal conveyance of narcotics, psychotropic substances or persons across the border, that he or she is a member of a terrorist organisation or has committed an act of terrorism, or that he or she is involved in money laundering;
- 10) he or she is or there is good reason to believe that he or she is employed by an intelligence or security service of a foreign state, or he or she has or there is good reason to believe that he or she has been employed by an intelligence or security service of a foreign state, and his or her age, rank or other circumstances do not preclude his or her conscription into service in the security forces or armed forces or other armed units of his or her country of nationality;
- 11) he or she has received or there is good reason to believe that he or she has received special training in landing operations, or in diversion or sabotage activities, or other special training, and if the knowledge and skills acquired in the process of such training can be directly applied in the formation or training of illegal armed units;
- 12) he or she has or there is good reason to believe that he or she has participated in punitive operations against civil population;
- 13) there is good reason to believe that he or she has committed a crime against humanity or a war crime;

14) he or she is the spouse or a minor child of a person specified in clauses 6), 7), 10), 11) or 12) of this subsection;

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

15) prohibition on entry applies to him or her.

(5) As an exception, temporary residence permits may be issued to aliens listed in clauses (4) 5)–8) and 14) of this section and such residence permits may be extended if the circumstances specified in clauses (4) 1)–4), 9)–13) or 15) of this section have not been ascertained with regard to such aliens.

(6) The circumstances listed in clauses (4) 1)–4), 6) and 8)–13) of this section shall be considered as a threat to the security of the Estonian state.

(21.09.99 entered into force 01.10.99 - RT I 1999, 71, 686)

(7) Clauses (4) 6), 7) and 10) of this section do not extend to citizens of the member states of the European Union or NATO and clause (4) 14) of this section does not extend to the spouses or minor children of such citizens.

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

(8) Issue of a residence permit shall be refused if the immigration quota has been fulfilled by the time a decision in respect of the application is made.

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

(9) Issue and extension of a residence permit shall be refused if:

- 1) the basis for issue or extension of the residence permit has ceased to exist;
- 2) the alien does not comply with the requirements established by this Act for the issue or extension of residence permits;
- 3) the application for the issue or extension of a residence permit is not justified;
- 4) a person has committed to leaving the Republic of Estonia, has received a residential space abroad within the framework of an international aid programme or has received support for leaving Estonia.

(06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

(10) Issue of a residence permit to or extension of a residence permit of an alien may be refused if:

- 1) a circumstance which is the basis for application of a prohibition on entry exists in respect of the alien;

2) there is reason to believe that his or her stay in Estonia may endanger public order, public safety, moral standards or the rights or interests of other persons;

3) the alien has committed an offence in Estonia or in a foreign state;

4) the alien has violated the conditions for aliens regarding entry into Estonia, stay in Estonia, departure from Estonia, employment in Estonia or crossing the state border;

5) there is reason to believe that the purpose of entry of the alien into Estonia does not correspond to the alleged purpose;

6) there is reason to believe that the alien does not depart from Estonia upon expiry of the basis of stay;

7) the alien has failed to pay an amount of pecuniary punishment imposed on him or her for an offence committed in Estonia;

8) the alien has failed to pay for the costs of stay of the alien in Estonia or his or her departure from Estonia.

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

(11) If several applications for a residence permit are processed regarding an alien at the same time, the decision shall be made regarding only one application for a residence permit chosen by the alien. If the alien fails to notify an administrative authority which is competent to make a decision of the application for a residence permit on which the decision should be made, the decision shall be made regarding the application for a residence permit which was last submitted and the remaining applications for residence permits shall not be reviewed.

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

## **§ 12<sup>1</sup>. Issue of residence permit to settle with spouse**

(1) A temporary residence permit may be issued to an alien to settle with his or her spouse who resides in Estonia permanently and who is an Estonian citizen or to settle with his or her spouse who is an alien who has resided in Estonia for at least five years on the basis of a permanent residence permit if the spouses share close economic ties and a psychological relationship, if the family is stable and the marriage is not fictitious, and if the application for a residence permit is justified.

(1<sup>1</sup>) In the cases specified in clauses 13<sup>2</sup> (1) 1)-7) or subsection 13<sup>2</sup> (1<sup>1</sup>) of this Act, a temporary residence permit may be issued to an alien to settle with a spouse provided that the spouse has received a residence permit for employment, a residence permit for enterprise or a residence permit for study in doctorate study.

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

(1<sup>2</sup>) The requirement to reside in Estonia permanently does not apply to a spouse who is an Estonian citizen for the purposes of settling with whom the residence permit is applied for if the family settles in Estonia together.

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

(1<sup>3</sup>) In the case specified in subsection (1<sup>1</sup>) of this section, the period of validity of a residence permit issued to an alien shall not exceed the period of validity of a residence permit of the spouse for the purposes of settling with whom the residence permit was issued.

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

(2) If an alien applies to settle with his or her spouse who resides in Estonia, his or her spouse must have permanent legal income to ensure that the family is maintained in Estonia or the joint permanent legal income of the spouses must ensure that the family is maintained in Estonia, the family must have a registered residence and an actual dwelling in Estonia, and the alien must have an insurance contract guaranteeing that any costs related to his or her medical treatment as a result of illness or injury during the period of validity of the residence permit applied for will be met.

(2<sup>1</sup>) In the case specified in subsection (1<sup>1</sup>) of this section, the provisions of subsection (2) of this section regarding a registered residence and an actual dwelling do not apply as conditions for the issue of a residence permit.

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

(3) The validity of a temporary residence permit issued to an alien who has been married for less than three years to a person who legally resides in Estonia shall not exceed one year, and the residence permit may be extended in each of the following three years for not longer than one year at a time. The validity of a residence permit issued to an alien who has been married for at least three years to a person who legally resides in Estonia shall not exceed three years, and the residence permit shall be extended for not longer than three years at a time.

(3<sup>1</sup>) An alien is required to register his or her residence in Estonia in the population register within one month after entry in Estonia or commencement of stay in Estonia on the basis of a residence permit.

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

(4) The issue of a residence permit to settle with a spouse who legally resides in Estonia shall be refused if the spouse who resides in Estonia or the alien who applies for the residence permit does not meet the conditions provided by law, if any other condition for the issue of a residence permit is not complied with, if the application for the residence permit is not justified or other circumstances exist which are the bases for refusal to issue a residence permit.

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

(5) An application for a residence permit to settle with a spouse who is an Estonian citizen may be considered to be unjustified if it is possible for the spouse who resides in Estonia to settle in the country of nationality or country of habitual residence of his or her spouse or if it is possible for the spouses to settle in another country.

(6) A residence permit issued to settle with a spouse may be extended if the marriage and the income of the family comply with the requirements specified in subsections (1) and (2) and there are no grounds for refusal to extend the residence permit.

(7) An application for a residence permit to settle with a spouse who resides in Estonia and who is an alien shall be considered to be unjustified if the alien who applies for the residence permit and the spouse for the purposes of settling with whom the residence permit is applied for do not prove that it is not possible for them to settle in the country of their common nationality or in the country of nationality or country of habitual residence of the alien who applies for the residence permit.

(8) A residence permit to settle with a spouse shall be revoked or the extension thereof shall be refused if:

- 1) the basis or grounds for the issue of the residence permit have ceased to exist;
- 2) the marriage has been terminated;
- 3) one or both spouses do not reside in Estonia permanently;
- 4) at least of the conditions specified in subsection (2) is not complied with.

(9) A residence permit issued to settle with a spouse may be revoked on the basis specified in subsection (8) within four years after the issue of the residence permit.

(10) An alien who has been issued a residence permit to settle with his or her spouse may be issued a permanent residence permit on the conditions specified in subsection 12 (3) provided that the marriage has lasted for at least five years.

(11) A temporary residence permit issued to settle with a spouse shall be revoked concurrently with the revocation of the residence permit of the spouse for the purposes of settling with whom the residence permit was issued.

(12.06.2002 entered into force 01.10.2002 - RT I 2002, 56, 351)

(12) The spouse for the purposes of settling with whom the residence permit was issued to an alien has the obligations of a sponsor provided for in § 16<sup>1</sup> of this Act.

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

## **§ 12<sup>2</sup>. Issue of residence permits for study**

(1) A residence permit for study may be issued to an alien for study in a primary school, basic school, upper secondary school, vocational educational institution, university or institution of applied higher education, for participation in pre-degree

foundation courses offered by such institutions, for research or exploratory research at a university or institution of applied higher education or for participation in field training intermediated by an international students' organisation (hereinafter study).

(2) Upon application for a residence permit for study, the relevant educational institution or international students' organisation shall provide the Citizenship and Migration Board with documentary evidence in proof of the alien commencing his or her studies indicating the title and estimated period of the study, course, research, exploratory research or field training.

(3) An alien may be issued a residence permit for study for up to one year but not for a longer time than the estimated period of his or her study.

(4) Aliens who are issued residence permits for study are exempt from the immigration quota.

(5) An alien may be issued a residence permit for study if the alien has permanent legal income for subsistence in Estonia, dwelling in Estonia and an insurance contract guaranteeing that any costs related to his or her medical treatment as a result of illness or injury during the period of validity of the residence permit applied for will be met.

(5<sup>1</sup>) Clause 5 (4) 5) of the Health Insurance Act does not apply to an alien who has received a residence permit for study.

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

(6) An alien is required to register his or her residence in Estonia in the population register within one month after entry in Estonia or commencement of stay in Estonia on the basis of a residence permit.

(7) The Citizenship and Migration Board may refuse issue of a residence permit if the conditions provided in subsections (1), (2) and (5) of this section are not fulfilled or other circumstances exist which are the bases for refusal to issue a residence permit.

(8) A residence permit for study may be extended for a period of up to one year if the alien continues his or her studies, the conditions specified in subsections (1), (2), (5) and (6) of this section are continually fulfilled, he or she has actual residence in Estonia and no circumstances exist which are the bases for refusal to issue a residence permit. The validity of a residence permit for study shall not exceed a total of six years.

(9) Extension of a residence permit issued for study is refused or the residence permit is revoked if the basis for issue of the residence permit has ceased to exist, the alien does not fulfil the conditions specified in subsections (1), (2), (5) and (6) of this section, other bases to refuse extension of a residence permit or revoke a residence permit exist in respect of him or her, or the alien has failed to perform an obligation arising from this Act or other legislation.

(10) An alien who has been issued a residence permit for study may take employment in Estonia without a work permit in order to participate in practical training pursuant



to the curriculum or to participate in the field training specified in subsection (1) of this section.

(11) In cases not provided in subsection (10) of this section, an alien who has been issued a residence permit for study may take employment in Estonia only on the basis of a work permit and only outside of school hours on condition that such employment does not interfere with the alien's studies.

(12) If an alien has stayed in Estonia on the basis of a residence permit for study and he or she is later issued a residence permit on different grounds, then the alien's period of residence in Estonia on the basis of the residence permit for study shall not be included in the requisite period of residence in Estonia necessary for application for a permanent residence permit.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(13) An educational institution for the purposes of studying in which the residence permit was issued to an alien has the obligations of a sponsor provided for in § 16<sup>1</sup> of this Act.

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

(14) An educational institution for the purposes of studying in which a residence permit was issued to an alien has the right to represent the alien who is less than 15 years of age in proceedings regarding his or her stay in Estonia and departure from Estonia if the legal representative of the alien does not stay in Estonia.

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

### **§ 12<sup>3</sup>. Issue of residence permits to settle with close relative residing in Estonia**

(1) A temporary residence permit may be issued to the following aliens to settle with a close relative who is an Estonian citizen or to settle with a close relative who is an alien who has resided in Estonia for at least five years on the basis of a permanent residence permit:

- 1) to a minor child in order to settle with a parent who permanently resides in Estonia;
- 2) to an adult child in order to settle with a parent who permanently resides in Estonia if the child is unable to cope independently due to health reasons or a disability;
- 3) to a parent or grandparent in order to settle with his or her adult child or grandchild who permanently resides in Estonia if the parent or grandparent needs care which it is not possible for him or her to receive in the country of his or her location or in another country and if his or her permanent legal income or the permanent legal income of his or her child or grandchild who legally resides in Estonia ensures that the parent or grandparent will be maintained in Estonia;

4) to a person under guardianship in order to settle with the guardian who permanently resides in Estonia if the permanent legal income of the guardian ensures that the person will be maintained in Estonia.

(1<sup>1</sup>) In the cases specified in clauses (1) 1), 2) and 4) of this section, a temporary residence permit may be issued to an alien to settle with a close relative provided that the close relative for the purposes of settling with whom the residence permit is applied for has received a temporary residence permit.

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

(1<sup>2</sup>) In the case specified in subsection (11) of this section, the period of validity of a residence permit issued to an alien shall not exceed the period of validity of a residence permit of the close relative for the purposes of settling with whom the residence permit was issued.

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

(2) Upon the issue of a residence permit in the case specified in clause (1) 1), the rights and interests of the minor child shall be taken into consideration above all. A residence permit shall not be issued if the settling of the child in Estonia would damage his or her rights and interests and if his or her legal, financial or social status may deteriorate as a result of settling in Estonia.

(3) A close relative for the purposes of settling with whom a residence permit is applied for must have a registered residence and an actual dwelling in Estonia and he or she shall bear all the costs related to the care and medical treatment of the alien specified in clauses (1) 2)-4).

(3<sup>1</sup>) In the case specified in subsection (1<sup>1</sup>) of this section, the provisions of subsection (3) of this section regarding a registered residence and an actual dwelling do not apply as prerequisites for the issue of a residence permit provided that the alien and the close relative for the purposes of settling with whom the residence permit is applied for enter into Estonia together.

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

(4) An alien specified in clauses (1) 2)-4) shall have an insurance contract guaranteeing that any costs related to his or her medical treatment as a result of illness or injury during the period of validity of the residence permit applied for will be met.

(4<sup>1</sup>) An alien is required to register his or her residence in Estonia in the population register within one month after entry in Estonia or commencement of stay in Estonia on the basis of a residence permit.

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

(4<sup>2</sup>) An alien specified in clauses (1) 2) and 3) of this section shall not be employed in Estonia and a work permit shall not be issued to him or her.

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

(5) The issue of a residence permit to settle with a close relative who resides in Estonia shall be refused if the close relative who resides in Estonia or the alien who applies for the residence permit does not meet the conditions provided by law, if any other condition for the issue of a residence permit is not complied with, if the application for the residence permit is not justified or other circumstances exist which are the bases for refusal to issue a residence permit.

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

(6) A residence permit issued to settle with a close relative residing in Estonia shall be revoked or the extension thereof shall be refused if:

- 1) the basis or grounds for the issue of the residence permit have ceased to exist;
- 2) the close relative for the purposes of settling with whom the residence permit was issued or the alien does not reside in Estonia permanently;
- 3) the close relative for the purposes of settling with whom the residence permit was issued fails to ensure that the alien specified in clauses (1) 2)-4) is maintained in Estonia or if the condition specified in subsection (3) or (4) is not complied with.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(7) The residence permit of a minor child shall not be revoked and extension thereof shall not be refused if this does not correspond to the rights and interests of the child.

(8) An alien who has been issued a residence permit to settle with a close relative may be issued a permanent residence permit under the conditions specified in subsection 12 (3) provided that the alien has resided in Estonia on the basis of a permanent residence permit for at least five years, unless otherwise provided by law.

(9) A temporary residence permit issued to settle with a close relative shall be revoked concurrently with the revocation of the residence permit of the close relative for the purposes of settling with whom the residence permit was issued.

(10) The provisions of subsection (6) do not apply to an alien specified in clause (1) 1) after he or she has become an adult.

(12.06.2002 entered into force 01.10.2002 - RT I 2002, 56, 351)

(11) The close relative for the purposes of settling with whom the residence permit was issued to an alien has the obligations of a sponsor provided for in § 16<sup>1</sup> of this Act.

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

**§ 12<sup>4</sup>. Issue of residence permits to aliens whose legal income ensures their subsistence**

(1) A temporary residence permit may be issued for up to two years to an alien whose legal income ensures his or her subsistence if the issue of the residence permit is justified and does not damage the interests of the Estonian state and provided that no circumstance which constitutes the basis for refusal to issue such residence permit exists in respect of the alien. A work permit shall not be issued to such alien for employment in Estonia.

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

(2) The residence permit of an alien specified in subsection (1) of this section may be extended by two years if upon the extension of the residence permit the legal income of the alien ensures his or her subsistence and the issue of the residence permit is justified and does not damage the interests of the Estonian state and provided that no circumstance which constitutes the basis for refusal to issue such residence permit exists in respect of the alien.

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

(3) The additional conditions for the issue of a residence permit specified in subsection (1) of this section are the existence of an actual dwelling in Estonia and an insurance contract guaranteeing that any costs related to his or her medical treatment as a result of illness or injury during the period of validity of the residence permit applied for will be met.

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

(4) An alien is required to register his or her residence in Estonia in the population register within one month after entry in Estonia or commencement of stay in Estonia on the basis of a residence permit.

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

### **§ 13. Legal bases for taking employment in Estonia**

(1) An alien is required to have a residence permit for employment or a work permit for activity in Estonia on the basis of an employment contract or other contract, and for other activities for the benefit of other persons where obtaining gain or any other proprietary benefit can be presumed, regardless of the type or form of the contract on which such activity is based, and the location of the seat or residence of the other party (hereinafter employment), unless otherwise provided by law or an international contract.

(2) An alien who has no legal basis to stay in Estonia is prohibited from taking employment in Estonia.

(3) An alien who does not have a residence permit for employment or a work permit or who has not registered his or her employment pursuant to the prescribed procedure is prohibited from taking employment in Estonia, except in the cases directly referred to in law or an international agreement.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

### **§ 13<sup>1</sup>. Work permit**

(1) A work permit is a permit by which an alien is granted the right to take employment in Estonia during the period determined by the permit.

(2) The Citizenship and Migration Board may issue a work permit to an alien who has a residence permit. The validity of a work permit issued to an alien shall not exceed the validity of his or her residence permit. The validity of a work permit may be extended until the end of the validity of the residence permit.

(3) The Citizenship and Migration Board shall refuse to issue or extend a work permit if the alien lacks a permit for residence in Estonia or if other circumstances exist which are the bases for refusal to issue a work permit.

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

(4) Employment in Estonia without a work permit is permitted to an alien who:

- 1) has a permanent residence permit;
- 2) is imprisoned, during his or her stay in prison;
- 3) has a residence permit for employment, on the conditions determined by the permit;
- 4) is a member of a locomotive crew, belongs to the service personnel of a locomotive or train, or is a driver of a motor vehicle engaged in the carriage of passengers or goods involving the crossing of the national border, provided that the alien does not have a residence in Estonia, his or her employer does not have a location of activities of the undertaking and a legal basis exists for the alien's stay in Estonia.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

### **§ 13<sup>2</sup>. Short-time employment in Estonia**

(1) An alien who has a legal basis to stay in Estonia, except for a residence permit, whose employment has been registered with the Citizenship and Migration Board pursuant to the procedure provided by a regulation of the Minister of Internal Affairs before employment commences, and whose time of employment does not exceed the period of six months per year may be permitted to take employment in Estonia without being issued a work permit or a residence permit in the following cases:

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

- 1) for employment as a teacher or lecturer in an educational institution which complies with the requirements established by legislation, by invitation of the educational institution;

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

2) for artistic activities or scientific research, if the alien has appropriate professional training or experience for such activities;

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

4) for making a direct investment, foundation of a branch of a foreign company in Estonia, or performance, by way of rotation, of the right of representation or directing functions in a company registered in Estonia and belonging to an international group of undertakings;

5) in the capacity of a sportsman, coach, referee or sports official in order to engage in professional activities, by invitation of a corresponding sports federation;

6) for employment as an expert, adviser or consultant, provided that the alien has appropriate professional training for such activities;

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

6<sup>1</sup>) for employment as an installer of equipment or a skilled worker if the alien has acquired professional training therefor and it is necessary that the alien works in Estonia, arising from national interests, on the proposal of a member of the Government of the Republic on the basis of a decision of the Minister of Internal Affairs;

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

7) for activities in the framework of an international program of co-operation involving agencies with state or local government participation;

8) for participation in seasonal work involving the processing of primary agricultural products;

9) for employment as *au pair* or domestic help;

10) for employment for vocational training purposes by way of field training;

11) for employment as service personnel of a diplomatic representation of a foreign state, by permission of the Ministry of Foreign Affairs.

(1<sup>1</sup>) An alien who has a legal basis to stay in Estonia, except for a residence permit, may be permitted to take employment in Estonia without being issued a work permit or a residence permit and without registering short-time employment in the Citizenship and Migration Board for a period of up to six months as a member of the management body of a legal person registered in Estonia with the duty to perform directing or supervisory functions.

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

(2) The Citizenship and Migration Board refuses to register an alien's employment in Estonia or revokes the registration of an alien's employment in Estonia if the alien does not fulfil the conditions provided in subsection (1) of this section.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(3) An alien who has a legal basis to stay in Estonia, except for a residence permit, whose employment has been registered with the Citizenship and Migration Board pursuant to the procedure provided by a regulation of the Minister of Internal Affairs before employment commences may be permitted to take short-time employment in Estonia without being issued a work permit or a residence permit under the conditions provided for in an international agreement.

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

(4) In the cases and under the conditions provided for in an international agreement ratified by the Riigikogu, an alien need not register his or her short-time employment.

(23.03.2005 entered into force 24.04.2005 - RT I 2005, 20, 128)

### **§ 13<sup>3</sup>. Issue of residence permits for employment**

(1) For taking employment on the basis of a residence permit, an alien is granted the right to stay in Estonia for the purpose of employment on the conditions determined by the residence permit.

(2) A residence permit for employment may be issued to an alien for employment with an employer registered in Estonia if the vacant position has not been filled, within the period of two months, by way of public competition and making use of the services of a state employment agency, by employing an Estonian citizen or an alien residing in Estonia on the basis of a residence permit who meets the requirements for qualifications and professional skills for such position as stated by the employer.

(3) At the request of an employer, the Labour Market Board may grant the employer permission for filling the position by employing an alien if the employer has failed, on the conditions and pursuant to the procedure provided in subsection (2) of this section, to find a suitable candidate and, considering the situation in the labour market, filling the position with an alien is justified.

(4) An employer who wishes to fill a position by employing an alien shall obtain permission therefor from the Labour Market Board and confirm his intention to employ the alien to the Citizenship and Migration Board, after which the Citizenship and Migration Board may, in co-ordination with the Labour Market Board, issue a residence permit for employment to the alien for the purpose of assuming the said position, provided that the alien has the requisite qualifications, training, state of health, work experience, necessary professional skills and knowledge to assume such position, that the issue of a residence permit to the alien is justified and that no other circumstances exist in respect of the alien which are the basis for refusal of issue of the residence permit to the alien.

(5) A residence permit for employment shall be issued for the period during which the employer guarantees employment in Estonia to an alien but not for longer than two years.

(6) The conditions on which an alien is permitted to take employment in Estonia shall be determined by the residence permit for employment which shall set out, as a minimum requirement, the name of the employer, the place of work and the position. A residence permit for employment is not valid for taking employment in Estonia unless the conditions on which the alien is permitted to take employment in Estonia are set out therein.

(7) In order to be issued a residence permit for employment, the salary or wage earned by an alien must be sufficient for his or her subsistence in Estonia.

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

(8) An alien is required to register his or her residence in Estonia in the population register within one month after entry in Estonia or commencement of stay in Estonia on the basis of a residence permit.

(9) A residence permit for employment may be extended if the alien continues to meet the conditions on which he or she was issued the residence permit, the alien has actual residence in Estonia and the alien's previous activities have been in compliance with the requisite conditions set for issue of the residence permit.

(10) Issue of a residence permit for employment is refused if the conditions provided in subsections (2)–(4) and (7) of this section have not been met, the employer has tax arrears or a punishment in force for allowing illegal employment, if the employer has failed to perform a notification obligation provided by law or other justified cause to doubt the employer's trustworthiness becomes known, or other circumstances exist in respect of the alien which are the basis for refusal of issue of the residence permit.

(11) Extension of a residence permit for employment is refused or a residence permit is revoked if circumstances exist which are the basis for refusal of issue or extension of the residence permit, the alien has failed to perform an obligation arising from this Act or other legislation, or a condition for employment determined by the residence permit has changed.

(12) The Citizenship and Migration Board may issue, without application of subsections (2)–(4) of this section, a residence permit for employment to an alien:

1) who is a minister of a religion, nun or monk, or with the approval of the Ministry of Internal Affairs, is invited by a religious association;

2) who is a journalist accredited by the Ministry of Foreign Affairs;

3) whose right to take employment in Estonia without a work permit arises from an international agreement;



4) under the conditions specified in clauses 13<sup>2</sup> (1) 1)-7) and 11) and subsection 13<sup>2</sup> (1<sup>1</sup>);

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

5) a posted worker for the purposes of the Working Conditions of Workers Posted in Estonia Act.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 134)

(13) In addition to the conditions specified in subsection (6) of this section, the employer's representative and the natural or legal person for which the service in Estonia is provided will be designated in the alien's residence permit for work, if the alien is a posted worker for the purposes of the Working Conditions of Workers Posted in Estonia Act.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 134)

(14) The employer for the purposes of whose employment the residence permit was issued to an alien has the obligations of a sponsor provided for in § 16<sup>1</sup> of this Act.

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

#### **§ 13<sup>4</sup>. Issue of residence permits for enterprise**

(1) A residence permit for enterprise may be issued to an alien who has a holding in a company or who operates as a sole proprietor, provided that the company or the sole proprietorship is entered in the commercial register of Estonia, and that based on the interests of the state, the intended enterprise is necessary for the development of Estonian economy, and the alien's settling in Estonia is of essential importance to the enterprise.

(2) A residence permit for enterprise may be issued to an alien who has sufficient monetary resources for engaging in enterprise in Estonia, including capital in the amount of at least 1 000 000 kroons controlled by the alien invested in business activities in Estonia, and a business plan which describes the nature and extent of the intended business activities, and sets out the number, requisite qualifications and skills of the staff needed for such activities. The amount of capital which an alien must invest in Estonia in order to be granted permission to operate as a sole proprietor is at least 250 000 kroons.

(3) The Citizenship and Migration Board may issue a residence permit for enterprise to an alien if the conditions specified in subsections (1) and (2) of this section have been met, the alien's permanent legal income ensures his or her subsistence in Estonia and the alien has an insurance contract guaranteeing that any costs related to his or her medical treatment as a result of illness or injury during the period of validity of the residence permit applied for will be met.

(4) An alien is required to register his or her residence in Estonia in the population register within one month after entry in Estonia or commencement of stay in Estonia on the basis of a residence permit.

(5) An alien who has been issued a residence permit for enterprise shall not be employed by another person in Estonia. An alien who has been issued a residence permit for enterprise for the purpose of participation in a company may be employed by the company indicated in the residence permit for performance of directing functions.

(6) A residence permit for enterprise shall set out the areas of activity permitted to the alien and where necessary, also the licensed territory.

(7) An alien who has been issued a residence permit for enterprise is required to inform the Citizenship and Migration Board of any change to the circumstances specified in subsection (1) and (2) of this section on the basis of which the residence permit was issued, of difficulties in the performance of assumed duties or impossibility to perform assumed duties.

(8) A residence permit for enterprise may be extended if the alien continues to meet the conditions on which he or she was issued the residence permit, the alien has actual residence in Estonia and the alien's previous activities have been in compliance with the requisite conditions set for issue of the residence permit.

(9) Issue or extension of a residence permit for enterprise is refused or a residence permit is revoked if the conditions for issue or extension of a residence permit are not met or the alien, the business plan submitted by him or her, the alien's business associates or the financial resources stated by him or her are not trustworthy.

(10) Extension of a residence permit for enterprise is refused or a residence permit is revoked if the alien's previous business activities are not in compliance with the business plan or the conditions provided for in subsection (2) of this section, or the alien has failed to perform an obligation arising from this Act or other legislation.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

### **§13<sup>5</sup>. Refusal to review application for residence permit**

An application for a residence permit is deemed to be clearly unfounded and its contents shall not be reviewed if the following circumstances become evident:

1) the alien has been refused issue of a residence permit on the basis of this Act or the Refugees Act and the applicant has not produced any new essential evidence of which the alien was unaware during proceedings regarding the previous application;

2) the alien has submitted an application for a residence permit in order to avoid the enforcement of return, expulsion or extradition procedure, provided that earlier application for a residence permit had been possible;

3) the alien has not provided credible evidence regarding the reason for application for a residence permit;

4) the explanations of the alien or a person specified in subsection 15<sup>1</sup> (3) of this Act are inconsistent, conflicting, improbable or lacking in circumstantial or personal details;

5) a basis for refusal to review an application provided in the Administrative Procedure Act has become evident;

6) the alien is not required to hold a residence permit in Estonia.

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

### **§13<sup>6</sup>. Filing of complaints**

(1) A complaint may be filed against a decision on the issue, refusal to issue, the extension or refusal to extend or revocation of a residence permit or work permit or a decision on the refusal to review an application with an administrative court or such decision may be challenged within ten days after the date of notification of the decision. A decision on the challenge may be appealed in an administrative court within the same term.

(2) If making a decision on the issue of, refusal to issue, the extension of or refusal to extend a residence permit is within the competence of the Government of the Republic, a challenge cannot be filed.

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

### **§ 14. Expiry and revocation of residence permits and work permits**

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(1) A residence permit or work permit expires:

1) on the date of expiry;

2) upon the grant of Estonian citizenship to an alien or upon his or her resumption of Estonian citizenship;

3) upon the death or declaration of death of an alien.

(1<sup>1</sup>) A temporary residence permit expires upon receipt of a permanent residence permit or a new temporary residence permit.

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

(2) A residence permit or work permit shall be revoked:

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

- 1) in the cases listed in subsection 12 (4) and clauses 12 (9) 1) and 2) of this Act;
- 2) on the personal request of an alien;
- 3) if an alien stays outside Estonia for more than a total of 183 days in a year in the case he or she does not register his or her absence under the conditions and pursuant to the procedure established by the Government of the Republic of Estonia.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

(3) A temporary residence permit shall be revoked if:

- 1) the alien does not have an actual residence in Estonia,
- 2) the alien does not have an insurance contract guaranteeing that any costs related to his or her medical treatment as a result of illness or injury during the period of validity of the residence permit will be met;
- 3) a circumstance which was a prerequisite for the issue or extension of a residence permit to the alien is not complied with;
- 4) other circumstances to refuse issue or extension of a residence permit or revoke a residence permit exist in respect of the alien.

(4) A temporary residence permit may be revoked if the alien has failed to register his or her residence within the term provided by law in the population register.

(5) A temporary residence permit may be revoked if a circumstance specified in subsection 12 (10) exists in respect of the alien.

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

#### **§ 14<sup>1</sup>. Administration of issue of residence permits and work permits**

(1) The Government of the Republic shall establish by a regulation:

- 1) the procedure for applying for and the issue, extension and revocation of residence permits and work permits, and the competence of government agencies which ensure enforcement of the procedure and officials of the corresponding government agencies;

(17.01.2001 entered into force 16.02.2001 - RT I 2001, 16, 68; 18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

- 2) the amounts of legal income and remuneration provided for in this Act;

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

- 3) the procedure for notification specified in subsections 15 (1) and (2) of this Act.

(2) The following shall be established by a regulation of the Minister of Internal Affairs:

1) the format of applications for residence permits and work permits and of applications for extension thereof;

2) the format for the entry of information concerning a residence permit in the travel document of an alien and for cancellation of the entry;

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

3) the procedure for transfer of a residence permit into a new travel document.

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

#### **§ 14<sup>2</sup>. Competence to issue, extend and revoke residence permits and work permits**

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(1) A governmental authority designated by the Government of the Republic shall decide the issue or refusal to issue, extension or refusal to extend or revocation of temporary and permanent residence permits and work permits.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(2) As an exception, the Government of the Republic shall decide the issue, refusal to issue or refusal to extend a residence permit if the applicant is in the list set out in clause 3 of article 2 of the "Agreement between the Republic of Estonia and the Russian Federation on Social Guarantees for Pensioners of the Armed Forces of the Russian Federation in the Territory of the Republic of Estonia" (RT II 1995, 46, 203), specified and accepted by Estonia.

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

## **Chapter V**

### **Notification**

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

#### **§ 15. Notification**

(1) An alien is required to notify the Citizenship and Migration Board of the following circumstances:

1) change of marital or family status if such change has been registered in a foreign state;

2) punishment under criminal procedure if the punishment was imposed on the alien by a law enforcement authority of a foreign state;

3) any change in the conditions of employment determined by the residence permit for employment and termination of the contract if the alien has been issued a residence permit for employment;

4) expiry or termination of an insurance contract covering any costs related to the medical treatment as a result of illness or injury of the alien.

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

(2) The employer is required to notify the Citizenship and Migration Board of any change in the conditions of employment determined by the residence permit for employment and termination of the contract if the alien has been issued a residence permit for employment.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(3) An educational institution is required to notify the Citizenship and Migration Board if an alien who has received a residence permit for study is expelled from the educational institution, completes or interrupts studies.

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

(4) An alien is accommodated in an accommodation establishment pursuant to the requirements of the Tourism Act (RT I 2000, 95, 607; 2002, 63, 387; 2003, 88, 594; 2004, 18, 131). The accommodation establishment is required to submit a visitor's card which sets out information on the accommodated alien to the agency which demands information at the demand of the Citizenship and Migration Board, the Security Police Board, a border guard authority or a police authority designated by the Minister of Internal Affairs.

(13.04.2005 entered into force 01.11.2005 - RT I 2005, 24, 181)

(5) (Repealed - 13.04.2005 entered into force 01.11.2005 - RT I 2005, 24, 181)

(6) (Repealed - 13.04.2005 entered into force 01.11.2005 - RT I 2005, 24, 181)

### **§ 15<sup>1</sup>. Verification**

(1) An alien is required to prove the facts which are the basis for the issue or extension of a visa, residence permit or work permit.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(1<sup>1</sup>) A person who invites an alien to Estonia is required to prove the facts which are the basis for the approval of a visa invitation and the ability to perform the obligations assumed by the visa invitation.

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

(1<sup>2</sup>) An alien is required to prove the circumstances which are the bases for extension of the period of stay.

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

(2) An alien, his or her family members, a person who invites an alien to Estonia and other persons involved are required to provide written and oral explanations concerning the facts specified in subsections (1), (1<sup>1</sup>) and (1<sup>2</sup>) of this section at the request of an official of the Citizenship and Migration Board or a consular agent.

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

(3) Officials of the Citizenship and Migration Board, consular officers, officials of the Labour Market Board, Border Guard officials and police officers have, according to their competence, the right to question an alien, his or her family members, the person who invited the alien to Estonia and other involved persons and agencies, and enter a person's dwelling with the permission of the person for verification of the facts which are the basis for application for, holding of, application for extension or revocation of the legal basis to the stay or taking employment in Estonia by the alien or for application for the approval of a visa invitation.

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

(3<sup>1</sup>) Upon verification of the legality of an alien's stay or employment in the state, an official of the Citizenship and Migration Board may use physical force, special equipment, handcuffs, truncheons and gas weapons pursuant to the procedure provided for in the Duty to Leave and Prohibition on Entry Act.

(09.06.2004 entered into force 01.01.2005 - RT I 2004, 53, 369)

(4) For verification of the legality of an alien's stay or employment in Estonia, the alien is required to present identification and the document which proves the legality of his or her stay or employment in Estonia at the demand of a police officer, customs official or an official of the Citizenship and Migration Board.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(5) An alien, his or her employer and other involved persons are required, at the demand of a police officer or an official of the Citizenship and Migration Board, to certify the circumstances of the alien's employment in Estonia and prove the facts which are the basis for application for, extension or holding of the legal basis to take employment in Estonia.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(6) The employer is required to provide officials of the Citizenship and Migration Board and police officers with immediate access to the workrooms, employees, data and documents pertaining to aliens employed by the employer. Upon assessment of

the trustworthiness of an employer in the event of review of an application for a residence permit for employment with such employer, the results of previous checks carried out at the premises of the employer shall be taken into consideration.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

#### **§ 16. Maintenance of records concerning aliens**

Records concerning an alien who is staying or has stayed in Estonia illegally shall be maintained by the Citizenship and Migration Board pursuant to the procedure established by a regulation of the Minister of Internal Affairs.

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

#### **§ 16<sup>1</sup>. Bearing of costs related to stay of aliens in Estonia or departure from Estonia**

(1) An alien is required to bear the costs of the stay of the alien in Estonia and his or her departure from Estonia, including the costs of the compulsory enforcement of the duty to leave and stay in expulsion centres and police detention houses which are borne in connection with the expulsion of the alien from Estonia.

(2) A person who transports or whose representative (hereinafter transporter) transports to the Estonian border an alien who, upon arrival at the Estonian border, lacks a legal basis to stay in Estonia or a document necessary for crossing the border, is required to transport the alien, upon such alien being returned from the Estonian border, back to the same place where the alien boarded the means of transport of the transporter or back to the country of habitual residence of the alien.

(3) Upon failure to perform an obligation specified in subsection (1) of this section, a person at whose invitation an alien arrives in Estonia (hereinafter sponsor) is required to compensate for the costs of the compulsory enforcement of the duty to leave and for the stay in expulsion centres and police detention houses relating to the alien.

(4) Upon failure to perform an obligation specified in subsection (2) of this section, a transporter is required to compensate for the costs of the compulsory enforcement of the duty to leave and for the stay in expulsion centres and police detention houses relating to the alien.

(5) In order to compensate for the costs, the Citizenship and Migration Board, the Border Guard Administration or police authorities shall issue a precept to a sponsor or a transporter to compensate for the costs of the compulsory enforcement of the duty to leave of the alien voluntarily within ninety days after the date on which the precept is issued. The precept shall include a warning of compulsory enforcement of the precept pursuant to the procedure provided for in the Code of Enforcement Procedure.

(15.06.2005 entered into force 01.01.2006 - RT I 2005, 39, 308)



(6) Upon failure to comply with the precept, the precept shall be enforced and the costs shall be collected pursuant to the procedure provided for in the Code of Enforcement Procedure.

(7) If an alien was not invited to Estonia by a sponsor, the costs of the compulsory enforcement of the duty to leave may be collected from the alien pursuant to the procedure provided for in subsections (5) and (6) of this section.

(8) The list of costs of the compulsory enforcement of the duty to leave to be collected and the rates of the costs to be collected relating to the stay of an alien in an expulsion centre or a police detention house shall be established by a regulation of the Minister of Internal Affairs.

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

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

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

### **Liability**

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

#### **§ 16<sup>2</sup>. Provision of housing for alien staying in Estonia without legal basis**

(1) Provision of housing for an alien staying in Estonia without a legal basis, unless he or she is accommodated in an accommodation establishment, or entry into a residential lease contract with such an alien is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

(13.04.2005 entered into force 01.11.2005 - RT I 2005, 24, 181)

#### **§ 16<sup>3</sup>. Employment of alien with no legal basis to take employment in Estonia**

(1) Employing an alien who does not have a legal basis to take employment in Estonia is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

(18.12.2002 entered into force 01.03.2003 - RT I 2003, 4, 20)

#### **§ 16<sup>4</sup>. Employment of alien in Estonia without legal basis**

Taking of employment in Estonia by an alien who does not have a legal basis to take employment in Estonia is punishable by a fine of up to 300 fine units or by detention.

(18.12.2002 entered into force 01.03.2003 - RT I 2003, 4, 20)

§ 16<sup>5</sup>. (Repealed - 18.12.2002 entered into force 01.03.2003 - RT I 2003, 4, 20)

#### **§ 16<sup>6</sup>. Stay of alien in Estonia without legal basis**

Stay of an alien in Estonia without a legal basis is punishable by a fine of up to 300 fine units or by detention.

(18.12.2002 entered into force 01.03.2003 - RT I 2003, 4, 20)

#### **§ 16<sup>7</sup>. Delivery of alien to transit zone, state border or temporary border line**

Direct delivery, by a legal person engaged in transport operations, of an alien who has no legal basis to stay in Estonia or the transit zone to the transit zone, state border or temporary border line is punishable by a fine of up to 50 000 kroons.

(18.12.2002 entered into force 01.03.2003 - RT I 2003, 4, 20)

#### **§ 16<sup>8</sup>. Proceedings**

(1) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 86, 504; 105, 612; 2003, 4, 22; 83, 557; 90, 601; 2004, 7, 40) and of the Code of Misdemeanour Procedure (RT I 2002, 50, 313; 110, 654; 2003, 26, 156; 83, 557; 88, 590; 593) apply to the misdemeanours provided for in §§ 16<sup>2</sup>–16<sup>4</sup>, 16<sup>6</sup> and 16<sup>7</sup> of this Act.

(2) Extra-judicial proceedings concerning the misdemeanours provided for in §§ 16<sup>2</sup>–16<sup>4</sup>, 16<sup>6</sup> and 16<sup>7</sup> of this Act shall be conducted by:

1) a police prefecture;

2) the Citizenship and Migration Board.

(3) The Border Guard Administration shall carry out extra-judicial hearings of the misdemeanours provided for in §§ 16<sup>6</sup> and 16<sup>7</sup>.

(18.12.2002 entered into force 01.03.2003 - RT I 2003, 4, 20)

## **Chapter VI**

### **Final Provisions**

#### **§ 17. Personal identification code**

An alien who has been issued a residence permit shall be issued a personal identification code pursuant to the procedure provided for in the Population Register Act (RT I 2000, 50, 317; 2001, 31, 173; 2002, 41, 254; 53, 336; 57, 355; 61, 375; 102, 599; 2003, 4, 22).

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

#### **§ 17<sup>1</sup>. Health insurance of alien**

During the time that an alien is deemed to be a person insured by compulsory health insurance pursuant to the Health Insurance Act (RT I 2002, 62, 377; 2003, 20, 116; 88, 591), and in cases provided by international agreements, an alien need not have an insurance contract guaranteeing that any costs related to his or her medical treatment as a result of illness or injury will be met.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

§ 17<sup>2</sup>. (Repealed - 14.04.2004 entered into force 01.05.2004 - RT I 2004, 28, 189)

#### **§ 17<sup>3</sup>. Prohibition on restoration of term**

The term for extension of a temporary residence permit, extension of a work permit and the term prescribed for application of a permanent residence permit shall not be restored if the term of validity of the residence permit or work permit has expired.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

#### **§ 17<sup>4</sup>. Processing of personal data**

(1) Personal data, including private and sensitive personal data, may be processed without the person's consent upon application for the legal basis for the stay or taking employment in Estonia, verification of the legality of the legal basis and application for extension or revocation of the legal basis, and also in proceedings regarding enforcement of the duty to leave.

(2) A person is required to provide the data specified in subsection (1) of this section, including biometric data, to competent administrative authorities for the performance of functions provided for in this Act and the Duty to Leave and Prohibition on Entry Act.

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

#### **§ 17<sup>5</sup>. Communication and receipt of personal data**

(1) Communication of information collected regarding an alien, including information specified in § 17<sup>4</sup>, to a foreign state or an international organisation is permitted for the performance of obligations arising from an international agreement, legislation of the European Union or other legislation.

(2) Personal data, including information specified in § 17<sup>4</sup>, received from a foreign state or an international organisation may be processed for the performance of obligations arising from an international agreement, legislation of the European Union or other legislation.

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

### **§ 18. Employees of representations**

The stay and employment of employees of foreign diplomatic representations and consular posts and of their family members in Estonia is regulated by international agreements and other instruments of international law.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

### **§ 18<sup>1</sup>. Aliens in prison**

An alien who is a prisoner in an Estonian prison need not have the legal basis to stay in Estonia provided for in subsection 5<sup>1</sup> (1) of this Act.

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

### **§ 19. Register of residence permits and work permits**

A state register of residence permits and work permits shall be maintained concerning applications for residence permits and work permits and for the extension thereof, invitations to settle in Estonia, applications for the revocation of residence permits and work permits, applications for the transfer of information concerning residence permits and work permits into new travel documents, applications for the registration of absence from Estonia, and decisions made in respect thereof, as well as decisions to revoke residence permits and work permits.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254; 18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

### **§ 20. Legal guarantees for aliens who applied for residence permit before 12 July 1995**

(1) An alien who applied for a residence permit before 12 July 1995 and to whom a residence permit has been issued and who is not among the aliens specified in subsection 12 (4) of the Aliens Act retains the rights and duties provided for in earlier legislation of the Republic of Estonia.

(2) An alien specified in subsection (1) of this section does not require a work permit in order to work in Estonia during the period of validity of his or her temporary residence permit and he or she has the right to apply for a permanent residence permit as of 12 July 1998 under the conditions and pursuant to the procedure established by the Government of the Republic. An application for a permanent residence permit shall be submitted at least one month before the expiry of a temporary residence permit issued to an alien.

(23.09.97 entered into force 26.10.97 - RT I 1997, 73, 1202; 17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395; 16.06.99 entered into force 23.06.99 - RT I 1999, 54, 582)

### **§ 21. Non-application of immigration quota**

A residence permit may be issued outside of the immigration quota to an alien to whom the issue of a residence permit is justified and does not damage the interests of the Estonian state and who settled in Estonia before 1 July 1990 and has thereafter not left to reside in another country.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

### **§ 22. Duties of local governments in issue of residence permits**

Local governments are required to monitor that the residence permits of aliens staying in the territories of the local governments are issued pursuant to this Act and pursuant to the procedure and for the term established by the Government of the Republic. Otherwise, local governments are required to inform the Citizenship and Migration Board thereof.

(18.05.94 entered into force 10.06.94 - RT I 1994, 41, 658; 27.06.95 entered into force 21.07.95 - RT I 1995, 57, 981; 18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

### **§ 23. Duties of employers**

(1) An employer is required to verify that aliens who are employed by the employer have legal basis to take employment in Estonia.

(2) An employer is prohibited to enter into an employment contract with an alien who lacks a legal basis to stay in Estonia.

(3) An employer is required to terminate a contract with an alien who lacks a legal basis to stay in Estonia.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

§ 23<sup>1</sup>. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 23<sup>2</sup>. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 23<sup>3</sup>. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 23<sup>4</sup>. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 23<sup>5</sup>. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 23<sup>6</sup>. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

## **§ 24. Amendments to earlier Acts**

As of the entry into force of this Act:

1) the words “Immigration Act” in the title of § 171 and in subsection 171 (4) of the Code of Administrative Offences (RT 1992, 29, 396; RT I 1999, 41, 496; 58, 608; 60, 616; 87, 792; 92, 825; 95, 843; 2000, 25, 141; 28, 167; 29, 169; 40, 247; 49, 301; 49, 305; 54, 351; 55, 361; 10, 58; 54, 346; 84, 533; 58, 376; 86, 544; 86, 548; 95, 609; 51, 321; 54, 348; 54, 351; 95, 613) shall be substituted by the words “Aliens Act” and the words “work permit” [*töötamisluba*] in subsections 171 (1), (2) and (3) of the Code of Administrative Offences shall be substituted by the words “work permit” [*tööluba*] in appropriate case forms;

2) the words “the Republic of Estonia Immigration Act” (RT 1990, 2, 25) in subsection 15 (4) of the Churches and Congregations Act (RT I 1993, 30, 510; 44, 637; 1994, 28, 425) are substituted by the words “Aliens Act”;

3) the Republic of Estonia Immigration Act of 26 June 1990 (RT 1990, 2, 25) is repealed.

## **§ 25. Entry into force of Act**

This Act enters into force as of the date of publication in the *Riigi Teataja*.

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

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