

EMN FOCUSED STUDY 2012

Intra-EU mobility of third-country nationals

National Contribution from ESTONIA

Disclaimer: The following responses have been provided primarily for the purpose of completing a Synthesis Report for the above-titled EMN Focussed Study. The contributing EMN NCPs have provided information that is, to the best of their knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of an EMN NCPs' Member State.

Top-line 'Factsheet'
(National Contribution)
[Executive Summary
(Synthesis Report)]

National Contribution

Third-country nationals moving from another Member State to Estonia are generally subject to the same visa and residence permit regulations and procedures as those labour migrants who enter Estonia from outside the European Union. The three key instruments that regulate labour migration policy in Estonia are: immigration quota, minimum salary criteria and labour market test.

When Estonia implemented into its legislation the migration directives on long-term resident's status, EU Blue Card, students and researches (2003/109/EC, 2009/50/EC, 2004/114/EC, 2005/71/EC), certain special provisions were included in the Aliens Act, which might facilitate the mobility of this group of migrants. For example, long-term resident permit holders and EU Blue Card holders of another EU MS, have the right to submit their temporary residence permit application in Estonia at the Police and Border Guard Board. Also, exceptions from the standard procedure are foreseen for researches and posted workers, whom the employer does not need to pay at least the 1.24 times of the Estonian average salary and the labour market test is not applicable to them.

Although, the above-mentioned exceptions are made to facilitate labour migration, the inflow of third-country nationals from other EU MS is quite modest. There is evidence that 68 third-country nationals who previously held a permit in another EU MS have moved to Estonia over the years 2008-2012. The number of mobile third-country nationals was less than 10 in years 2008-2010 and 2012. The only abnormality was in 2011, when 38 posted workers applied a residence permit in Estonia. That can be explained by the fact that year the overall number of posted workers increased significantly, because the requirements that posted workers need to fulfil to receive a residence permit are simpler than for other labour migrants.

Synthesis Report (up to 3 pages)

Executive Summary of Synthesis Report: this will form the basis of an EMN Inform, which will have EU and National policymakers as its main target audience.

Section 1

The National Legislative Framework: Visas and Residence Permits

(National Contribution: Maximum 8 pages)

*This section reviews the national rules and procedures which third-country nationals who are resident in one Member State need to follow in order to acquire a **visa and/or a residence permit** to reside in another Member State. It also includes any conditions that mobile third-country nationals need to fulfil in order to acquire a visa and/or residence permit, such as evidence that they have a stable and regular income, sickness insurance and/or that they comply with certain integration conditions (where applicable).*

Please note that additional provisions in national legislation which can affect the decision of mobile third-country nationals to settle in another Member State (or Norway), but are not conditions for acquiring a visa or residence permit as such (e.g. rules and procedures governing the recognition of degrees and diplomas), are examined in Section 3 of this common template.

*In their responses to this section, EMN NCPs are asked to specify and describe the relevant national rules and procedures that **specific groups of mobile third-country nationals need to follow** in order to obtain a visa and residence permit. These include groups of mobile third-country nationals that enjoy mobility rights under the EU's migration Directives, and other groups of mobile third-country nationals that do not enjoy such rights at EU level. If national legislation exists that is relevant to all groups of mobile third-country nationals, EMN NCPs should specify this is the case in the space provided.*

*Please note that **only those national rules and procedures that are specific to mobile third-country nationals should be identified**. If the national rules and procedures that apply to third-country nationals who wish to move to another Member State for the purposes of work are the same as the national rules and procedures that apply to third-country nationals who migrate to an EU Member State (or Norway) from a third-country for the first time, please indicate this is the case and do not provide further information.*

*Finally, where specific national rules and procedures governing access to a visa and residence permit exist for specific groups of mobile third country nationals, EMN NCPs are asked to specify how these national rules and procedures differ (if at all) from the national rules and procedures that apply to **mobile EU citizens**.*

The Synthesis Report will provide the reader and policymakers, in particular, with a comparative analysis of the rules and policies adopted at national level in order to implement the elements of the EU acquis set out in the background to the common template (further above), and any other national rules of relevance to intra-EU mobility of third-country nationals.

In the following, what is required is a brief outline of the relevant national rules and procedures pertinent to the group described under each entry, along with an explanation of how these rules and procedures differ (where relevant) from the national rules and procedures that apply to EU citizens.

Groups of third-country nationals who enjoy mobility rights under the EU's migration Directives:

1.1. Long-term residents in another Member State

- 1) What national rules and procedures apply to third-country nationals who are long-term residents in another Member State in respect of their access to a visa and/or residence permit in your country?

When other migrants have to submit their residence permit application in the Estonian consulate, then third-country nationals who hold a long-term resident's residence permit of another Member State may apply a temporary residence status in Estonia at the Police and Border Guard Board. This clause only applies if the long-term resident applies for a temporary residence permit for study, employment or enterprise (Aliens Act § 216 (1) 11). The same right extends to the spouse or a minor child of the long-term resident, if they hold a residence permit of a member state of the EU and if the family has been founded in a member state which issued a long-term resident's residence permit to the third-country national.

Long-term resident does not need a visa to enter Estonia, if he holds a valid residence permit or visa issued by another Schengen member state, or the right to stay in Estonia arises from a resolution of the Government of the Republic to forego the visa requirement. Also third-country nationals holding a valid visa issued by Estonian authorities are free to enter the territory of Estonia.

In other aspects of the residence permit procedure the standard requirements set forth in the Aliens Act apply. Some exceptions are made to long-term residents who apply temporary residence permit for employment - no labour market test and the minimum salary that employer has to pay them (1.24 times the Estonian average salary) does not apply to them.

- 2) Please explain how these national rules and procedures differ from the national rules and procedures that apply to **EU citizens**.

A citizen of the EU acquires a temporary right of residence in Estonia for five years when he or she registers his or her residence. EU citizens do not have to prove that they have sufficient financial means, a place of residence, valid health insurance in Estonia etc., as third-country nationals have to. All EU citizens have immediate access to Estonian labour market.

After EU citizens have registered their place of residence, they must apply within 1 month an ID-card from the Police and Border Guard Board.

1.2. EU Blue Card holders

- 1) What national rules and procedures apply to third-country nationals who are EU Blue Card holders in another Member State in respect of their access to a visa and/or residence permit in your country?

Estonia transposed the so-called EU Blue Card directive (Council directive 2009/50/EC) into its legislation on June 19, 2011. Therefore, third-country nationals who are holding an EU Blue Card issued by another member state of the EU and now who are applying for the EU Blue Card in Estonia, may do that in Estonia submitting

the residence permit application at the Police and Border Guard Board (Aliens Act § 216 (1) 16). The same right applies to EU Blue Card holders' spouse and close relative (minor child, grown up child who need care, grand/parents who need care, ward), if they are holding a residence permit issued by another EU member state for a family member of an alien holding the EU Blue Card.

Family members of EU Blue Card holders may join the EU Blue Card holder immediately. There is no 2 year residence requirement in Estonia of the EU Blue Card holder, as for other migrants, who want to bring their families to Estonia.

If usually the annual immigration quota is applicable for labour migrants, then EU Blue Card holders are exempt from that.

Regarding entering Estonia, all third-country nationals (incl. EU Blue card holders) need a legal basis for that. A legal basis can be: 1) visa issued by Estonian authorities, 2) visa or residence permit issued by a Schengen member state, 3) or citizens of a country Estonia has visa free agreement.

- 2) Please explain how these national rules and procedures differ from the national rules and procedures that apply to **EU citizens**.

All EU citizens have a free access to Estonian labour market. They do not need a permit for work. No labour market test or other restrictions apply to EU citizens. For example, if an EU blue card holder changes employer within the first 2 years, then the new employer must get an approval from the Estonian Unemployment Fund to hire him.

There is no special salary requirement foreseen for EU citizens, as is for EU blue card holders and other labour migrants (which is 1.24 or 1.5 times of the Estonian average salary).

1.3. Researchers

- 1) What national rules and procedures apply to third-country nationals who are resident in another EU Member State who wish to undertake work as a Researcher in your Member State?

For third-country nationals who are resident in another EU Member State and want to undertake work as a researcher in Estonian must fulfil all the general rules set for visa or residence permit application procedures. They must apply a visa to enter Estonia for a shorter period up to 6 months (C-visa for 3 months, D-visa for 6 months). For longer stay they must apply a residence permit. The visa or residence permit application must be submitted to the Estonian foreign representation abroad. The Alien Act does not foresee any easier requirements from the standard procedure (e.g. they cannot apply residence permit in the country).

To get a temporary residence permit for research, third-country national must have a signed hosting agreement with the research and development institution for carrying out research and development work. Furthermore, sufficient income to live in Estonia, health insurance and sufficient financial means for carry out research.

No labour market test or salary threshold applies to researches. Also, no immigration quota applies to those third-country nationals who are employed as researchers.

- 2) Please explain how these national rules and procedures differ from the national rules and procedures that apply to EU citizens.

Third-country nationals have to prove that they have all necessary documents and fulfil all requirements. They are entitled to carry out research only on the basis of concluded scientific agreement.

There are no hindrances for EU citizens working as researches.

1.4. Students¹

- 1) What national rules and procedures apply to third-country nationals who are resident in another EU Member State who wish to undertake studies in your Member State?

Third-country national who are resident in another EU Member State and now wish to undertake studies in Estonia have to fulfil all the general rules set for visa or residence permit application procedures. They must apply a visa to enter Estonia for a shorter period up to 6 months (C-visa for 3 months, D-visa for 6 months). For longer stay they must apply for a residence permit. The visa or residence permit application must be submitted to the Estonian foreign representation abroad. Visa decision is made in the consulate and the residence permit application is sent to the Police and Border Guard for processing. After the positive decision the applicant may enter Estonia with a residence permit card.

The Aliens Act has foreseen easier requirements for those third-country nationals who are staying in Estonia legally and are applying for a residence permit for study in Master's or Doctorate programs on the basis of the state-recognised curriculum. So, international students who are holding a valid visa or residence permit issued by another Schengen Member State or enjoy the visa free movement may submit their residence permit application in Estonia at the Police and Border Guard Board.

- 2) Please explain how these national rules and procedures differ from the national rules and procedures that apply to **EU citizens**.

Estonian legislation has not set any limitations to EU citizens studying here. They do not need to apply a separate permit for studies, if they are covered with health insurance in their MS, they do not need to have a private health insurance. Third-country nationals are not covered with health insurance in Estonia, so they need to conclude a private health insurance. EU citizens as well as third-country national students are allowed to work during the studies; however the latter ones need to apply for a separate work permit.

1.5. Posted workers

- 1) What national rules and procedures apply to third-country nationals who are resident in another EU Member State who are posted by a service

¹ The statistics already compiled for the study Immigration of International Students to the EU may be used here.

provider for the purposes of cross-border provision of services in your Member State?

The standard visa and residence permit rules apply to mobile posted workers as for other third-country nationals. Posted workers need to apply for a residence permit for employment. The residence permit application can be submitted to any Estonian foreign representation abroad. The residence permit application is sent to the Police and Border Guard to process. After a positive decision the applicant may enter Estonia with a residence permit card.

However there are some easier rules from the standard procedure for posted workers who apply residence permit for employment. According to the Aliens Act § 181 (1) 9 a temporary residence permit for employment may be issued without meeting the requirement for permission of the Estonian Unemployment Insurance Fund (labour market test) and without meeting the requirement for the amount of remuneration to be paid to an alien if an alien is a posted worker for the purposes of the Working Conditions of Workers Posted in Estonia Act.

Also if an alien is a posted worker in Estonia for the purposes of the Working Conditions of Workers Posted in Estonia Act, a natural or legal person for whom the service is provided in Estonia shall be determined in the temporary residence permit for employment in addition to the conditions of employment (incl. at least an employer, the location of employment and the position).

- 2) Please explain how these national rules and procedures differ from the national rules and procedures that apply to **EU citizens**.

The main difference between EU and non-EU citizens is that the latter ones need to obtain authorization to work, i.e. apply a residence permit.

Groups of third-country nationals who are not provided for by the EU acquis:

1.6. Cross-border workers

- 1) Do specific national rules and procedures governing access to a visa and/or a residence permit apply to third-country nationals who are resident in another Member State but are employed as cross-border workers in your Member State?²

There are no specific rules or procedures for cross-border workers. The standard application process applies to them- they need to apply a residence permit for employment as other labour migrants in Estonia.

- 2) If specific national rules and procedures apply to the third-country nationals described in 1.6 (1) above, how do these differ from the national rules and procedures that apply to EU citizens in a similar situation?

If EU citizens, who are cross-border workers, regularly return to their home country, they do not even need to register their residence in Estonia.

² This question only applies to those Member States that require cross-border workers to apply for a visa and/or residence permit in order to work in their Member State (even if their usual place of residence is in another Member State).

1.7. Seasonal workers

- 1) Do specific national rules and procedures apply to third-country nationals who are resident in another Member State and who exercise an economic activity as seasonal workers in your Member State in respect of their access to a visa and/or residence permit?

Mobile third-country nationals who exercise an economic activity as seasonal workers must fulfil the standard requirements for visa and short-term registration. Seasonal workers (work involving the processing of primary agricultural products) can work in Estonia if they have a legal basis to stay in Estonia and if they have registered their employment in the Police and Border Guard Board before employment commences. They do not need to apply for a work or residence permit. Their employment cannot exceed the period of six months during a year.

So, if the mobile third-country national has a residence permit or visa issued by another Schengen Member State or enjoys the visa free movement, he/she only needs to register its short-term employment in the Police and Border Guard Board. Otherwise, third-country nationals need to apply long-term visa from the Estonian consulate.

Also salary threshold (1.24 times the average salary) applies to these labour migrants.

- 2) If specific national rules and procedures apply to the third-country nationals described in 1.7 (1) above, how do these differ from the national rules and procedures that apply to EU citizens in a similar situation?

EU citizens who are seasonal workers and stay in Estonia less than 3 months, do not need to register their stay here. For a longer stay EU citizens need to have a place of residence and apply for an ID-card.

1.8. Workers in regulated professions

- 1) Do specific national rules and procedures apply to third-country nationals who are resident in another Member State and who apply to work in a regulated profession in your Member State in respect of their access to a visa and/or residence permit?

The standard application procedure for visa or residence permit is applicable for those labour migrants. The professional qualification of these aliens shall be assessed on the basis of the Recognition of Foreign Professional Qualifications Act, i.e. they will have to fulfil the conditions that apply to that specific profession.

- 2) If specific national rules and procedures apply to the third-country nationals described in 1.8 (1) above, how do these differ from the national rules and procedures that apply to EU citizens?

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1.9. Any other category of migrant worker not mentioned above

No.

1.10. Common rules and procedures for all mobile third-country nationals

- 1) Does the national legislative framework in your Member State contain rules and procedures that are relevant to all mobile third-country nationals (rather than rules that differentiate between different groups) in respect of their access to a visa and residence permit?

There is standard visa and residence permit procedure that is relevant to all third-country nationals. However the Aliens Act has made some exceptions from these rules for some of the mobile third-country nationals as mentioned in the previous points.

- 2) If yes, please describe the rules and procedures and explain how they differ from the national rules and procedures that apply to EU citizens.

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Section 2

Scale and scope of the phenomenon

(National Contribution: Maximum 4 pages)

EMN NCPs are requested to:

- (i) comment on the availability of statistics on overall intra-EU mobility of third-country nationals and for the following groups of mobile third-country nationals in their countries;*
- (ii) provide the relevant statistics available;*
- (iii) provide estimates of aggregate numbers of third-country nationals using any of the proxy sources suggested further below; and finally*
- (iv) provide statistics on the flows of EU nationals to and from other Member States and Norway, Switzerland, Iceland and Liechtenstein.*

The Synthesis Report will aim to provide a sense of the scale and scope of the phenomenon of intra-EU mobility of third-country nationals by mapping the availability of data at national and EU level on the number of mobile third-country nationals. It is recognised that there are numerous gaps and weaknesses in the available statistics. An attempt will be made in the Synthesis Report to indicate general patterns and trends in the phenomenon of third-country national intra-EU mobility by using proxy sources. The Synthesis Report will compare the scale of the movements of mobile third-country nationals that are provided for by the EU acquis and those that are not, and provide possible reasons for the differences. It will also compare these trends with available statistics on the intra-EU mobility of EU nationals.

2.1. Are statistics on overall intra-EU (work-related) mobility of third-country nationals available in your (Member) State

- *If yes, please indicate, where possible, the type of available statistics,*

including Member State of previous residence, skills profile (high or low-skilled), demographic profile (age, nationality, etc.), occupational profile, family status.

All third-country nationals who apply a residence permit in Estonia have to note on their application if they hold a residence permit of another EU Member State and what kind of a permit. However, Estonian migration officials cannot check if this data is correct or not and have to take the word of the applicant. Thus, this data may not illustrate the real situation.

From the Police and Border Guard Board's data base it is not possible to extract data from which country the applicant has come to Estonia or other characteristics of his or her.

The numbers of mobile third-country nationals is quite modest in Estonia. According to the data given by the Police and Border Guard Board during the years 2008-2012, in total 68 mobile third-country nationals were granted a residence permit in Estonia.

2.2. Are statistics based on administrative registrations available in your (Member) State on the following groups of mobile third-country nationals? If they are not available could they in principle be made available from existing registrations?

Groups of third-country nationals who enjoy *mobility rights* under the *EU's migration Directives*:

- 1) Long-term residents coming from another Member States (information should be collected by national contact points established under Directive 2003/109/EC on third-country national long-term residents)

During the years 2008-2012, in total 10 residence permits have been issued to third-country nationals who previously held a long-term residents status in another EU Member States. According to the table 1 in the year 2008 1 person belonging to this group received a residence permit in Estonia, in 2009 2, 2010 4 and 2011 3 persons received a permit in Estonia.

- 2) EU Blue Card holders (information should be collected by national contact points established under Directive 2009/50/EC on EU Blue Card holders.

So far, no EU Blue Card holders have received a residence permit in Estonia.

- 3) Researchers

In total 9 third-country nationals, who hold a residence permit in another EU MS have been granted a residence permit for research activity in Estonia over the years 2008-2012. In 2012 3 third-country nationals moved to Estonia from another EU MS for research; in 2011 the number of these persons was 1, in 2010 the number of these persons was 3 and in 2009 2 persons moved to Estonia (table 1).

4) Students³

No reliable data on mobile third-country national students.

5) Posted workers

The largest number of mobile third-country nationals from another EU MS has come to Estonia as posted workers. During the years 2008-2012 in total 49 third-country nationals holding a residence permit in another EU MS, have received a residence permit as posted worker in Estonia. The largest inflow was in 2011, when 38 mobile posted workers received a residence permit in Estonia. In other years the maximum number was 5 (table 1).

The overall number of posted workers increased in 2011, because there are easier residence permit requirements for this group of labour migrants. The salary criteria and labour market test does not apply to posted workers. Therefore, many employers started to use this base for applying residence permit for their employees.

Table 1. Third-country nationals who have been granted a residence permit in Estonia and who hold a residence permit in another EU MS, 2008-2012

	2008	2009	2010	2011	2012	Total
Number of third-country nationals who have been granted a residence permit in Estonia and who hold a long-term resident residence permit in another EU MS	1	2	4	3	0	10
Number of third-country nationals who have been granted a residence permit in Estonia and who hold a EU blue card in another EU MS	0	0	0	0	0	0
Third-country nationals who have been granted a residence permit for research in Estonia and who hold a residence permit in another EU MS.	0	2	3	1	3	9

³ The statistics already compiled for the study Immigration of International Students to the EU may be used here.

Third-country nationals who have been granted a residence permit as posted workers in Estonia and who hold a residence permit in another EU MS.	0	5	1	38	5	49
Total	1	9	8	42	8	68

Source: Police and Border Guard Board

Groups of third-country nationals who are not provided for by the EU acquis:

- 6) Cross-border workers
- 7) Seasonal workers
- 8) Workers in regulated professions
- 9) Any other category of migrant not mentioned above

No data for this group of mobile third-country nationals.

2.3. Are there any other/proxy sources of statistics that could provide indications of patterns and trends?

➤ *It is recognised that most proxy sources of statistics will only capture a portion of the mobile third-country nationals concerned and therefore cannot provide indications of the scale of total mobility among third-country nationals with any degree of accuracy. However, they may provide approximate indications of general patterns and trends and will be used with caution in the Synthesis Report.*

(i) Number of applications for the recognition of diplomas/certificates acquired in another Member State.

N/A or information not reliable.

(ii) Number of visa applications by third-country nationals who are resident in another EU Member State.

N/A or information not reliable.

(iii) Number of social security registrations⁴ by third-country nationals who were resident in another Member State before arrival?

N/A or information not reliable.

⁴ A social security registration is normally required on arrival in a Member State before access to employment can be granted.

(iv) Information about previous country of residence contained in the latest population census.

The information of previous place of residence was asked in the latest population census (2011); however this data will be available after 21 June 2013.

- **Your responses to the following proxy sources of information are OPTIONAL. Please ONLY respond if the information is considered relevant to this study in your Member State and readily accessible.**

(v) Any information that might be collected about the motivations of third-country nationals who apply for citizenship in (your) Member State (e.g. as a proxy source of information on the number of third-country nationals wishing to travel within the EU).

N/A

(vi) Any other proxy sources of statistics.

N/A

2.4. Please provide any statistics available on the flows of EU nationals within your (Member) State over the last 5 years in order to provide a comparison with the flows of third-country nationals

- *Please indicate, where possible, any available statistics, including Member State of previous residence, skills profile (high or low-skilled), demographic profile (age, nationality, etc.), occupational profile, family status.*

There is no reliable data on the inflow of EU citizens from other Member States to Estonia. Estonian Statistics collects data on the previous country of residence; however this data is not linked to the person's citizenship. Therefore, data in tables 2-3, do not accurately illustrate how many EU citizens have moved to Estonia from other EU Member States. More precise data on this will be presented after the 2011 Census data is analysed (after June 21, 2013).

According to table 2 the inflow from other EU Member States to Estonia has decreased over the last 5 year approximately 33%. When in 2007 2500 persons from other EU Member States registered their residence in Estonia, then in 2011 the number was less than 1700.

There is also data on how many EU citizens have immigrated to Estonia. The number of EU citizens moving to Estonia has been around 1000 in the years 2007-2009 and a little over 500 in the year 2010. Unfortunately, these two data columns are not linked to each other and we cannot precisely say whether these persons coming from other MS were EU citizens exercising their right of free movement, third-country nationals who lived in the other EU Member State or Estonians repatriating.

Table 2. Immigration to Estonia from EU Member States, 2007-2011

	Total immigration	Immigration from EU MS	Immigration of EU citizens, except Estonian
2007	3741	2520	1089
2008	3671	2191	991
2009	3884	2204	1042
2010	2810	1739	510
2011	3709	1671	

Source: Eurostat, Statistics Estonia

Table 3 indicates that most of the people coming from other EU MS are male in the age range of 15-49.

Table 3. Immigration to Estonia form EU Member States, disaggregated by sex and age, 2007-2011

		Year/age	0-14	15-29	30-49	50+
Immigration from EU Member States	Male	2007	167	434	644	209
		2008	135	484	565	185
		2009	95	494	596	187
		2010	88	347	482	139
		2011	109	284	452	139
	Female	2007	166	436	304	160
		2008	130	361	219	112
		2009	108	426	189	109
		2010	105	278	194	106
		2011	117	234	215	121

Source: Statistics Estonia

The number of permanent residence rights issued to EU citizens in Estonia also illustrates the amount of EU citizens residing in Estonia. Most EU citizens have come from our neighbouring countries – Finland (771), Latvia (483), and Lithuania (339). Also the 2011 Census data (table 5) indicates that citizens from these three countries have migrated to Estonia.

Table 4. Permanent residence rights issued to EU citizens in Estonia, 2008-2012

Citizenship	2008	2009	2010	2011	2012	Total
Finland	35	185	251	177	123	771
Latvia	15	109	155	113	91	483
Lithuania	26	63	96	95	59	339
Germany	4	28	50	56	35	173
Sweden	8	20	47	37	29	141
Great Britain	4	13	28	24	27	96
Italy	3	15	22	28	19	87

Poland	1	10	12	9	20	52
Denmark	6	13	9	7	13	48
Netherlands	2	6	12	11	10	41
Norway	2	6	10	8	11	37
France	1	4	7	12	5	29
Spain	4	7	6	7	3	27
Bulgaria				1	13	14
Portugal		4		7	2	13
Ireland	1	1	1	5	2	10
Belgium		1	3	2	4	10
Switzerland		3	2	2	1	8
Romania				1	6	7
Hungary		1	3		2	6
Austria	2		2	1		5
Czech Republic		2		1	1	4
Greece			3	1		4
Iceland		1			1	2
Luxembourg			2			2
Slovakia			1			1
Cyprus					1	1
Total	114	492	722	605	478	2411

Table 5. EU citizens residing in Estonia, 2011

Total	6751
Latvia	1739
Finland	1520
Lithuania	1343
Germany	447
Great Britain	312
Sweden	301
Italy	216
Poland	180
Netherlands	106
Spain	104
France	103
other EU Member State	380

Source: 2011 Census (preliminary data)

Section 3

Identified Restrictions to Intra EU mobility of third-country nationals

(National Contribution: Maximum 3 pages)

Please note that the possible restrictions listed below must be distinguished from the conditions for applying for a visa and/or residence permit reviewed in section 1 above. By 'restrictions' the focussed study has in mind additional provisions in the national legislation of your (Member) State that may affect the decision of third-country nationals to settle in your (Member) State even if they fulfil all the necessary (formal and administrative) conditions for acquiring a visa and/or residence permit.

These restrictions are often introduced for reasons of labour market policy or in order to maintain certain professional standards. Examples of such restrictions are provided below. EMN NCPs are asked to comment on the relevance of these examples to their national legislative framework; if relevant, to explain why they have been introduced; and to comment on how they work in practice. They should also indicate, in the space provided, whether there are any additional restrictions in place in their (Member) State that may affect the decision of third-country nationals to settle in your (Member) State.

The Synthesis Report will identify any restrictions to the mobility of third-country nationals that have been included in national legislation/policies and explain why these are considered necessary.

3.1. Member States (and Norway) may examine the situation of the labour market and give preference to Union (or EEA/EFTA) citizens when considering applications for work from a third-country national in another Member State or EFTA country.

Estonia gives preference in the labour market to Estonian citizens, EU, EEA citizens and to those third-country nationals who reside already in Estonia with a residence permit. Aliens Act § 177 stipulates that a temporary 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 three weeks by way of public competition and making use of the services of a state employment agency, by employing an Estonian citizen or a citizen of the EU 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.

Before the residence permit for employment is issued the employer must apply for the permission of the Estonian Unemployment Insurance Fund for employing an alien. The Aliens Act makes exceptions and the following labor migrants are free from the labor market test:

- 1) an alien who is a **minister of religion**, nun or monk, who is invited to Estonia by a religious association and this invitation has been approved by of the Ministry of the Interior;
- 2) an alien who is a **journalist** accredited by the Ministry of Foreign Affairs;
- 3) an alien whose right to take employment in Estonia without a work permit arises from a treaty;
- 4) an alien who works in a **performing arts** institution as a person engaged in

- creative activities for the purposes of the Performing Arts Institutions Act;
- 5) for employment as a **teacher or lecturer** in an educational institution which complies with requirements established by the Estonian legislation;
 - 6) for employment as a **researcher** if an alien has appropriate professional training or experience and the research and development institution has signed a hosting agreement with an alien;
 - 7) for employment as a **sportsman, coach, referee** or sports official for professional activities on the basis of a summons from a respective sports federation;
 - 8) for employment for the purposes of **performing directing or supervisory functions** of a legal person governed by public or private law and a branch of a foreign company registered in Estonia;
 - 9) an alien is a **posted worker** for the purposes of the Working Conditions of Workers Posted in Estonia Act;
 - 10) an alien has been issued a **long-term resident's** residence permit of a member state of the European Union.
 - 11) for employment as an **expert, adviser or consultant** provided that an alien has appropriate professional preparation for such activities.

3.2. Minimum wages are often specified in the national legislative framework that may affect the decision of a third-country national, who is resident in one Member State (or EFTA country), to settle in another Member State (or Norway).

Estonian legislation sets forth different minimum wage requirements that employers must pay to third-country nationals (regardless if they are mobile or not).

1. In case a third-country national applies a residence permit for employment the employer shall pay an alien a salary that is at least equal to the latest annual average wages in Estonia published by Statistics Estonia, multiplied by the coefficient 1.24 (i.e. approximately 1060 Euros per month). However there are exceptions made to some labour migrants (e.g. researchers, teachers, posted workers, etc.) Aliens Act § 181).
2. In case of short-term employment the amount of which employer shall pay to a third-country national shall be equal to at least the average gross monthly salary and wages of the main activity of the employer during the year, last published by Statistics Estonia, but not less than the annual average gross monthly salary in Estonia, last published by Statistics Estonia, multiplied by a coefficient of 1.24. This salary requirement applies to the following professions: *au pair*; expert, adviser or consultant, fitter of equipment or a skilled worker, seasonal workers involving the processing of primary agricultural products.
3. In case of EU Blue Card, an employer is required to pay remuneration to an alien during the period of validity of an EU Blue Card the amount of which is at least equal to 1.5 times the annual average gross monthly salary. Or at least 1.24 times the annual average gross monthly salary, in the following cases: 1) employment as a top specialist or a supervisor; 2) employment as a top specialist in natural or technical science; 3) employment as a top specialist in health service; 4) employment as a specialist in pedagogics; 5) employment as

a specialist in business or administration; 6) employment as a specialist in information or communication or 7) employment as a specialist in legal, cultural or social sphere.

4. For other migrants, who have the right to work, the national minimum wage (290 Euros in 2012) applies.

The salary threshold was introduced in 2008 for the purpose of to avoid low-skilled labour migration to Estonia.

3.3. If the third-country national who moves from another Member State (or EFTA country) is in a self-employed capacity, Member States (and Norway) may require that they have the appropriate funds which are needed, in accordance with national law, to exercise an economic activity in such capacity.

If a third-country national wishes to work in Estonia on a self-employed basis, he/she needs to apply a residence permit for enterprise. The granting of such a residence permit is subject to the following conditions:

- 1) an alien operates as a sole proprietor;
- 2) the sole proprietor is entered into the commercial register of Estonia;
- 3) an alien has sufficient monetary resources for engaging in enterprise in Estonia;
- 4) an alien who is applying for a temporary residence permit for enterprise as a sole proprietor is required to have the capital in the amount of at least 16,000 euros invested in Estonia.
- 5) an alien shall submit the description of the business plan.

3.4. National rules or procedures governing the recognition of degrees and diplomas may affect the decision of a third-country national, who is resident in one Member State (or EFTA country), to settle in another Member State (or Norway).

For the recognition of foreign degrees and diplomas, the competent authority (ENIC/NARIC Centre) in the Estonia assesses the contents of the study course attended. In this context, no distinction is made with respect to the nationality of the applicant.

3.5. National rules or procedures governing access to social security and social services for third-country nationals and their families may affect the decision of a third-country national, who is resident in one Member State (or EFTA country), to settle in another Member State (or Norway).

Third-country nationals who are legally residing and working in Estonia have the right to social benefits, because employer is paying social tax and unemployment tax of their salary. Employed migrants are covered with national health insurance and have the right to other social benefits (sickness benefits, maternity and paternity benefits, unemployment benefits etc.).

Although most of the social benefits paid in Estonia are much smaller as in other Member States and that might affect the decision of a third-country national to move to Estonia.

Other category migrants (e.g. students) are not covered with national health insurance.

3.6. Any other restrictions

Annual immigration quota

Estonia has set the number of third-country nationals who can annually settle in Estonia. The annual immigration quota shall not exceed 0.1 per cent of the permanent population of Estonia annually. Estonian Government annually sets the quota around 1000 persons in a year. Annual immigration quota is applicable for labour migration to Estonia. The immigration quota is mostly distributed to the third-country nationals who apply for residence permit for employment. There are no exceptions made from the quota for those third-country nationals who come from other Member States.

Restrictions of the residence permit for employment

Third-country nationals cannot change the employer or position without ending the first residence permit. Every time they change the employer or position they must apply a new residence permit for employment.

Section 4

Conclusions

(National Contribution: Maximum 2 pages)

The purpose of this study was to act as a scoping exercise to better understand the issues and challenges in relation to the intra-EU mobility of third-country nationals. The aim was to identify the key issues that may be affecting the intra-EU mobility of third-country nationals for reasons of work. Furthermore, analyse the statistics available to get evidence of the current trends and mobility patterns.

Estonia has implemented into its legislation the migration directives on long-term resident's status, EU Blue Card, students and researches (2003/109/EC, 2009/50/EC, 2004/114/EC, 2005/71/EC). As a result of transposing these directives, certain special provisions have been included in the Aliens Act, which might facilitate the mobility of this group of migrants.

For example, third-country nationals who hold a long-term resident permit, EU Blue Card in another EU MS, have the right to submit their temporary residence permit application in Estonia at the Police and Border Guard Board. Other labour migrants have to go the Estonian consulate to submit their application there, before entering the country.

The same benefit is created to third-country students who wish to start studying at the Master's or Doctoral level degrees.

Exceptions from the standard procedure are foreseen for labour migrants, who have been hired as researches, posted workers and long-term residents. First two of them do not need to fulfil the salary criteria and the labour market test is not applicable to them either. The last requirement is applicable also for long-term residents of another EU MS, as employer does not need the consent of the Unemployment Insurance Fund for hiring them.

If immigration quota is usually applicable to labour migrants, then researches and students are exempt from that.

Although, the above-mentioned exceptions are made to facilitate labour migration, the inflow of third-country nationals from other EU MS is quite modest. There is evidence that 68 third-country nationals who previously held a permit in another EU MS have moved to Estonia over the years 2008-2012. The number of mobile third-country nationals was less than 10 in years 2008-2010 and 2012. The only abnormality was in 2011, when 38 posted workers applied a residence permit in Estonia. That can be explained by the fact that in that year the overall number of posted workers increased significantly, because the requirements for posted workers were easier than to other labour migrants.

In conclusion, there are some special requirements foreseen in our national legislation, which might facilitate intra-EU labour mobility. However, the statistics shows that the proportion of third-country national's intra-EU mobility of the total labour migration is insignificant.