

**ESTONIAN MIGRATION FOUNDATION
EUROPEAN MIGRATION NETWORK**

**ESTONIAN MIGRATION AND ASYLUM
STATISTICS REPORT 2004**

**TALLINN
SEPTEMBER 2007**

TABLE OF CONTENTS

INTRODUCTION	3
A. Migration Issues	5
1) Analysis and interpretation of the migration statistics	5
2) Contextual interpretations (legal, political and international factors)	10
B. Asylum Issues	17
1) Analysis and interpretation of the migration statistics	17
2) Contextual interpretations (legal, political and international factors)	18
C. Illegal Entry	20
1) Analysis and interpretation of the migration statistics	20
2) Contextual interpretations (legal, political and international factors)	22
D. Other Data	
1) Short-term employment in Estonia	24
2) Emigration	27
ANNEXE 1 Statistical data	28
ANNEXE 2 Used literature	33

INTRODUCTION

This report is compiled on the basis of the format of the study of the European Migration Network. The aim of the report is to give an overview of the changes and peculiarities of the Estonian migration and asylum statistics in 2004 and at the same time compare the statistics of the year 2004 with the statistics of the previous years.

Estonian immigration policy has been stable since Estonia regained independence in 1991, in principle little has changed during the past ten years and similarly to other Member States of the European Union the policy has been limiting in terms of immigration.

Estonia is the immigration target country for the citizens of mainly third countries (countries that are not members of the European Union). The majority of the countries of departure for immigration to Estonia have been the countries of the CIS, especially the Russian Federation. The immigration pressure from the CIS countries has been constant and due to accession of Estonia with the European Union on 01.05.2004 there is no reason to predict decrease but rather increase in immigration, although the statistics of the year 2004 do not show significant increase in immigration.

This paper also gives an overview of the amendments of the acts, which mainly regulate migration and asylum in Estonia entered into force in 2004 and which have a significant impact on the further development of the Estonian migration processes. The most important legal acts regulating the migration issues in Estonia are: the Aliens Act, Citizenship Act, Citizen of European Union Act, Granting Aliens International Protection Act (former Refugees Act), Obligation to Leave and Prohibition on Entry Act and Constitution of the Republic of Estonia.

Preparation of this paper has been significantly complicated by the fact that Estonia has practically no statistics concerning immigration and emigration. At the moment, the statistics concerning migration is being collected posteriorily, however, it is a very time-

consuming and thorough process although the result is of utmost importance for assessing Estonian migration flows.

This paper has been prepared in close cooperation with the Citizenship and Migration Board (in checking and analysing the Eurostat statistics) but their contribution in terms of statistics were also given by the Ministry of the Interior, Communications Bureau of the Government of the Republic and Statistical Office of Estonia.

A. MIGRATION ISSUES

This paper uses mainly the statistical data received from the Citizenship and Migration Board (hereinafter the CMB). The CMB is a state authority in the area of government of the Ministry of the Interior the main tasks of which are regulating the stay in Estonia of Estonian citizens, third country nationals as well as citizens of the European Union, checking the legal basis and expulsion from the country upon expiry of the legal basis.

1) Analysis and interpretation of the migration statistics

Note that asylum applicants should not be counted, as far as possible, as new migrants. However, once they have received a status and settle in the country, they can be counted in the stock of legal migrants. The immigration flow (for family, work, study) should not include the asylum-seekers flow.

a) Migration Flows

How did migration flows in your Member State change compared to the previous years, from 2002 onwards? Please explain the reasons for changes. Did the migration trends observed in this field reflect immigration policies at the time?

The size of population

The year 2004 was a year of relatively peaceful development of population in Estonia.

During the years following the Census (2000) the Estonian population has been decreasing as a result of the negative natural growth of population by about 5000 persons a year. (see Figure 1).

In 2004 the decrease slowed down to some extent, the decrease as a result of the negative natural growth of population formed 3500 persons. The birth rate increased by 6%, which was most probably also facilitated by the relatively strong family policy measures bringing along changes in the social structure of the women giving birth: still 2/3 of the new mothers are employees and 9% students. As a result of the negative natural growth of population, the number of Estonians decreased by 1600 persons, which is a number almost twice as small as during the previous years. However, migration is not assessed in the Estonian population registration. (see Annexe 1, Table 1)

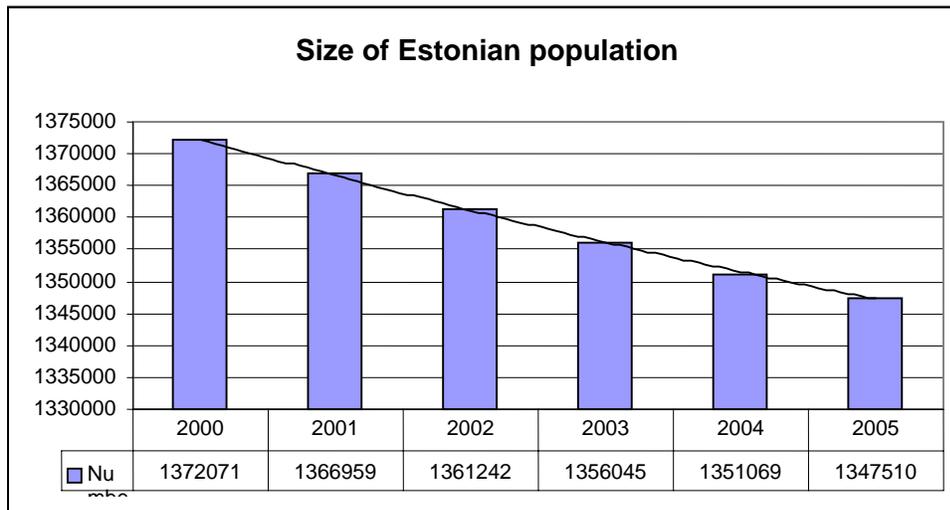


Figure 1. Data: Statistical Office of Estonia; www.stat.ee

1. As on 1 January 2004, the biggest part in the Estonian population was formed by the group of 15 – 19-year old people, i.e. young people born during the years 1984 -1988 (this also includes the so called “singing revolution generation”). The following generation by age, born during the years 1979—1983 is also relatively numerous.
2. The following age group by size is those born during the years 1949—1965. The disproportionately large percentage in the population of this age group is explained by the intensive migration of the persons born during these years: in this age group: the percentage of non-Estonians in this age is close to 40%, which is significantly higher than the average level (31.6%), see Figure 2.
3. The relatively high percentage of the people in the ages between 60-80 years is partially due to the immigration that took place in the middle of the last century (see Figure 2).
4. The disproportionate small size of the two youngest age groups is due to the low birth rate during the last ten years.

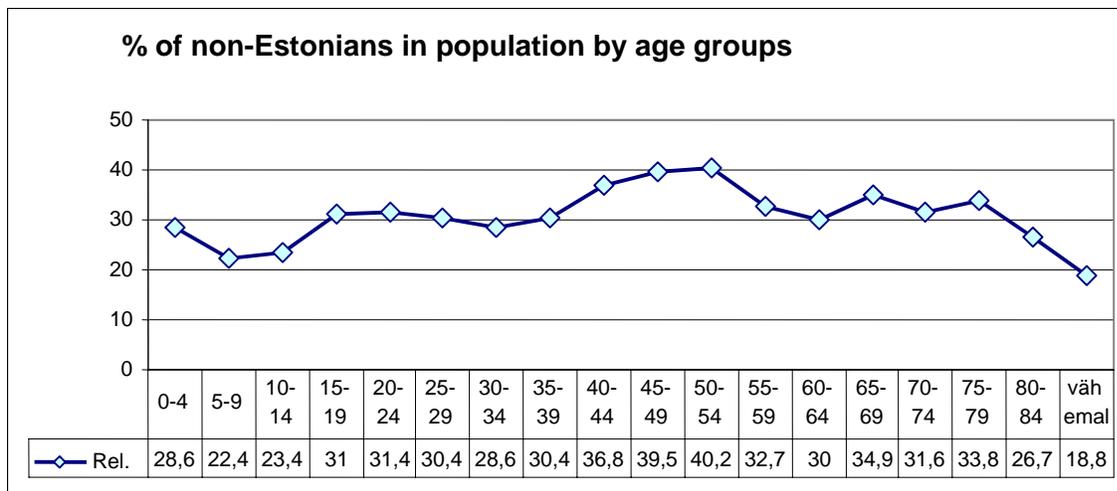


Figure 2. Data: Statistical Office of Estonia., www.stat.ee

Although during the period in question (the year 2004) the population of Estonia decreased by, including by 1600 person of Estonian nationality, it is the lowest number of ten years. Due to the fact that the natural growth of population among the aliens is more negative than that of Estonians, the share of aliens in the population is slowly decreasing – whereas the foreign migration has not been taken into account. An important change took place in the structure of population of Estonia during the period in question – the number of people older than 65 exceeded the number of those up to 14 years of age. In this respect Estonia is, however, not exceptional – the same situation can be observed in the European Union as a whole where the ageing of the society is a serious social problem. The second change was related to the index of labour market pressure – it fell below 1, which means that the number of young people entering the labour market in the nearest future is lower than the number of the elderly leaving the market, which may result in labour shortage. On the contrary the rate of dependants continues to be relatively favourable – only less than half, i.e. the percentage of the people in the working age as compared to the elderly and children is more than 2:1. The population forecast of Eurostat for Estonia is rather negative, suggesting the size of population to be 1.2 million by the year 2025 and 1.1 million by the year 2050.¹

¹ Main indicators of Estonian population during the years 2003/2004 on the background of Europe, 2004

b) *Population by Citizenship in 2004*

What were the largest groups (by citizenship) of third country nationals in 2004? If significant changes occurred in reference to the size of particular groups of third country nationals in 2004, what were the underlying causes of these changes (e.g. legal, political, economical, other)?

Estonia is obliged to submit two tables on the composition of the population for the year 2004 because due to the accession with the European Union on 01.05.2004 ten new member states (including Latvia and Lithuania) were excluded from the list of third countries on 01.05.2004. This also explains the fact why the table of 2004 includes Latvia and Lithuania in the list of citizens of third countries in the table A for 2004.

(see Annexe 1 table 3A (status of the year 2004 before 01.05.2004) and 3B (status of the year 2004 after 01.05.2004))

No special change in the composition of the population in terms of citizens of third countries can be observed as compared to the year 2003. Citizens of the Russian Federation (90,160) continue to hold the first place, they are followed by the citizens of Ukraine (3,896) and the third place is held by the citizens of Byelorussia (1,325). The same top three prevailed in the year 2003.

c) *Residence Permits: annual total positive decisions 2004 (and 2005)*

How did the total number of positive decisions for residence permits (or other authorisations to reside) change in comparison to the previous year? Please explain the reasons for this (legal, political, administrative changes, etc.).

The activities of the CMB in organising the migration issues in the year 2004 is characterised by preparations for large scale campaign for substituting the residence permits of aliens due to the fact that from the second half of the year 2004 the terms of validity of the temporary residence permits of many aliens expired. The campaign for documenting aliens included replacing travel documents for establishing identity of aliens, which had expired and extending temporary residence permits or replacing them with permanent residence permits. The year 2004 was also a preparation period for a real boom of changing the residence permits of aliens, which occurred in the year 2005.

In 2004 8,336 applications were submitted for temporary residence permits and for extending temporary residence permits. In total 4,537 applications were submitted for permanent residence permits.

In 2004 a decision to refuse to grant or extend temporary residence permit was made in 172 cases. In total 125 residence permits were revoked.

As on the beginning of the year 2005, there were 207,749 valid permanent residence permits and 47,375 valid temporary residence permits. There were in total 255,124 valid residence permits.²

As compared to the years 2002 and 2003 the number of valid residence permits has not changed significantly (as on at the beginning of the year):

	2003	2004
Permanent residence permits	213,717	211,306
Temporary residence permits	52,758	51,251
Total	266,475	262,557

When comparing the residence permits issued by the CMB on the basis of citizenship, the most residence permits have been issued to the persons with unidentified citizenship (in rare cases, this also includes individuals without citizenship from Latvia and Finland). The number of the European Union citizen residence permits has increased due to the fact that the number of the citizens of the European Union also includes the citizens of the neighbouring countries of Estonia – Latvia and Lithuania since 01.05.2004.

The number of valid residence permits by citizenship (as on at the beginning if the year):

	2003	2004	2005
Unidentified citizenship	164730	162075	150536
Citizens of third countries	98841	97306	98434
Citizens of the European Union, European Economic Area and Switzerland	2904	3176	6154
Total	266475	262557	255124

² CMB Yearbook 2006

(see also Annexe 1 Table 2)

2) Contextual interpretations (legal, political and international factors)

- a) *What have been the main trends and most important developments in the area of migration policy in your Member State since the previous year (political stance; new or amended laws; procedural changes; etc.? Please give a short overview.*

This chapter sets forth the main changes in the legislation regarding migration that entered into force during the year 2004. At the same time an amendment of an act often has an important impact on the society, facilitating applying for a residence permit or citizenship in Estonia.

Pursuant to the 2004 amendment of the Citizenship Act the period for application for the citizenship decreased from one year to six months³ and in 2004 in total 6,523 persons were granted the Estonian citizenship as compared to 3,706 in 2003. Principally the number of persons who received citizenship increased somewhat in 2004 due to the fact that this period included the amendment of the aforementioned Act.⁴

With the amendment of the Aliens Act, the procedure for granting work and residence permits to skilled workers and scientists was simplified. 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:

- 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;**
- 2) or 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);**

³ Letter of the CMB to the Migration Foundation 3-2/2007-20

⁴ Letter of the CMB to the Migration Foundation 3-2/2007-20

- 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;
- 6¹) for employment as an installer of equipment or a skilled worker if the alien has acquired professional training therefore 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;
- 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.

(1¹) 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.⁵
In 2004 32 employees without legal basis to be in Estonia were caught.⁶

The issue of visas was changed in the year 2004:

Upon Estonia's accession to the European Union on 1 May 2004 the Aliens Act (AA) entered into force. Its aim was to harmonize the visa regulation with the rules established in the legislation of the European Union visa area. Application of the harmonized visa policy

⁵ Aliens Act wording in force from 01.05.2004 to 31.12.2004

⁶ Letter of the CMB to the Migration Foundation 3-2/2007-24

was one of the preconditions for accession with the Schengen. The amendments of the AA regulated the following visa issues – types of visa, granting and refusal to grant visas, extension of the time of stay and refusal thereof. Visas with the EU common format were introduced (approved with the Regulation by the Minister of Foreign Affairs). The new format for the visa invitation was taken into use, the development of which was based on the decision of the executive committee of Schengen of 16 December 1998 establishing unified formats for visa invitations. Furthermore, harmonized visa application form was introduced.

b) What were the existing categories of admission or non-admission in 2004 (and 2005)?

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

1) for employment;

1¹) for enterprise;

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;

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.

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;

15) prohibition on entry applies to him or her.⁷

Due to the accession to the European Union on 1 May 2004, the Citizen of European Union Act entered into force for the citizens of the European Union and their family members. This act regulates the right of stay and live in Estonia of the citizens of the European Union and their family members. The citizens of the European Union, member states of the European Economic Area and the Swiss Confederation have the right to stay in Estonia on the basis of a valid travel document or identification document for up to three months (in some cases also up to six months). On the basis of the temporary residence permit they have the right to stay in Estonia for five years.

c) *Could you identify European / international factors explaining certain changes/continuity regarding migration in your Member State in comparison to the previous year?*

Due to Estonia's accession to the EU on 1 May 2004 and with the Schengen Convention, presumably in December 2007, Estonia will have several obligations. When joining the European Union Estonia undertook the obligation to harmonize the European Union directives with its legislation (including those regulating migration). Joining with the Schengen regulation is a two-stage process. From the date of accession to the European Union Estonia had to implement the set of rules for citizens subject to the visa requirements and those from the countries exempt from the visa requirement, the uniform format for visas (visa-sticker), the uniform residence permit format, unified format for visa invitation, also several measures for preventing illegal immigration or travel in transit. The second stage starts by losing document control on internal borders or full implementation of the Schengen rules preceded by carrying out assessment missions by other Schengen member states and implementation of the second generation of the Schengen information system (SIS II). Estonia will have the obligation to apply the common visa policy, participate in the VISION⁸ consultation system and exchange information, including in the field of residence

⁷Aliens Act wording in force from 01.05.2004 to 31.12.2004

⁸ VISION- visa information system

permits with the competent authorities of other member states. As compensation measure the internal control of aliens should be made more efficient.⁹

Furthermore, when acceding with the European Union Estonia undertook the obligation to transpose the European Union directives to its legislation.

The most remarkable change is still Estonia's accession to the European Union on 1 May 2004.

The new Citizen of European Union Act entered into force for the citizens of the European Union and their stay in the country (without a residence permit or visa) was extended from three to six months.

Accession with the European Union gave Estonia the right to the four basic rights according to the division of the *acquis communautaire* of the European Commission: free movement of individuals and concurring general rights and normatives or rights of citizens, free movement of workers and measures supporting free movement of workers: mutual recognition of professional qualifications and coordination of social insurance schemes.

The free movement of individuals includes the rights to enter, move and, provided that certain conditions are met, stay in a member state the citizen of which this person is not. The free movement of labour did not concur significant changes in the composition of the Estonian population or the labour market in 2004, however, the statistical indicators changed due to the fact that the citizens of the neighbouring countries (Latvia, Lithuania) had to be excluded from the statistics on the citizens of the third countries.

Although Estonia acceded the European Union on 1 May 2004, the possibility of free movement of labour was not extended for us and other new member states (except Malta and Cyprus) immediately. The old member states had the possibility to apply a transition period for the new member states and keep restrictions for 2+3+2 years. Most of the countries used that opportunity, only Sweden, Great Britain and Ireland opened their labour markets immediately on 1 May 2004. To work in other countries, citizens of Estonia still had to apply for work permit or other similar documents upon the granting of which situation on the labour market of which was taken into account. After two years, on 1 May 2006 Finland, Spain, Portugal and Greece withdrew their restrictions and several other

9

[http://materjalid.tmk.edu.ee/veiko_kopamees/RAHVASTIKUOIGUSE_KONSPEKT_2005_\(06.10.2005\).doc](http://materjalid.tmk.edu.ee/veiko_kopamees/RAHVASTIKUOIGUSE_KONSPEKT_2005_(06.10.2005).doc)

countries simplified their current system. The next review of the situation will take place by 1 May 2009 and thereafter, in case of serious problems, restrictions can be extended by another two years. By 1 May 2011 the latest, all member states have to eliminate their restrictions.¹⁰

¹⁰ Ministry of Social Affairs www.sm.ee

B. ASYLUM ISSUES

Estonian policy on refugees

Estonia has practiced conservative policy for immigration, including for the review of the applications for asylum and applies strict measures for controlling immigration. Strict interpretation of the legislation by the immigration officials, rigid immigration policy, poor preparation of Estonian judges, lawyers and attorneys in the area of international protection and refugee status, high number of refusals to grant the refugee status, and poor financial support for the refugees are factors, which clearly influence the reputation of Estonia as a country of destination for people who seek asylum.

Conservative processing of the asylum applications has been criticised, first and foremost by the UNHCR and several non-profit organisations.^{11 12}

1) Analysis and interpretation of the asylum statistics

a) *Please describe trends in first-time asylum applications in 2004 (and 2005) compared to the previous year. Are these trends related to legislative or administrative developments/changes?*

Negative impacts were feared upon the accession of Estonia with the European Union on 1 May 2004, i.e. that the accession would significantly increase the number of asylum seekers in Estonia. However, the statistics have not confirmed that fear. When comparing the years 2002, 2003 and 2004 no significant changes can be found in the number of applications for asylum. In the year 2002 there were nine applicants, in 2003 14 applicants and in 2004 11 applicants. (see also Annexe 1 Table 4)

b) *What is the total number of first and final positive decisions in 2004 (and 2005), disaggregated by the citizenship of the person concerned? Please explain changes in the total number of positive decisions in comparison to the previous year.*

¹¹ Reports of the European Commission Against Racism and Intolerance (ECRI) on Estonia, available at <http://www.coe.int/T/E/human%5Frights/Ecri/4%2DPublications/>

¹² Integration programme for asylum seekers/refugees 2006

Since 2001 no decision to grant asylum i.e. positive decisions have been made in Estonia. In 2004 eight refusing decisions were made. (see Annexe 1 Table 5)

c) *When compared with the previous year, can you observe changes in the statuses regularly granted to particular citizenship groups? How do you explain these changes or continuity?*

The proceedings in Estonia are based on individual approach, therefore no specific citizenship is preferred or set as a restriction. In 2004 no positive decisions were made.

In 2004 the highest number of asylum seekers came from Turkey (7). In addition to that the countries from where the asylum seekers came included Lithuania (1), Georgia (1), Japan (1) and Uzbekistan (1). Unfortunately we do not have data from 2003, thus we cannot submit a comparison.

2) Contextual interpretations (legal, political and international factors)

a) *New or amended laws effective in 2004 (and 2005)*

Please describe briefly any new or amended laws on asylum and relevant case law effective in 2004 (and 2005). Have there been important changes in comparison with the previous year?

In 2004 no significant changes were made to the Refugees Act, which regulates the application for asylum, most of the efforts were used for developing the Granting Aliens International Protection Act (the act was passed on 14.12.2005, entered into force on 01.07.2006).¹³

b) *Procedural changes effective in 2004 (and 2005)*

Please explain briefly administrative or legal changes in the application, decision, or appeals process contributing to any numerical changes. Have there been important changes in comparison with the previous year?

In 2004 Estonia started to forward data to the EURODAC database. Thanks to the EURODAC it is possible to establish in less than ten minutes if an alien has applied for asylum in any other member state. The received data is used to establish a country responsible for reviewing the asylum application.

¹³ Letter of the CMB to the Migration Foundation 3-2/2007-21

In autumn 2004 the European Commission approved the application of Estonia to develop the reception system for asylum seekers, i.e. to build a registration centre for asylum seekers and receive co-financing from the European Refugee Fund. (the respective complex was established at the CMB in 2006).

c) Can you identify European / international factors explaining certain changes regarding asylum trends in 2004 (and 2005) in your Member State? Has the situation changed in comparison with the previous year?

No significant and characteristic trends can be set forth for the year 2004, the general position was waiting if and to what extent the accession to the European Union influences the migration of asylum seekers towards Estonia. (the analyses made later indicated that there was no significant influence).¹⁴

¹⁴ Letter of the CMB to the Migration Foundation 3-2/2007-21

C. ILLEGAL ENTRY

The main aim of the migration supervision is to prevent, detect and hinder immigration. When organising migration supervision the CMB checks (in cooperation with the Ministry of the Interior, Police Board and Border Guard Administration) regularly the entry into and stay in the country of aliens and organises departure from the country of aliens staying in the country illegally.¹⁵

1) Analysis and interpretation of statistics

a) *Please describe developments/trends pertaining to the number of refused aliens in 2004 (and 2005) in comparison to the previous year. Have there been changes in the main countries of citizenship of refused aliens since the previous year? If possible, give reasons for these changes/continuity.*

As compared to the year 2003 the number of persons sent back from the border has decreased. If in 2003 3,056 persons were denied entry to the country then in 2004 this number was significantly lower – 2,308 persons. The highest number of persons still comes from India and Latvia 508 persons and 472 persons respectively. At the same time the countries of citizenship of the persons sent back from the border have remained the same during the year. The persons denied entry includes the most citizens of the neighbouring countries (Republic of Latvia and Russian Federation) and citizens of India and the Philippines. In the case of the latter, they are usually members of a ship's crew who wish to land on ships stopping in Estonian ports. In general numbers the leading position among those denied entry is held by the citizens of India and Latvia, respectively 508 persons and 472 persons. Generally the absence of a travel document necessary for crossing the state border or a valid basis for stay in order to enter the country can be set forth as a reason for denying entry at border. (see Annex 1 Table 6)

b) *Please describe developments/trends pertaining to the number of apprehended aliens in 2004 (and 2005) in comparison to the previous year. Have there been changes in the main countries of citizenship of apprehended aliens in 2004 (and 2005)? If possible, give reasons for these changes/continuity.*

¹⁵ CMB Yearbook 2006

The increase in the number of persons staying in the country illegally in 2003 is due to the more efficient migration supervision carried out by the CMB. The main countries of citizenship of aliens staying in the country without a legal bases have stayed generally the same, which is due to the fact that the major part of the persons caught staying in the country without legal basis are aliens who have arrived here during the Soviet Union times and from its member states and they have not legalised their stay in the country.

In 2002 the number of persons staying in the country illegally was 864, when comparing to the previous year, it can be observed that the number of persons staying in the country illegally has decreased somewhat. In 2003 there were 1,716 persons and in 2004 there were 1,549 persons. Thus in 2003 the number of persons caught staying in the country illegally increased due to the efficient work of the supervisory officials of the CMB and in 2004 this number remained stable. (see Annexe 1, Table 7)

c) *Please describe developments/trends pertaining to the number of aliens removed in 2004 (and 2005) in comparison to the previous year. Have there been changes in the main countries of citizenship of removed aliens? If possible, explain the underlying factors for these changes/continuity.*

The number of persons who have illegally stayed in Estonia and deported from the country has constantly been decreasing (as compared to the year 2003 (171) only 101 persons were deported from Estonia in 2004), however, the countries of origin of the deported persons have mainly remained the same, except for Romania, which has entered the table in 2004.

The fact that the same countries of origin have remained in the table can be justified with the issue that the majority of the persons in this category are those violating visa regulations who have arrived from the same country with an invitation from their relatives. (see Annexe 1 Table 8)

In 2004 the CMB made 291 precepts for legalisation of persons staying in the country illegally, i.e. these persons received the right to apply for legal basis for the stay in Estonia. 151 persons received a precept for leaving, i.e. they had to leave the country.¹⁶

d) *In cases of refused, apprehended, and removed aliens in 2004 (and 2005), are these from the same countries in all categories, or are particular citizenship groups more common in a particular category? If possible, explain the underlying causes.*

¹⁶ The CMB letter to the migration Foundation 3-2/2007-22

Citizens of Latvia and the Russian Federation have been sent back from the border or caught staying in the country illegally more often due to the fact that these are neighbouring countries. In addition to the citizenships dominating in other categories there are people who are in the members of a ship's crew (mainly from India and the Philippines) who want to enter the country during the ship's stay at port, however, they have no valid basis for it.

2) Contextual interpretations (legal, political and international factors)

a) *New or amended laws influencing irregular immigration in 2004 (and 2005)*

Please explain the most important changes in policies regarding refusal of entry or return from the previous year.

Illegal immigration is regulated by the Aliens Act and the Obligation to Leave and Prohibition on Entry Act. The Aliens Act did not include significant changes to the subject of illegal immigration.

The following significant changes were entered into the Obligation to Leave and Prohibition on Entry Act, which entered into force on 01.05.2004:

- 1. The possibility to issue a precept to leave Estonia for citizens of the European Union and their family member was established, the Act has a reference to the Citizen of European Union Act¹⁷**
- 2. The possibility to deposit the documents of the person to be expelled for the purposes of ensuring successful expulsion, was established.**
- 3. A possibility was given to place the persons to be expelled, who could not be expelled within 48 hours, in the house of detention instead of the expulsion centre of the CMB.¹⁸**

b) *Procedural changes influencing irregular immigration in 2004 (and 2005)*

Please describe modifications to the procedure in cases of identified illegal entry, illegal residence and return since the previous year. Include changes that are the result of both administrative and legal developments.

Since 2004 the development of the migration supervision system of activities has been greatly influenced by the forthcoming accession of Estonia with the Schengen visa area,

¹⁷ Section § 15¹ of the Citizen of European Union Act

¹⁸ Obligation to Leave and Prohibition on Entry Act

which is a two-stage process. In the first stage, i.e. from accession to the European Union In the first stage, i.e. from the date of accession to the European Union Estonia had to implement the set of rules for citizens subject to the visa requirements and those from the countries exempt from the visa requirement, the uniform format for visas (visa-sticker), the uniform residence permit format, unified format for visa invitation, also several measures for preventing illegal immigration or travel in transit.

The second stage starts by losing document control on internal borders or full implementation of the Schengen rules preceded by carrying out assessment missions by other Schengen member states and implementation of the second generation of the Schengen information system (SIS II). Estonia will have the obligation to apply the common visa policy, participate in the VISION. The accession is preceded by the assessment missions of other Schengen Member States. Upon the full scale implementation of the Schengen regulations, the CMB has an important role in developing, introducing and implementing the information systems (SIS II, VIS) and consultation procedures (VISION). According to the Schengen legislation the migration supervision arrangements of Estonia must focus on the situation where the border control no longer exists on the internal borders of the European Union. In order to achieve that goal, migration offices were established at the four regional units of the CMB (North, South, East and West) and migration inspectors who passed a thorough training were employed in 2004 in order to better organise the prevention of illegal immigration.

In 2004 the structural unit of the CMB – the expulsion centre was renovated.¹⁹

c) *Can you identify European / international factors explaining certain changes/continuity regarding illegal entry in 2004 (and 2005) in your Member State?*

The most remarkable change is still Estonia's accession to the European Union on 1 May 2004 and the preparations were started for the Schengen assessment of the border points.

¹⁹ CMB Yearbook 2006

D. OPTIONAL: OTHER DATA AND INFORMATION AVAILABLE

- **Short-term employment in Estonia**

- **Aliens who arrive in Estonia on the basis of visa or visa-free entrance (international agreement) may apply for short-term employment in Estonia upon their registration.**

- **Short-term employment may not exceed the period of six months in one year. An alien who resides in Estonia on the basis of the residence permit may not register short-term employment in Estonia. In such case an alien must apply for a residence permit for employment.**

- **Short-term employment in Estonia must be registered before the application for a long-term visa. An application for registration for short-term employment may be submitted in the following cases:**
 - **for working as a teacher or lecturer in an educational institution, which complies with requirements established by Estonian law, on the basis of an invitation from this institution;**
 - **for working as a creative person or scientist if the alien has appropriate professional training or experience;**
 - **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;**
 - **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;**
 - **for employment as an expert, adviser or consultant, provided that the alien has appropriate professional training for such activities;**

- for employment as an installer of equipment or a skilled worker if the alien has acquired professional training therefore 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;
- for activities in the framework of an international program of co-operation involving agencies with state or local government participation;
- for participation in seasonal work involving the processing of primary agricultural products;
- for employment as *au pair* or domestic help;
- for employment for vocational training purposes by way of field training;
- or employment as service personnel of a diplomatic representation of a foreign state, by permission of the Ministry of Foreign Affairs;
- on the basis of an international agreement.

Extract from the Alien Act:

§13². 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:

- 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;**
- 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];**
- 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;
- 6¹) for employment as an installer of equipment or a skilled worker if the alien has acquired professional training therefore 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;
- 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) or employment as service personnel of a diplomatic representation of a foreign state, by permission of the Ministry of Foreign Affairs.²⁰
- In the year 2004 in Estonia were 289 applicants on the bases of short-term employment.²¹

Unemployment:

The number of registered unemployed persons in 2004 is in an average 13.5% less than in 2003. Unemployment of the first three quarters was ca 10%. (In the III quarter of the year 2004 it was 10%, in the III quarter of the year 2003 it was 9.5%)

Year	Average of the year	III			
		I quarter average	II quarter average	quarter average	IV quarter average
2003	43,319	46,992	45,073	40,700	40,510
2004	37,431*	42,286	39,018	34,224	32,580*

²⁰ Section 13² of the Aliens Act

²¹ The CMB letter to the migration Foundation 3-2/2007-24

- **Emigration**

Due to the fact that the statistics concerning migration is deficient in Estonia, this paper relies on the data of the Migration Foundation. The Migration Foundation advises and if necessary, supports financially persons who wish to remigrate. In 2004 235 persons left to their historical country, mainly the countries of the CIS, with the support of the Migration Foundation. The persons who left Estonia included 23 retired military personnel and 23 of their family members, including two children. The rest - 189 were civilians. Out of the remigrating persons 91 were pensioners, 46 were officially and 17 unofficially working, 51 were unemployed and 24 were children. There were also six released prisoners among the people who left with the support of the Foundation.²²

²² Estonian Migration Foundation www.migfond.ee

ANNEXE 1

Table 1
Data of Statistics Estonia

Migration flows 1999-2006

	1999	2000	2001	2002	2003	2004	2005
Legally resident population (1st January)	1 379 237	1 372 071	1 366 959	1 361 242	1 356 045	1 351 069	1 347 510
Recorded immigration	1 418	:	:	:	:	:	:
Recorded emigration	2 034	:	:	:	:	:	:

Table 2
Data of Estonian CMB

			2004	
			Pos. decisions	
			Total	sub-total
Total			:	
Family formation/reunification			:	
	- spouse			359
	- children < 18 years			226
	- other family members			202
Study				
	- pupils			:
	- students			576
Employment				
	- self-empl. persons			153
	- employed persons			980
Other categories			1 872	

Table 3 A
Data of Estonian Ministry of the Interior Population Registration Bureau

Population by main groups of citizenship, 2004

2004 I before EU

		2-04-2004
Total Population		1 374 590
Nationals		1 099 025
Other EU-Nationals		1 652
Total Non-EU nationals		138 576
<i>Most important third country nat.:</i>		:
	Russian Federation	80 765
	Ukraine	3 224
	Belarus	1 272
	Latvia	1 270
	Lithuania	1 142
	United States of America	171
	Georgia	109
	Armenia	108
	Azerbaijan	73
	Kazakhstan	68
Others		135 337

Table 3 B
Data of Estonian CMB

Population by main groups of citizenship, 2005

004 II after EU

				2-01-2005
Total Population				1 377 623
Nationals				1 113 675
Other EU-Nationals				5 069
Total Non-EU nationals				234 320
<i>Most important third country nat.:</i>				:
	Russian Federation			90 160
	Ukraine			3 896
	Belarus			1 325
	United States of America			271
	Armenia			123
	Georgia			122
	Azerbaijan			99
	China			89
	Kazakhstan			76
	India			75

Others				24 559
--------	--	--	--	--------

Table 4
Data of Estonian CMB

First asylum applications by main countries of citizenship, 2004

	Total
TOTAL	11
Turkey	7
Lithuania	1
Georgia	1
Japan	1
Uzbekistan	1
Country6	0
Country7	0
Country8	0
Country9	0
Country10	0
Others	0

New asylum applications by age group and sex, 2004

age groups	male	female	total
Total	:	:	11
0-17	:	:	:
18-35	:	:	:
36-59	:	:	:
60+	:	:	:

Asylum applications by unaccompanied minors, 2004

age groups	male	female	total
Total	:	:	:
0-13	:	:	:
14	:	:	:
15	:	:	:
16	:	:	:
17	:	:	:
Age unknown	:	:	:

Table 5
Data of Estonian CMB

Total number of positive decisions (first instance) by type and country of citizenship, 2004

	Total	Geneva Conv. Stat. Granted	Humanitarian Status and all other types of subs. protect.	Other
TOTAL	0	0	0	0
Country1	0	0	0	0
Country2	0	0	0	0
Country3	0	0	0	0
Country4	0	0	0	0
Country5	0	0	0	0
Others	0	0	0	0

Table 6
Data of Estonian CMB

Refused aliens by main country of citizenship, 2004

	Total
TOTAL	2 308
India	508
Latvia	472
Unknown	251
Russia	238
Philippines	143
Myanmar	128
Lithuania	77
Romania	49
Ukraine	39
Indonesia	34
Others	369

Table 7
Data of Estonian CMB

Apprehended aliens illegally present by main countries of citizenship, 2004

	Total
TOTAL	1 549
Unknown	1 108
Russia	336
Ukraine	38
Belarus	15
Georgia	13
Armenia	7
United States of America	6
Azerbaijan	4
Turkey	3
Moldova	3
Others	16

Table 8
Data of Estonian CMB

**Total removed aliens by
main countries of
citizenship, 2004**

	Total
TOTAL	101
Russia	35
Ukraine	17
Romania	8
Georgia	7
Turkey	5
Moldova	5
Latvia	3
Azerbaijan	3
Unknown	3
United States of America	2
Others	13

ANNEXE 2

USED LITERATURE

Studies:

EMN III small-scale study “Conditions for entry into a country and stay in a country of highly qualified employees of third countries in EU”, Tallinn 2006

www.migfond.ee

Citizenship and Migration Board Yearbook, 2006

Veiko Kopamees, Population law, training material

http://materjalid.tmk.edu.ee/veiko_kopamees/RAHVASTIKUOIGUSE_KONSPEKT

Main indicators of the Estonian population during the years 2003/2004 on the background of Europe, Ene-Margit Tiit, University of Tartu 2004

Reports of the European Commission Against Racism and Intolerance (ECRI) on Estonia

<http://www.coe.int/T/E/human%5Frights/Ecri/4%2DPublications/>

Integration programme for asylum seekers/refugees 2006, Jaan Tõnisson Institute 2006

Legal Acts:

www.legaltext.ee

Aliens Act

Citizen of the European Union Act

Refugees Act

Act on Granting International Protection to Aliens

Obligation to Leave and Prohibition on Entry Act

Homepages:

Ministry of Social Affairs www.sm.ee

Estonian Migration Foundation www.migfond.ee

Estonian Citizenship and Migration Board www.mig.ee

Miscellaneous:

CMB response to the Estonian Migration Foundation 3-2/2007-20

CMB response to the Estonian Migration Foundation 3-2/2007-21

CMB response to the Estonian Migration Foundation 3-2/2007-22

CMB response to the Estonian Migration Foundation 3-2/2007-24