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Aliens Act[1]

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RT I 2010, 3, 4
Entry into force 01.10.2010

Amended by the following acts

Passed	Published	Entry into force
22.04.2010	RT I 2010, 22, 108	01.01.2011 entry into force on the date determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24-26).
09.06.2010	RT I 2010, 34, 184	01.10.2010
09.06.2010	RT I 2010, 41, 240	01.09.2010
25.11.2010	RT I, 09.12.2010, 1	01.01.2011
17.02.2011	RT I, 09.03.2011, 3	19.06.2011
17.02.2011	RT I, 21.03.2011, 2	01.01.2012 Repealed [RT I, 29.06.2012, 2]
23.02.2011	RT I, 23.03.2011, 2	02.04.2011, in part 05.04.2011
16.06.2011	RT I, 30.06.2011, 1	01.07.2011, in part 20.07.2011
08.12.2011	RT I, 22.12.2011, 3	23.12.2011 Repealed [RT I, 29.06.2012, 2]
08.12.2011	RT I, 29.12.2011, 1	01.01.2012
06.06.2012	RT I, 29.06.2012, 2	09.07.2012, in part 01.01.2013
07.06.2012	RT I, 29.06.2012, 5	01.07.2012, in part 01.01.2015
28.03.2013	RT I, 18.04.2013, 2	28.04.2013
13.06.2013	RT I, 02.07.2013, 3	01.09.2013, in part 12.07.2013, 01.01.2014 and 01.01.2015
12.06.2013	RT I, 03.07.2013, 2	01.10.2013
11.12.2013	RT I, 23.12.2013, 1	01.01.2014, in part 01.01.2020
19.02.2014	RT I, 13.03.2014, 4	01.07.2014, in part 23.03.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the official titles of the ministers have been replaced on the basis of subsection 4 of § 107³ of the Government of the Republic Act.
11.02.2015	RT I, 12.03.2015, 1	01.01.2016
18.02.2015	RT I, 19.03.2015, 2	29.03.2015
18.02.2015	RT I, 23.03.2015, 1	02.04.2015, in part 01.08.2015 and 01.01.2016
26.11.2015	RT I, 17.12.2015, 3	27.12.2015, in part 01.01.2016
16.03.2016	RT I, 06.04.2016, 1	01.05.2016
14.12.2016	RT I, 03.01.2017, 2	17.01.2017

14.12.2016	RT I, 03.01.2017, 1	18.01.2017, in part 01.02.2017, 01.04.2017 and 01.10.2017
14.06.2017	RT I, 26.06.2017, 69	06.07.2017
14.06.2017	RT I, 04.07.2017, 3	01.01.2018
02.05.2018	RT I, 17.05.2018, 1	23.05.2018
13.06.2018	RT I, 29.06.2018, 4	15.07.2018, in part 15.08.2018
20.02.2019	RT I, 13.03.2019, 2	15.03.2019
20.02.2019	RT I, 19.03.2019, 11	01.01.2020
20.02.2019	RT I, 19.03.2019, 12	01.09.2019
21.06.2019	RT I, 27.06.2019, 1	21.06.2019 – The Resolution of the Supreme Court en banc declares the Aliens Act unconstitutional and invalid in the part that rules out the granting of a temporary residence permit to an alien for settling in Estonia with the registered same-sex partner of an Estonian citizen.
21.02.2019	RT I, 19.03.2019, 9	01.02.2020, in part 01.04.2021
20.04.2020	RT I, 06.05.2020, 1	07.05.2020
03.06.2020	RT I, 17.06.2020, 2	01.07.2020
17.06.2020	RT I, 10.07.2020, 4	20.07.2020
20.04.2021	RT I, 21.04.2021, 30	20.04.2021 – The resolution of the Constitutional Review Chamber of the Supreme Court declares subsection 1 of § 100^{1}# subsection 2 of § 100^{13} and § 100^{1}# of the Aliens Act unconstitutional and invalid in the part that they preclude filing an appeal with the administrative court for challenging premature termination of the period of stay.
15.06.2021	RT I, 08.07.2021, 1	15.07.2021
28.09.2021	RT I, 29.09.2021, 1	28.09.2021 – A ruling of the Constitutional Review Chamber of the Supreme Court declares the Aliens Act unconstitutional insofar as it does not allow an alien to be granted a temporary residence permit to settle with a registered same-sex partner living in Estonia on the basis of a residence permit.
23.02.2022	RT I, 15.03.2022, 1	01.08.2022
09.05.2022	RT I, 14.05.2022, 1	24.05.2022, in part 01.09.2022, 01.10.2022 and 01.01.2023

Chapter 1
GENERAL PART

Subchapter 1
General Provisions

Division 1
Scope of application of Act

§ 1. Scope of application

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

(2) The Citizen of the European Union Act provides for the legal bases of the temporary stay and residence in Estonia of citizens of the member states of the European Union, citizens of the member states of the European Economic Area or citizens of the Swiss Confederation and their family members.

(3) The Act on Granting International Protection to Aliens provides for the legal bases for the temporary stay, residence and employment in Estonia of applicants for international protection and of those who have been granted protection.

(4) The legal bases for the temporary stay, residence and employment in Estonia of the staff of diplomatic missions and consular posts of foreign states and their family members are provided by treaties and other instruments of international law.

(5) The National Defence Act provides for the legal bases for the entry into Estonia, temporary stay, residence and employment in Estonia of an alien entering Estonia in the framework of international military co-operation.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

§ 2. Application of Act

(1) This Act is not applied to citizens of the member states of the European Union, citizens of the member states of the European Economic Area or citizens of the Swiss Confederation and their family members, who have a legal right for stay or residence in Estonia for the purposes of the Citizen of the European Union Act.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(2) [Repealed – RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(3) The provisions of Subchapters 1 and 2 of Chapter 2 of this Act are applied to the proceeding of the legal bases for the temporary stay, residence and employment in Estonia of the staff of foreign diplomatic missions and consular posts and their family members.

(4) The provisions of this Act are applied taking account of the specifications provided for in a treaty binding on the Republic of Estonia.

Division 2
Definitions

§ 3. Alien

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

§ 4. Minor child

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

§ 5. Permanent resident

For the purposes of this Act, a permanent resident is an Estonian citizen residing in Estonia or an alien residing in Estonia who holds a long-term resident’s residence permit in Estonia or a permanent right of residence.

§ 6. Permanent residence in Estonia

For the purposes of this Act, the permanent residence in Estonia of an alien is the stay in Estonia of an alien on the basis of an Estonian residence permit or right of residence.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

§ 7. Temporary stay in Estonia

For the purposes of this Act, the temporary stay in Estonia is the stay in Estonia of an alien without a residence permit or a right of residence in Estonia.

§ 8. Employment in Estonia

For the purposes of this Act, employment in Estonia is any activity in Estonia on the basis of an employment contract or another contract, as well as other activities for the benefit of another person where obtaining gain or any other proprietary benefit can be presumed regardless of the type or form of the contract on which such activity is based, or the location or the place of residence of the other party, unless otherwise provided by a treaty or law.

§ 9. Legal income

(1) Lawfully earned remuneration for work, parental benefits, unemployment benefits, income received from lawful business activities or property, pensions, scholarships, means of subsistence, benefits paid by a foreign state and the subsistence ensured by family members earning legal income are deemed to be legal income for the purposes of this Act unless otherwise provided for by this Act.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013

(2) The maintenance ensured by a family member includes:
1) maintenance of a minor child by a parent;
2) maintenance of an adult child by a parent if the child due to health condition or disability is not able to cope independently;
3) maintenance by a parent or grandparent of an adult child or grandchild studying in a basic school, upper secondary school or vocational educational institution or, on the basis of the state-recognised higher education curriculum in a vocational educational institution, an institution of professional higher education or a university;
[RT I, 15.03.2022, 1 – entry into force 01.08.2022]
4) maintenance by a spouse;
5) maintenance of a parent or grandparent by an adult child or grandchild if the parent or grandparent is not able to cope independently due to health condition or disability;
6) maintenance of a ward by a guardian.

Division 3
Legal status of alien in Estonia

§ 10. Rights of aliens

(1) An alien staying in Estonia is guaranteed rights and freedoms equal to those of an Estonian citizen unless the Constitution, this Act, other legislation or a treaty binding on Estonia provides otherwise.

(2) An alien is guaranteed the rights and freedoms arising from the generally recognised standards of international law and international practice.

§ 11. Obligations of alien

An alien who is staying temporarily in Estonia or is residing in Estonia is required to observe the constitutional order of Estonia and comply with the legislation of Estonia, respect the constitutional values and principles, the state based on liberty, justice and the rule of law and the organisation of the Estonian society, the Estonian language and culture.
[RT I, 06.04.2016, 1 – entry into force 01.05.2016]

Subchapter 2
General provisions of procedure

§ 12. Application of Administrative Procedure Act

(1) The provisions of the Administrative Procedure Act apply to the administrative proceedings provided for in this Act, taking account of the specifications of this Act.

(2) The provisions of the Administrative Procedure Act do not apply to visa procedures provided for in this Act unless otherwise provided in this Act.

§ 13. Purpose of procedure

(1) The purpose of the proceedings concerning the entry of an alien into Estonia, his or her temporary stay, residence and employment in Estonia and the obligation to leave Estonia of an alien is to guarantee that the entry into Estonia of an alien, the temporary stay and residence in Estonia and departure from Estonia of an alien would be in accordance with public interests and correspond to the need of the protection of public order and national security.

(2) The purpose provided for in subsection 1 of this section shall not preclude taking into account other facts or considerations in the proceeding.

§ 14. Facts relevant to proceedings

(1) The relevant rights of an alien, which at his or her own estimate require the entry into Estonia, the temporary stay, residence or employment in Estonia of an alien, are taken into account in the proceedings.

(2) Upon issue of an administrative act or performance of an act, relying on considerations for prevention of danger, uncertainties may be taken account of during proceedings in order to protect public order and national security.

§ 15. Evidence of relevant facts

(1) Upon evaluation and verification of potential future facts and the prevention of threats related to aliens in the proceedings concerning the entry into Estonia of an alien, the temporary stay, residence and employment in Estonia and the obligation to leave from Estonia of an alien it is assumed that the occurrence of the fact is probable unless the occurrence of the fact is clearly precluded.

(2) Upon the issue of an administrative act or performance of an act the possibility of proving the facts relevant to the proceedings and the probability of the future change in them shall be taken into account.

(3) When an act was performed or an administrative act was issued taking account of the facts that may occur in future, the occurrence or non-occurrence of the facts shall have no impact on the legality of an act or administrative act.

§ 16. Competence of officials of administrative authority

The head of an administrative authority shall appoint competent officials within the organisation to perform procedural acts and issue administrative acts arising from this Act on behalf of an administrative authority unless otherwise provided for by law or regulation.

§ 17. Active legal capacity in administrative procedures

A minor of at least 15 years of age may perform the procedural acts arising from this Act and participate in the proceedings independently unless otherwise provided for in this Act.

§ 18. Obligation of cooperation

(1) An alien and other person concerned is obliged to cooperate in every way in the clarification of the facts relevant to the proceedings in the organisation of the entry into Estonia, the temporary stay, residence and employment in Estonia and the departure from Estonia of an alien.

(2) The obligation of cooperation also extends to the representative of an alien.

§ 19. Burden of proof

(1) An alien and other person concerned are required to prove the facts relevant to the granting, possession, extension and revocation of the legal basis for the temporary stay, residence and employment in Estonia of an alien in the proceedings concerning the organisation of the entry into Estonia, temporary stay, residence and employment in Estonia and the departure from Estonia of an alien.

(2) The burden of proof of an alien and other person concerned includes the obligation to provide written and oral explanations and the obligation to submit evidence.

§ 20. Notification obligation

(1) An alien and other person concerned have the obligation to notify an administrative authority of the change in and cessation of the facts relevant to granting, possession, extension and revocation of the legal basis for temporary stay, residence and employment in Estonia of an alien.

(2) The notification obligation includes, inter alia, the duty of an alien and other person concerned to notify an administrative authority during the conduct of the proceedings of the changes in facts, including the changes in his or her contact details or of a representative, which may affect the conduct of the proceedings.

§ 21. Obligation to participate in proceedings

(1) An alien and other person concerned is obliged to address an administrative authority in person at the summons of the administrative authority in order to carry out the procedural acts.

(2) An alien and other person concerned is obliged to participate in the performance of procedural acts.

(3) Upon a failure to perform an obligation to participate in the procedural acts a favourable administrative act shall not be issued or the procedural act that is applied for shall not be conducted.

§ 22. Performance of procedural acts in person

(1) In case the procedural acts, arising from the law or the nature of the procedural act, are required to be carried out in person, the person is required to appear before an administrative authority in person.

(2) If a person staying in Estonian is permanently unable to appear in person, for reason of health condition, before a competent administrative authority and the appearance in person is required, a competent administrative authority may, if possible, identify a person, verify the identity of a person, take biometric data of the person and carry out other procedural acts at his or her place of residence or stay in Estonia.

(3) If procedural acts shall be performed in person arising from the law or the nature of a procedural act, the party to a proceeding is not allowed to use a representative to perform the procedural act, to perform the procedural act by mail or electronically.

§ 23. Performance of procedural acts through representative

(1) A person may perform procedural acts arising from this Act through a representative unless otherwise provided for in this Act.

(2) If the procedural acts arising from this Act are performed through a representative, an administrative authority shall establish the identity of the representative or verify his or her identity.

(3) If the procedural acts arising from this Act are performed through a representative, he or she is obliged to submit evidence of the right of representation and an administrative authority shall establish the right of representation of the representative.

(4) An administrative authority may also obligate a person to perform procedural acts personally if using of a representative is allowed.

§ 24. Identification and verification of person's identity

(1) Upon performance of procedural acts arising from this Act an administrative authority is required to establish or verify the identity of a person.

(2) A person is required to enable identification and verification of his or her identity.

(3) A favourable procedural act shall not be issued or the procedural act applied for shall not be conducted if it is impossible to identify the person or verify the identity of an alien or other person concerned.

§ 25. Identification of a person on basis of identification document

(1) At the request of an administrative authority a person is required to submit an identification document for the identification and verification of the identity.

(2) A person shall be identified and his or her identity verified on the basis of a document provided for in subsection 2 of § 2 of the Identity Documents Act or a travel document issued by a foreign state.

(3) If an alien under 15 years of age has not been issued a document referred to in subsection 2 of this section, his or her identity shall be identified on the basis of the testimony of his or her legal representative and other evidence.

(4) If an alien does not hold a document referred to in subsection 2 of this section, then, if needed, his or her identity shall be identified or identity verified on the basis of other evidence.

§ 26. Identification of person on basis of biometric data

(1) Biometric data may be obtained from an alien or other person concerned and such data may be processed to identify a person and verify the identity of a person.

(2) At the request of an administrative authority the person is required to enable taking biometric data.

§ 27. Identification of person on basis of DNA data

(1) A DNA sample may be taken from an alien and the respective data processed to identify a person and verify the identity unless it is possible to identify an alien or verify the identity of an alien otherwise.

(2) A decision on taking a DNA sample from a minor shall, in particular, take account of the rights and interests of a minor.

(3) At the request of an administrative authority a person is required to enable a DNA sample being taken.

§ 28. Identification of person on basis of other evidence

An administrative authority may identify a person or verify the identity of a person on the basis of other data known to the administrative authority, not referred to in this Act, including the data collected in the course of proceedings concerning the person, carried out earlier, or the data being processed in the databases with regard to the person.

§ 29. Data submitted in application and evidence appended

[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(1) In order to apply for the issue of administrative acts or performance of procedural acts arising from this Act, a person shall have to submit an application.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(2) A person is required to submit all the data prescribed in the application.

(3) A person is required to append all the prescribed evidence to the application.

(4) A person may submit the application and the evidence appended thereto in the Estonian, Russian or English language unless otherwise provided for by this Act.
(RT I, 29.06.2012, 5 – entry into force 01.07.2012]

§ 30. Documents issued in foreign state

(1) A document that was issued in a foreign state in a foreign language shall be translated into the Estonian, Russian or English language and the translation shall be made by a sworn translator.
[RT I, 23.12.2013, 1 – entry into force 01.01.2020]

(2) A document that was issued in a foreign state must be legalised or certified with an *apostille*unless otherwise provided for in a treaty.

§ 31. Provision of additional data and evidence

(1) At the request of an administrative authority a person is required to submit additional or specifying data or evidence regarding facts that are relevant to the proceedings.

(2) If a person fails to submit the required evidence or data to an administrative authority and it is not possible for the administrative authority to obtain the evidence or data with reasonable effort or within a reasonable time, the administrative authority may dismiss the application or refuse to perform a procedural act.

§ 31[1]. Collection of data by surveillance activities and enquiry to communications undertaking

(1) A competent authority specified in subsection 1 of § 126 [2]of the Code of Criminal Procedure may, with the written consent of the person, collect data about him or her or evidence regarding the facts that are relevant to the proceedings by surveillance activities specified in subsection 1 of § 126 [3]of the Code of Criminal Procedure and by an inquiry to a communications undertaking concerning the information provided for in subsections 2 and 3 of § 111 [1]of the Electronic Communications Act where that is needed for the issue of an administrative act or performance of an act.

(2) A person shall be notified about the conduct of surveillance activities with regard to him or her after the issue of an administrative act or performance of an act and the data collected by surveillance activities shall be submitted to him or her for examination at his or her request.
[RT I, 29.06.2012, 2 – entry into force 01.01.2013]

§ 32. Signing of application and evidence

(1) A person shall sign an application and the submitted evidence personally.

(2) A legal representative shall sign an application or provided evidence of a minor less than 15 years of age or of a person whose active legal capacity is restricted.

(3) By signing an application a person confirms that he or she has not provided false information or added falsified evidence upon application for the visa.

(4) By signing an application and the provided evidence the person confirms that he or she is aware of the content of the personal data being processed with regard to him, of the purpose, extent, manner and admissibility of the disclosure to a third party of personal data.

(5) An administrative authority may require a person to sign documentary evidence or a copy thereof. By signing the documentary evidence or a copy thereof a person shall confirm that the submitted evidence is an original document, it does not include false data and has not been falsified. By signing a copy of the document a person shall confirm that the copy corresponds to the original document.

(6) If a person is not able to sign an application or documentary evidence, an administrative authority shall make a notation on the application or documentary evidence about the absence of the signature and the reasons therefor. This is equal to signing the application or evidence.

(7) The provisions of this section also apply to applications submitted to commence proceedings and declarations submitted in the course of proceedings.

§ 33. Term for proceeding

(1) The term for the performance of proceedings arising from this Act is provided by regulations issued on the basis of this Act.

(2) If the term for the performance of proceedings has not been provided by a regulation, an administrative authority shall determine the term therefor.

(3) The term established or determined by an administrative authority shall not be longer than six months.

§ 34. Extension of term for proceeding

(1) An administrative authority may extend the term for the proceedings unless it is possible to clarify the facts relevant to the proceedings or to collect evidence within the term provided for proceedings.

(2) By the actual extension of the term for proceedings the new term for proceedings that is determined by an administrative authority shall not exceed the initial term for proceedings.

§ 35. Restoration of term for proceeding

(1) If a term for a proceeding is allowed to expire with good reason, an administrative authority may restore the term on its own initiative or at the request of a participant in the proceeding unless otherwise provided for in this Act.

(2) A reasoned application for the restoration of a term for a proceeding shall be submitted immediately after the circumstances impeding performance of a procedural act cease to exist.

(3) Neither the submission of an application for restoration nor restoration of a term for a proceeding shall make the stay of an alien in Estonia legal if an alien does not have a legal basis for a temporary stay or residence in Estonia.

§ 36. Notification

(1) A person shall be notified of administrative acts issued and acts performed on the basis of this Act if notification has been prescribed by this Act or a ruling has been issued on the basis thereof.

(2) A person shall be notified according to the contact details indicated in the request or application or at the address of the place of residence registered in Estonia if the person has not expressed a wish to receive information pursuant to other contact details or the details of the place of residence.

(3) A person shall be notified of the issue of a favourable administrative act or the performance of an act applied for on the basis of this Act via web page of an administrative authority electronically or in another appropriate manner without disclosing personal details.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

(4) An encumbering administrative act can be delivered to a person electronically or by mail or at the location of an administrative authority.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

(5) If a person is using a representative in the performance of proceedings, the obligation of an administrative authority to notify the person provided for in this section shall be deemed fulfilled by notification of the representative.

§ 37. Service of administrative act electronically or by mail

[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

(1) An encumbering administrative act issued on the basis of this Act may be served to the person by registered mail or electronically if acknowledgment of receipt of the electronically transmitted document is ensured.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

(2) In case of a failure to serve an administrative act in a manner referred to in subsection 1 of this section, an administrative authority may disclose the personal details of the addressee of the administrative act and of the operative part of the administrative act on the web page of the administrative authority. An administrative act is deemed to be served and to have entered into force when the operative part of an administrative act has been published on the web page of an administrative authority.

§ 38. Service of administrative act at location of administrative authority

(1) An administrative authority may appoint a date or term to a person for when he or she is required to appear before an administrative authority in order to receive the administrative act.

(2) In case a person, without any good reason, fails to appear before an administrative authority in person on the appointed date or within the set term, the administrative authority may publish the personal details of the addressee of the administrative act and the operative part of the administrative act on the web page of the administrative authority. An administrative act is deemed to be served and to have entered into force when the operative part of an administrative act has been published on the web page of an administrative authority.

§ 39. Notification of procedural documents

(1) In proceedings concerning the entry into Estonia of an alien, the temporary stay, residence and employment in Estonia and the requirement to leave from Estonia of an alien, a procedural document, including the summons to appear before an administrative authority, may be communicated to the person via the web page of the administrative authority without disclosing personal details, electronically, by mail, at the location of the administrative authority or in another appropriate manner. The administrative authority shall select the manner of communicating the procedural document.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

(2) In case of a failure to serve the procedural document to a person in a manner referred to in subsection 1 of this section, which, according to the assessment of an administrative authority had to ensure the service of the procedural document with the highest probability, an administrative authority may publish the personal details of a party to the proceeding and the content of the procedural document on the web page of the administrative authority. A procedural document is deemed to be served to a person when the procedural document, including the content of the summons, has been published on the web page of the administrative authority.

§ 40. Service of procedural act if location of person is unknown

(1) If the address of the location of the person is unknown to an administrative authority and the administrative authority has failed to find out the location of the person within reasonable period of time or with reasonable effort, the personal details of the addressee of the administrative act and of the operative part of both a favourable and encumbering administrative act or a procedural document, including the content of the summons, may be published on the web page of the administrative authority.

(2) An administrative act is deemed to be served to a person and have entered into force and a procedural document to be served when the operative part of the administrative act or the content of the procedural document have been published on the web page of an administrative authority.

§ 40[1]. Specification for justification of administrative act

The reasons underlying the administrative act issued on the basis of this Act, including the data and evidence gathered in the proceedings, shall not be disclosed, including to the data subject, to the extent which is contrary to the objectives provided for in subsection 1 of § 279[3] of this Act.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

§ 40[2]. Assessment of reliability

(1) The Police and Border Guard Board may provide an assessment of the unreliability of an employer, educational institution, internship provider or other person (hereinafter assessment) if an alien comes to a person or if the obligations of a sponsor provided for in this Act apply to the person (hereinafter in this section sponsor).

(2) A consular officer or the Police and Border Guard Board may take into account the assessment of the sponsor with regard to an act to be performed or administrative act issued relating to a future long-stay visa

application, application for extension of stay, application for registration of short-term employment, application for residence permit or application for extension of residence permit.

(3) Violations of obligations imposed on the basis of this Act and other reasons on the basis of which there are reasonable grounds to doubt the reliability of the sponsor shall be taken into account upon providing the assessment.

(4) An assessment shall be issued for a period of validity of up to one year.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

§ 41. State fee

(1) A state fee shall be paid according to the rate that is established in the State Fees Act for the performance of the following acts and review of applications for the issue of administrative acts:
1) a review of an application for a residence permit, extension of a residence permit and resumption of a residence permit;
2) [Repealed – RT I, 02.07.2013, 3 – entry into force 01.09.2013];
3) [Repealed – RT I, 09.12.2010, 1 – entry into force 01.01.2011]
4) a review of an application for visa and for the extension of the period of stay and;
[RT I, 23.03.2011, 2 – entry into force 05.04.2011]
5) a registration of short-term working.
6) a review of appeals submitted against the decision taken in the course of the contestation of a decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay and premature termination of the period of stay,
[RT I, 23.03.2011, 2 – entry into force 05.04.2011]
7) a review of an application for the formalisation as a long-stay-visa of the right to stay in Estonia arising from the expiry of the period of validity of the temporary residence permit.
[RT I, 03.01.2017, 1 – entry into force 17.01.2017]

(2) A state fee shall not be refunded in case of a refusal to review an application.

§ 42. Preservation of procedural documents

A person's request, application, evidence, record, data about sending the summons and service of the document and other procedural documents shall be preserved pursuant to the procedure prescribed in the legislation of the European Union, the Archive's Act and in the regulations issued on the basis thereof.

§ 42[1]. Opinion of another administrative authority and person

(1) If the opinion of another administrative authority, a natural or legal person is needed for an administrative authority upon carrying out the proceedings provided for in this Act, the administrative authority may ask for the necessary opinion.

(2) If another administrative authority, natural or legal person has not provided the opinion thereof within the prescribed period or has not extended the time limit, the administrative authority shall carry out the proceeding without the opinion of another administrative authority, natural or legal person.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

Chapter 2
TEMPORARY STAY IN ESTONIA AND SHORT-TERM EMPLOYMENT

Subchapter 1
Temporary stay in Estonia

Division 1
Legal bases for entry into Estonia and temporary stay in Estonia

§ 43. Legal bases for entry into Estonia and temporary stay in Estonia

(1) An alien shall have a legal basis for entry into Estonia and temporary stay in Estonia. The legal bases of an alien for a temporary stay in Estonia are:
1) a visa issued by a competent Estonian agency;
2) a visa issued by a competent agency of a member state of the Schengen Convention unless the terms of a visa preclude the right to stay in Estonia;
3) the right to stay in Estonia arising directly from a treaty;

4) the right to stay in Estonia arising from a resolution of the Government of the Republic to forego the visa requirement;
5) the right or obligation to stay in Estonia directly arising from law, a judicial decision or an administrative act;
6) a residence permit issued by a competent agency of a member state of the Schengen Convention;
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]
7) a diplomatic or service card issued by the Ministry of Foreign Affairs to the staff of the diplomatic mission and consular post of a foreign state and a representation of an international organisation accredited to Estonia, their family members and private staff;
8) the right to stay in Estonia arising from the expiry of the period of validity of the temporary residence permit;
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]
9) a residence permit of an intra-corporate transferee (hereinafter intra-corporate transferee permit) issued by a competent agency of a member state of the European Union on the basis of Directive 2014/66/EU of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (OJ L 157, 27.05.2014, pp.1–22);
10) A long-stay visa or a residence permit issued to a researcher for the purposes of research or a student for the purposes of studies by a competent agency of a member state of the European Union on the basis of Directive 2016/801/EU of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ L 132, 21.05.2016, pp.21–57).
[RT I, 17.05.2018, 1 – entry into force 23.05.2018]

(2) A long-stay visa issued by a competent agency of a member state of the Schengen Convention is a legal basis for the stay of an alien in Estonia pursuant to a regulation of the European Parliament and of the Council (EU) No 265/2010 amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 as regards movement of persons with a long-stay visa (OJ L 85, 31.03.2010, pp.1-4).
[RT I, 23.03.2011, 2 – entry into force 05.04.2011]

(3) The legal basis provided for in clause 5 of subsection 1 of this section is a legal basis for the stay in Estonia of prisoners or persons in detention or custody staying in a custodial institution in Estonia and they do not need any other legal basis for the stay in Estonia provided for in this Act or any other Act during their stay in a custodial institution.

(3^1) An obligation to leave Estonia imposed by an administrative Act or judicial decision is not deemed a legal basis for a temporary stay in Estonia of an alien for the purposes of clause 5 of subsection 1 of this section.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(3^2) The minister in charge of the policy sector or the Director General of the Police and Border Guard Board authorised by the minister may, in an emergency or an emergency situation, grant an alien who is staying in Estonia, whose return to the country of origin is impeded, a legal basis for the stay in Estonia within the meaning of clause 5 of subsection 1 of this section.
[RT I, 06.05.2020, 1 – entry into force 07.05.2020]

(4) The basis provided for in clause 8 of subsection 1 of this section is a legal basis for the stay in Estonia of an alien within the following 90 days as of the day of expiry of the period of validity of the residence permit if the period of validity of the temporary residence permit of an alien terminated on the date of expiry.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(4^1) The legal basis for staying in Estonia provided in subsection 4 of this section does not apply in case an alien has been granted the residence permit for short-term employment based on § 176^2 of this Act.
[RT I, 14.05.2022, 1 - entry into force 01.01.2023]

(5) The basis provided for in clause 8 of subsection 1 of this section is a legal basis for the stay in Estonia of an alien within the following 270 days as of the day of expiry of the period of validity of the temporary residence permit issued on the basis of clause 3 of § 118 or clause 6 of subsection 1 of § 181 of this Act if the period of validity of the residence permit of an alien terminated on the date of expiry.
[RT I, 17.05.2018, 1 – entry into force 23.05.2018]

(6) An intra-corporate transferee permit is a legal basis for the stay in Estonia for the purpose of work in the framework of an intra-corporate transfer and for movement in transit to another member state of the European Union for the purpose of an intra-corporate transfer.
[RT I, 03.01.2017, 1 – entry into force 17.01.2017]

§ 44. Terms for temporary stay in Estonia

(1) An alien may stay in Estonia under the terms and conditions determined by visa.

(2) If an agreement has been entered into with a foreign state for visa-free travel or the visa requirement has been waived for the citizens of a foreign state, a citizen of such foreign state may stay in the member states of the Schengen Convention, including Estonia, for up to a total of 90 days within any period of 180 days unless otherwise provided for by the treaty.
[RT I, 23.03.2015, 1 – entry into force 02.04.2015]

(3) It is permitted to stay in Estonia on the basis of a residence permit or a long-stay visa issued by a competent agency of a member state of the Schengen Convention for up to a total of 90 calendar days within the period of 180 days.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

(3^1) The intra-corporate transferee permit issued by a competent agency of another member state of the European Union allows staying in Estonia for the purpose of intra-corporate transfer during the period of validity of such residence permit.
[RT I, 03.01.2017, 1 – entry into force 17.01.2017]

(3^2) It is permitted to stay in Estonia for the purposes of studies with a long-stay visa or a residence permit issued by a competent agency of a member state of the European Union specified in clause 10 of subsection 1 of § 43 of this Act for up to 360 days if the alien has been admitted to the professional higher education or bachelor's studies, the integrated curricula of Bachelor's and Master's studies or Master's or Doctoral studies.
[RT I, 17.05.2018, 1 – entry into force 23.05.2018]

(3^3) It is permitted to stay in Estonia with a long-stay visa or residence permit issued by a competent agency of another member state of the European Union specified in clause 10 of subsection 1 of § 43 of this Act for the purposes of research during the period of validity of the visa or residence permit if the short-term employment of an alien has been registered in the Police and Border Guard Board.

(3^4) If a competent agency of a member state of the European Union has issued a long-stay visa or residence permit for the purposes of research to an alien who is staying in Estonia under the conditions specified in subsection $3^3$of this section, his or her family member may stay temporarily in Estonia during the period of validity of that visa or residence permit.
[RT I, 17.05.2018, 1 – entry into force 23.05.2018]

(4) An alien who is a crew member may be permitted to Estonia as a transit passenger if the purpose of the entry into Estonia is to commence or terminate employment as a crew member on board of a ship at an Estonian port or the commencement of employment on board of another ship at an Estonian port or in cases provided for in a treaty for transferring to a ship in another state or returning to the country of origin.

(5) In the case specified in subsections $2^1$and $2^2$of § 105 of this Act, an alien who is a crew member may stay on a ship sailing under the national flag of Estonia for the purpose of work.
[RT I, 14.05.2022, 1 - entry into force 01.10.2022]

§ 45. Health insurance policy

(1) During the temporary stay in Estonia and applying for extension of the period of stay an alien is required to have a valid health insurance policy guaranteeing that any costs related to his or her medical treatment as a result of illness or injury during the period of stay in Estonia will be met.

(2) An alien need not have a health insurance policy:
1) if an alien is deemed to be a person covered by compulsory health insurance pursuant to the Health Insurance Act;
2) if an alien has an insurance policy guaranteeing that any costs related to his or her medical treatment as a result of illness or injury will be met to the same extent as for a person covered by health insurance;
3) in a case provided by a treaty or;
4) if any costs related to his or her medical treatment as a result of illness or injury shall be paid by another state or international organisation.

§ 45^1. Obligations of sponsor

The educational institution in which an alien commenced studies in Estonia on the basis of a long-stay visa or residence permit issued by a competent agency of another member state of the European Union specified in clause 10 of subsection 1 of § 43 of this Act shall have the obligations of a sponsor provided for in this Act.
[RT I, 17.05.2018, 1 – entry into force 23.05.2018]

Division 2

Extension of period of temporary stay in Estonia

§ 46. Conditions of extension of period of stay

(1) The period of stay in Estonia permitted on the legal basis for temporary stay in Estonia (hereinafter referred to as 'period of stay' in this Subchapter) is generally not extended.

(2) As an exception, the period of stay may be extended up to ninety days if a circumstance has arisen of which an alien was unaware before entry into Estonia or a new circumstance has arisen after the entry of an alien into Estonia.

(3) At least one of the following reasons is deemed to be a circumstance specified in subsection 2 of this section that requires a continued temporary stay of an alien in Estonia or prevents his or her departure from Estonia:
1) *force majeure;*
2) a humanitarian ground;
3) a good occupational reason and
4) a good personal reason

(4) The right or obligation to stay in Estonia directly arising from law, a judicial decision or an administrative act shall not be extended pursuant to this Act.

§ 47. Legal effect of application for extension of period of stay

If an alien has applied for the extension of the period of stay during the period of temporary stay, his or her stay in Estonia is deemed legal during the review of his or her application.
[RT I, 03.01.2017, 1 – entry into force 17.01.2017]

§ 48. Refusal to extend period of stay

(1) The extension of the period of stay is refused if:
1) a circumstance which is the basis for premature termination of the period of stay exists with regard to an alien;
2) an application for the extension of the period of stay is not submitted within the specified term and the term is not restored;
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]
3) upon application for the extension of the period of stay, false information or falsified documents have been submitted about the facts relevant to the proceedings;
4) an alien fails to submit information and evidence at the request of and within the term designated by an administrative authority;
5) there is doubt that the alleged purpose of the extension of the period of stay of an alien does not correspond to the actual purpose of the continued stay of an alien in Estonia;
6) an application for the extension of the period of stay submitted by an alien is not substantiated;
7) there is reason to doubt the trustworthiness of an alien;
8) the travel document of an alien does not comply with the established requirements;
9) an alien does not hold a valid travel document;
10) other facts which preclude the extension of the period of stay exist.

(2) If a legal basis for an alien to stay in Estonia is a residence permit issued by a competent agency of a member state of the Schengen Convention, upon the extension of the period of stay, the period of validity of the period of stay shall generally not exceed the period of validity of his or her residence permit.

§ 49. Grounds for refusal to extend period of stay

(1) Refusal to extend the period of stay shall not be substantiated.

(2) The reason for refusal to extend the period of stay or the information thereof shall not be disclosed to an alien or any other person.

§ 50. Competence to decide extension of period of stay

(1) The Police and Border Guard Board shall decide on extension or refusal to extend of the period of stay.

(2) The Ministry of Foreign Affairs shall decide on extension of or refusal to extend the period of stay permitted on the basis of a service card issued to the staff of a diplomatic mission and consular post of a foreign state and an agency of an international organisation accredited to Estonia, their family members and private staff.

Division 3
Premature termination of period of temporary stay in Estonia

§ 51. Premature termination of period of stay

(1) Premature termination of the period of stay is the shortening of the period of stay of an alien in Estonia, permitted on a legal basis for the temporary stay in Estonia of an alien, except by the visa issued on the basis of this Act.
[RT I, 17.05.2018, 1 – entry into force 23.05.2018]

(2) Upon premature termination of the period of stay on a legal basis specified in subsection 1 of this section, the period of stay shall be shortened once.

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

§ 52. Bases for premature termination of period of stay

(1) The period of stay may be terminated prematurely if at least one of the following bases exists:
1) an alien does not hold a valid travel document;
2) the travel document of an alien or the entries in it are falsified;
3) there is doubt to believe that the alleged purpose of the entry into the territory of the member states of the Schengen Convention of an alien does not correspond to the actual purpose;
4) an alien has already stayed in the territory of the member states of the Schengen Convention for 90 days within a period of 180 days;
[RT I, 23.03.2015, 1 – entry into force 02.04.2015]
5) an alien lacks the sufficient means of subsistence, taking into consideration the duration and nature of the stay in the state, or the means necessary for his or her return to their country of origin or to a transit country.
6) a prohibition on entry applied by Estonia or a prohibition on entry applied by a member state of the Schengen Convention and entered into the Schengen information system according to the Schengen Convention, applies with regard to an alien and;
7) an alien may constitute a threat to public order, national security, international relationships or public health of any member state of the European Union;
8) an alien submits a personal application for that purpose;
[RT I, 06.05.2020, 1 – entry into force 07.05.2020]
9) the main reason for the stay in Estonia of an alien is employment and his or her employment contract or other contract or activity, where obtaining gain or any other proprietary benefit can be presumed, expires or has expired.
[RT I, 06.05.2020, 1 – entry into force 07.05.2020]

(2) There is reason to believe that the alleged purpose of the entry of an alien into the territory of member states of the Schengen Convention does not correspond to the actual purpose thereof for the purposes of clause 3 of subsection 1 of this section if, in particular:
1) there is doubt that an alien may not leave the territory of member states of the Schengen Convention after the expiry of the legal basis;
2) there is doubt that an alien may violate the conditions of the temporary stay in the territory of the member states of the Schengen Convention;
3) there is reason to doubt the trustworthiness of an alien or;
4) an alien does not comply with the conditions of the temporary stay in the territory of the member states of the Schengen Convention.

(3) The basis indicated in clause 5 of subsection 1 of this section is, in particular, applied as a basis for premature termination of the period of stay if:
1) an alien lacks the required sufficient funds to cover the costs of the stay in the territory of the member states of the Schengen Convention and of his or her departure therefrom or to ensure his or her accommodation or;
2) the health insurance policy of an alien shall expire before the end of the permitted period of stay.

(4) The basis indicated in clause 7 of subsection 1 of this section is, in particular, applied as the basis for premature termination of the period of stay if:
1) an alien has been punished for offence or;
2) a circumstance which is the basis for application of a prohibition on entry exists with regard to an alien.

(5) The period of stay is not terminated prematurely if the temporary stay of an alien in Estonia is necessary for humanitarian grounds, on grounds of national interests or to fulfil international obligations.

§ 53. Grounds for premature termination of period of stay

(1) Upon premature termination of the period of stay an alien shall be notified of the legal basis for termination.
[RT I, 03.01.2017, 1 – entry into force 17.01.2017]

(2) The grounds for premature termination of the period of stay or the information thereof shall not be disclosed to an alien or any other person.

§ 54. Legal effects of premature termination of period of stay

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

(2) Upon premature termination of the period of stay, an alien is required to immediately leave Estonia. The obligation to leave may be immediately executed pursuant to the procedure provided for in the Obligation to Leave and Prohibition on Entry Act.

§ 55. Competence to decide on premature termination of period of stay

The Ministry of Foreign Affairs, the Police and Border Guard Board or the Estonian Internal Security Service shall prematurely terminate the period of stay.

Subchapter 2
Visa

Division 1
Categories of visas

§ 56. Visa

A visa is a permit issued to an alien for entry into the territory of the member states of the Schengen Convention, into Estonia or into the transit zone at the airport and for a temporary stay therein under the conditions determined by a visa unless otherwise provided for by law.

§ 57. Categories of visa

The categories of visas are:
1) an airport transit visa;
2) a short-stay visa and
3) a long-stay visa.

§ 58. Airport transit visa

An airport transit visa may be issued to an alien pursuant to Regulation (EC) No 810/2009 of the European Parliament and of the Council establishing a Community Code on visas (Visa Code) (OJ L 243, 15.09.2009, pp. 1-58) (hereinafter Visa Code).

§ 59. Short-Stay Visa

A short-stay visa may be issued to an alien on the bases provided for in the Visa Code.

§ 60. Long-Stay Visa

(1) A long-stay visa may be issued to an alien for single or multiple temporary stay in Estonia.

(2) A long-stay visa may be issued with a period of validity up to twelve months.
[RT I, 23.03.2011, 2 – entry into force 05.04.2011]

(3) A long-stay visa may be issued for the period of stay of up to 365 days within twelve consecutive months unless otherwise provided for by a treaty.
[RT I, 03.01.2017, 1 – entry into force 17.01.2017]

(4) [Repealed – RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(5) [Repealed – RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(6) The whole period of stay of an alien with a long-stay visa shall not be longer than 548 days within 730 consecutive days unless otherwise provided for by a treaty.

[RT I, 03.01.2017, 1 – entry into force 17.01.2017]

(7) Subsection 6 of this section shall not be applied with regard to an alien whose short-term employment has been registered on the basis of subsection 10 of § 106 of this Act if the alien has prior stayed in the state with a long-term visa for purposes other than seasonal work.
[RT I, 03.01.2017, 1 – entry into force 17.01.2017]

Division 2
Issue of and refusal to issue visa

Subdivision 1
Issue of visa

§ 61. Conditions determined by visa

(1) The following conditions shall be determined by a visa:
1) the period of validity – a period during which a visa is valid for single, double or multiple entries into the territory of the member states of the Schengen Convention, Estonia or the transit zone at the airport, for stay therein and departure therefrom;
2) the period of stay – the number of days during which an alien may stay in the territory of the member states of the Schengen Convention, in Estonia or in the transit zone at the airport during the period of validity of the visa;
3) the number of entries – the number of entries into the territory of the member states of the Schengen Convention, into Estonia or into the transit zone of the airport permitted to an alien during the period of validity of the visa;
4) the territorial validity – a territory of one or several member states of the Schengen Convention or the transit zone at the airport where an alien may stay on the condition that the visa area is entered and left through the territory of the state determined by the territorial validity.

(2) An alien is required to comply with the conditions determined by a visa upon entry into, stay in and departure from the territory of the member states of the Schengen Convention, Estonia or the transit zone of the airport.

§ 62. Conditions of issue of visas

(1) An airport transit visa and a short-stay visa may be issued to an alien under the conditions provided for in the Visa Code.

(2) A long-term visa may be issued to an alien:
1) who holds a valid travel document;
2) if the purpose of his or her application for the Estonian long-stay visa is justified;
3) he or she has sufficient financial resources to cover the costs of accommodation and stay during his or her stay in Estonia and to return to his or her country of origin or transit;
4) he or she has a valid health insurance policy which guarantees payment of any costs related to his or her medical treatment due to his or her illness or injury during the validity of the visa, in the case of a multiple-stay visa until the expiry of the period of the first planned stay.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

(3) A health insurance policy is not required in the cases of a long-stay visa if an alien is deemed to be a person covered by compulsory health insurance pursuant to the Health Insurance Act or if the costs relating to the medical treatment of an alien are paid by another state or international organisation or in cases provided by a treaty.

§ 62[1]. Issue of visa related to short-term employment of alien in Estonia

(1) Prior to application for a visa for short-term employment in Estonia an alien is required to register his or her short-term employment in Estonia with the Police and Border Guard Board.

(2) If an alien is issued a visa for short-term employment in Estonia, and the alien is a parent raising a minor child or the sole guardian of an adult child who is unable to cope independently due to the state of health or disability, a visa may be issued to, the child of an alien under the same conditions as to the specified alien.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

(2[1]) If the short-term employment of an alien in Estonia is registered for the purpose of research and development, as an academic staff member or as an intra-corporate transferee on the basis of clause 2 of subsection 1[4]or subsection 13 of § 106 of this Act, a visa may be issued to the spouse, a minor child and an adult child who is unable to cope independently due to their state of health or disability, for the period of stay of an alien in Estonia, taking account of the conditions of the issue of a visa.

[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

(3) If the short-term employment of an alien in Estonia is registered and the alien has a legal basis for the temporary stay in Estonia, a short-term or long-term visa may be issued to a child of the alien who is a parent raising a minor child or the sole guardian of an adult child who is unable to cope independently due to the state of health or disability.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

§ 62[2]. Issue of visa related to commencement of studies of alien in Estonia

(1) A short-term or long-term visa for study may be issued to an alien admitted to a state-recognised basic school, upper secondary school, vocational educational institution or an institution of higher education.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

(2) A visa may be issued for study at the level of higher education studies if the alien commences studies at the educational institution that is institutionally accredited.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

(3) If an alien who has been admitted to the studies in an educational institution at the fourth or fifth qualification level of vocational training, in professional higher education or Bachelor's studies, to the studies based on the integrated curricula of Bachelor's and Master's studies or Master's or Doctoral studies is issued a visa related to the commencement of studies in Estonia, the spouse of the alien, a minor child thereof and an adult child who due to his or her health status or disability is unable to cope independently may be issued a visa under the same conditions as to the specified alien.
[RT I, 03.01.2017, 1 – entry into force 01.04.2017]

(4) If an alien has been admitted to the studies in an educational institution at the fourth or fifth qualification level of vocational training, in professional higher education or Bachelor's studies, to the studies based on the integrated curricula of Bachelor's and Master's studies or Master's or Doctoral studies and the alien has a legal basis for the stay in Estonia, the spouse of the alien, a minor child thereof and an adult child who due to his or her health status or disability is unable to cope independently may be issued a short-term or long-term visa.
[RT I, 03.01.2017, 1 – entry into force 01.04.2017]

(5) [Repealed – RT I, 03.01.2017, 1 – entry into force 01.04.2017]

§ 62[3]. Legal effect of application for long-stay visa

If an alien has applied for a long-stay visa pursuant to the procedure provided for in § 911 of this Act, his or her stay in Estonia is deemed legal during the review of his or her application.
[RT I, 03.01.2017, 1 – entry into force 17.01.2017]

§ 62[4]. Issue of visa related to start-up business

(1) A visa for engagement in start-up business may be issued if the stay of an alien in Estonia is related to foundation or development of a start-up company in Estonia. An alien may be issued a short-stay or long-stay visa for engagement in start-up business.

(2) A start-up company for the purposes of this Act is a business entity belonging to a company registered in Estonia, which is starting activity with the purpose to develop and launch such a business model with high global growth potential, innovative and replicable that shall significantly contribute to the development of the Estonian business environment.

(3) If an alien is issued a visa for engagement in start-up business, a visa may be issued to the spouse, a minor child or an adult child who due to his or her health status or disability is unable to cope independently, under the same conditions as to the specified alien.

(4)) If an alien is issued a visa for engagement in start-up business, a short-stay or long-stay visa may be issued to the spouse, a minor child or an adult child who due to his or her health status or disability is unable to cope independently.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

§ 62[5]. Issue of visa for teleworking

(1) A visa for teleworking may be issued to an alien whose purpose of temporary stay in Estonia is to perform work duties in Estonia as a location-independent employee.

(2) For the purposes of this Act, a location-independent employee is an alien whose work does not depend on location and who uses telecommunications technology to perform work duties as telework and who continues:
1) employment for the benefit of an employer registered in a foreign state with whom he or she has a contractual relationship;
2) business activities for the benefit of a company registered in a foreign state in which he or she has a holding;
3) the provision of services mainly to customers whose place of business is in a foreign state and with whom he or she has a contractual relationship.

(3) A visa for teleworking may be issued if an alien comes to Estonia at the invitation of a reliable intermediary who has assessed the compliance of the alien with the definition of a location-independent employee, or if the alien meets the definition of a location-independent employee in the opinion of the administrative authority.

(4) For the purposes of this Act, a reliable intermediary is a company recognized as reliable by the minister in charge of the policy sector, who assesses the compliance of an alien with the definition of a location-independent employee.

(5) A short-stay or long-stay visa may be issued to an alien for the performance of telework.

(6) If an alien is issued a visa for teleworking, a visa may be issued to the alien's spouse, a minor child and an adult child who is unable to cope independently due to a health condition or disability under the same conditions as to the specified alien.

(7) If an alien is issued a visa for teleworking, a short-stay or long-stay visa may be issued to the alien's spouse, a minor child and an adult child who is unable to cope independently due to health condition or disability.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

§ 63. Issue of visa at border checkpoint

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

(2) A short-stay visa may be issued at a border checkpoint on the grounds and conditions provided by the Visa Code.

(3) An airport transit visa and a long-stay visa is not issued at a border checkpoint.

§ 64. Information regarding issue of visa

The facts of the issue of a visa and information related thereto shall not be disclosed to an alien or any other person.

§ 64[1]. Obligations of sponsor

(1) The educational institution to which an alien was issued a visa for the purpose of study has the obligations of a sponsor provided for in this Act.

(2) A trusted intermediary on the basis of whose confirmation an alien was issued a visa for teleworking has the obligations of a sponsor provided for in this Act.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

Subdivision 2
Refusal to issue visa

§ 65. Bases for refusal to issue visa

(1) The issue of a short-stay visa and an airport transit visa shall be refused on the bases provided for by the Visa Code.

(2) The issue of a long-stay visa shall be refused if there exists at least one of the following grounds:
1) an alien does not hold a valid travel document;
2) the travel document of an alien or the entries in it are falsified;
3) there is reason to believe that the alleged purpose of the travel of an alien does not correspond to the actual purpose;
4) an alien lacks the sufficient means of subsistence taking into consideration the duration and nature of the stay in Estonia, or the necessary funds to cover the costs relating to his or her return to the country of origin or the transit country;
5) a prohibition on entry applied by Estonia is valid with regard to an alien or a Schengen prohibition on entry that is applied by a member state of the uniform visa area of the European Union and, pursuant to Schengen Convention, an alert has been entered in the Schengen Information System for the purposes of refusing him or her an entry;
[RT I, 23.03.2011, 2 – entry into force 05.04.2011]

6) an alien may constitute a threat to public order, national security, international relations or public health and;
7) there is reason to doubt the authenticity of the supplementary documents submitted by an alien or the correctness of their contents, the trustworthiness of the statements of an alien or his or her intention to leave Estonia before the expiry of the period of validity of a long-stay visa;
8) there are reasonable grounds to doubt the reliability of the employer, educational institution, internship provider or other person to whom the alien comes;
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]
9) at least one of the conditions which is required for the issue of a visa is not fulfilled.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

§ 66. Reasoning of refusal to issue visa

(1) In the case of the refusal to issue a visa an alien is notified of the legal basis for refusal.
[RT I, 03.01.2017, 1 – entry into force 17.01.2017]

(2) The reasons for refusal to issue a visa or the information thereof shall not be disclosed to an alien or any other person.

Division 3
Extension of or refusal to extend period of stay determined by visa

§ 67. Conditions of extension of period of stay determined by visa

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

(2) The period of stay determined by a short-stay visa and an airport transit visa is extended pursuant to the bases provided in the Visa Code.

(3) As an exception, the period of stay determined by a long-stay visa may be extended up to ninety days if a circumstance has arisen of which an alien was unaware before the entry into Estonia or a new circumstance has arisen after the issue of a visa and the entry of an alien into Estonia.

(4) At least one of the following facts is considered a circumstance specified in subsection 3 of this section which requires the continued temporary stay of an alien in Estonia or prevents his or her departure from Estonia:
1) *force majeure;*
2) a humanitarian ground;
3) a good occupational reason and
4) a good personal reason

(4^1) The period of stay determined by a long-stay visa shall be extended for short-term employment in Estonia, provided that the whole period of stay of an alien with a long-stay visa is no longer than 548 days within 730 consecutive days.
[RT I, 03.01.2017, 1 – entry into force 17.01.2017]

(4^2) The period of stay determined by a long-stay visa shall be extended for engagement in start-up enterprise, provided that the whole period of stay of the alien with a long-stay visa is no longer than 548 days within 730 consecutive days.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(4^3) If the period of stay determined by a long-stay visa of an alien is extended on the basis of subsection $4^2$of this section, the period of stay determined by a long-stay visa may be extended to the spouse, a minor child or an adult child who due to his or her health status or disability is unable to cope independently, under the same conditions as to the specified alien.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(5) Upon extension of the period of stay determined by a visa for longer than the period of validity of a visa, the period of validity of the visa shall extend until the expiry of the period of stay determined by the visa.

§ 68. Health insurance policy

(1) An alien applying for extension of the period of stay shall have a health insurance policy guaranteeing that any costs related to his or her medical treatment as a result of illness or injury during his or her temporary stay in Estonia will be met.

(2) An alien need not hold a health insurance policy:
1) if he or she is deemed to be a person covered by compulsory health insurance pursuant to the Health Insurance Act;
2) if he or she holds an insurance contract guaranteeing that any costs related to his or her medical treatment as a result of illness or injury will be met to the same extent as for the persons who are covered with health insurance;
3) in the cases provided by a treaty;
4) if the costs relating to the medical treatment as a result of illness or injury of an alien are met by another state or international organisation.

§ 68[1]. Extension of period of stay related to short-term employment of alien in Estonia

(1) Prior to application for extension of the period of stay determined by a visa on the basis of subsection 4[1] of § 67 of this Act an alien is required to register his or her short-term employment in Estonia with the Police and Border Guard Board.

(2) If the period of stay of an alien is extended on the basis of subsection 41 of § 67 of this Act, the period of stay determined by a long-stay visa of a spouse, minor child and an adult child of an alien, who due to health condition or disability is not able to cope independently, under the same conditions as to the specified alien. [RT I, 03.01.2017, 1 – entry into force 17.01.2017]

§ 69. Legal effect of the application for extension of period of stay

If an alien has applied for the extension of the period of stay during the period of validity of a visa, his or her stay in Estonia is deemed legal during the review of his or her application. [RT I, 03.01.2017, 1 – entry into force 17.01.2017]

§ 70. Refusal to extend period of stay

The extension of the period of stay is refused if:
1) a circumstance which is the basis for refusal to issue a visa exists in respect of an alien;
2) [Repelead – RT I, 17.06.2020, 2 – entry into force 01.07.2020]
3) upon application for the extension of the period of stay false information or falsified documents have been submitted about the information which is relevant to the proceeding;
4) an alien fails to provide information and documentary evidence at the request of and within the term designated by the administrative authority;
5) there is doubt that the alleged purpose of the extension of the period of stay of an alien does not correspond to the actual purpose of the continued stay of an alien in the territory of the member states of the Schengen Convention or in Estonia;
6) an application for the extension of the period of stay submitted by an alien is not substantiated;
7) there is reason to doubt the trustworthiness of an alien;
8) the travel document of an alien does not comply with the established requirements;
9) an alien does not hold a valid travel document or;
10) other circumstances which preclude the extension of the period of stay exist.

§ 71. Reasoning of refusal to extend period of stay

(1) Upon refusal to extend the period of stay an alien shall be notified of the legal basis for refusal. [RT I, 03.01.2017, 1 – entry into force 17.01.2017]

(2) A reason for refusal to extend the period of stay or the information related thereto shall not be disclosed to an alien or any other person.

Division 4
Validity of visa

Subdivision 1
Expiry of validity of visa

§ 72. Expiry of single-entry visa

(1) The validity of a single-entry short-stay visa and an airport transit visa expires:
1) upon the expiry of the period of validity of a visa;
2) upon termination of the period of stay unless the period of validity of a visa expires earlier;
3) when an alien leaves the territory of the member states of the Schengen Convention or the airport transit zone;
4) upon annulment of a visa or:
5) upon revocation of a visa.

(2) The validity of a single-entry long-stay visa expires:
1) upon the expiry of the period of validity of a visa;
2) upon termination of the period of stay unless the period of validity of a visa expires earlier;
3) when an alien leaves Estonia;
4) upon annulment of a visa;
5) upon revocation of a visa;
6) upon the issue of a residence permit by a competent Estonian agency.
[RT I, 03.01.2017, 1 – entry into force 17.01.2017]

§ 73. Expiry of validity of multiple-entry visa

(1) The validity of a multiple-entry short-stay visa and an airport transit visa expires:
1) upon the expiry of the period of validity of a visa;
2) upon expiry of the period of stay determined by a visa after all the entries into the territory of the member states of the Schengen Convention or into the airport transit zone permitted to an alien by the visa are used, unless the period of validity of the visa expires earlier;
3) upon expiry of the period of stay determined by a visa after all the entries into the territory of the member states of the Schengen Convention or into the airport transit zone permitted to an alien by the visa are used unless an alien departs from the territory of the member states of the Schengen Convention or the airport transit zone earlier;
4) upon departure of an alien from the territory of the member states of the Schengen Convention or the airport transit zone after all the entries into the territory of the member states of the Schengen Convention or into the airport transit zone permitted to an alien by a visa are used unless the period of stay or period of validity expires earlier;
5) upon annulment of a visa;
6) upon revocation of a visa.

(3) The validity of a multiple-entry long-stay visa expires:
1) upon the expiry of the period of validity of a visa;
2) upon expiry of the period of stay determined by a visa after all the entries into Estonia permitted to an alien by the visa are used unless the period of validity of the visa expires earlier;
3) upon expiry of the period of stay determined by a visa after all the entries into Estonia permitted to an alien by the visa are used unless an alien departs from Estonia earlier;
4) upon departure of an alien from Estonia after all the entries into Estonia permitted to an alien by a visa are used unless the period of stay or period of validity expires earlier;
5) upon annulment of a visa;
6) upon revocation of a visa;
7) upon the issue of a residence permit by a competent Estonian agency.
[RT I, 03.01.2017, 1 – entry into force 17.01.2017]

§ 74. Obligation of alien to leave territory of member states of Schengen Convention, Estonia and airport transit zone

An alien is required to leave the territory of the member states of the Schengen Convention, Estonia or the airport transit zone at the latest before the expiry of the validity of visa.

Subdivision 2
Annulment and revocation of visa

§ 75. Annulment and revocation of visa

The annulment and revocation of a visa for the purposes of the Visa Code is revocation of a visa for the purposes of the Administrative Procedure Act.

§ 76. Annulment of visa

(1) The annulment of a visa for the purposes of the Visa Code and this Act is revocation of a visa retroactively from the beginning.

(2) A visa shall be annulled when it becomes evident that the conditions of granting a visa had not been met during the time of granting the visa.

§ 77. Revocation of visa

(1) The revocation of a visa for the purposes of the Visa Code and this Act is revocation of a visa prospectively from the moment of making the decision.

(2) A visa shall be annulled when it becomes evident that the conditions necessary for the issue of a visa are no longer satisfied.

§ 78. Grounds for annulment and revocation of visa

(1) A short-stay visa and an airport transit visa shall be annulled and revoked on the bases provided for in the Visa Code.

(2) A long-stay visa shall be annulled and revoked if at least one of the following bases exists:
1) an alien does not hold a valid travel document;
2) the travel document of an alien or the entries therein are falsified;
3) there is reason to believe that the alleged purpose of the travel of an alien does not correspond to the actual purpose;
4) an alien lacks the sufficient means of subsistence taking into consideration the duration and nature of the stay in Estonia, or the funds necessary to cover the costs relating to his or her return to the country of origin or the transit country;
5) a prohibition on entry which is applied by Estonia or the Schengen prohibition on entry which is applied by a member state belonging to the uniform visa area of the European Union and an alert has been entered into the Schengen Information System pursuant to the Schengen Convention is valid with regard to an alien;
[RT I, 23.03.2011, 2 – entry into force 05.04.2011]
6) an alien may constitute a threat to public order, national security, international relations or public health and
7) there is reason to doubt the authenticity of the supplementary documents provided by an alien or the correctness of their contents, the trustworthiness of an alien's statements or his or her intention to leave Estonia before the expiry of the period of validity of a long-stay visa;
8) an alien has submitted a request therefor;
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]
9) the main reason for the stay in Estonia of an alien is employment and his or her employment contract or other contract or activity, where obtaining gain or any other proprietary benefit can be presumed, expires or has expired;
[RT I, 06.05.2020, 1 – entry into force 07.05.2020]
10) there are reasonable grounds to doubt the reliability of the employer, educational institution, internship provider or other person to whom the alien comes;
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]
11) there is a circumstance which is the basis for refusal to issue a visa or to extend the period of stay specified in the visa.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

§ 79. Reasoning of annulment and revocation of visa

(1) Upon annulment and revocation of a visa an alien shall be notified of the legal basis for annulment and revocation.
[RT I, 03.01.2017, 1 – entry into force 17.01.2017]

(2) The reasons for annulment and revocation of a visa or the facts related thereto shall not be disclosed to an alien or any other person.

§ 80. Obligation to leave of alien

(1) Upon annulment or revocation of a visa, an alien staying in the territory of the member states of the Schengen Convention is obliged to immediately leave the territory of the member states of the Schengen Convention unless an alien has a legal basis for the temporary stay or residence in the state.

(2) The obligation to leave provided in subsection 1 of this section may become immediately subject to compulsory execution pursuant to the procedure provided for by the Obligation to Leave and Prohibition on Entry Act.

Division 5
Visa proceedings

Subdivision 1
Competence

§ 81. Competence for issue of visa at foreign mission of Estonia

A consular officer at a foreign mission of Estonia shall decide on the issue of a visa or the refusal to issue a visa.

§ 82. Co-ordination of issue of visa

(1) A consular officer is required to coordinate the issue of a visa with agencies within the area of government of the Ministry of the Interior, which is designated by the minister in charge of the policy sector.

(1^1) The Police and Border Guard Board are required to coordinate the issue of a visa in Estonia with an agency designated by the minister in charge of the policy sector.
[RT I, 03.01.2017, 1 – entry into force 17.01.2017]

(2) If an agency designated by the minister in charge of the policy sector refuses to approve the issue of a visa, a consular officer or the Police and Border Guard Board shall substantiate their decision in the visa register upon the issue of the visa.
[RT I, 03.01.2017, 1 – entry into force 17.01.2017]

(3) Information concerning coordination of the issue of a visa shall not be disclosed to an alien or any other person.

(4) The coordination of the issue of a visa is arranged via the visa register.

(5) In cases provided by the legislation of the European Union the issue of a visa shall be coordinated with the member states of the Schengen Convention.

§ 82^1. Competence for issue of visa in Estonia

The Police and Border Guard Board shall make a decision on the issue of or refusal to issue a visa in Estonia.
[RT I, 03.01.2017, 1 – entry into force 17.01.2017]

§ 83. Competence for issue of visa at border checkpoint

The Police and Border Guard Board shall make a decision on the issue of or refusal to issue a visa to an alien at a border checkpoint in exceptional cases.

§ 84. Competence for extension of period of stay

The Police and Border Guard Board shall make a decision on the extension of or refusal to extend the period of stay.

§ 85. Competence regarding annulment of visa

(1) The annulment of a visa shall be decided by the Ministry of Foreign Affairs, the Police and Border Guard Board or the Estonian Internal Security Service.

(2) The annulment of a visa of an alien who entered into the territory of the Estonian border, transit zone or temporary control line shall be decided by the Police and Border Guard Board.

§ 86. Competence regarding revocation of visa

The Ministry of Foreign Affairs, the Police and Border Guard Board or the Estonian Internal Security Service shall revoke a visa.

§ 87. Competence regarding visa waiver

The Government of the Republic may decide on a visa waiver in correspondence with the Council Regulation (EC) No 539/2001 listing the third *countries*whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 81, 21.3.2001, pp. 1-7).

§ 88. Competence for conclusion of agreements relating to representation

The Government of the Republic may conclude agreements with foreign states on visa matters relating to the representation of the Republic of Estonia.

Subdivision 2

Application for visa

§ 89. Application for visa

(1) An alien shall submit his or her visa application to obtain a visa.

(2) An alien of at least 15 years of age residing permanently in a foreign country may independently submit his or her visa application. Upon submission of the visa application independently, an administrative authority may demand a notarially authenticated consent of the legal representative.

§ 90. Application for visa at foreign mission of Estonia

(1) The provisions of the Visa Code apply to application for a short-stay visa and an airport transit visa at a foreign mission of Estonia.

(2) An alien shall submit an application for a long-stay visa at a foreign mission of Estonia in person.

(3) An alien may send a long-stay visa application to a foreign mission of Estonia by mail, electronically or through a representative if he or she has been fingerprinted in the proceedings for visa or the extension of the period of stay and the fingerprints taken enable to identify the person and comply with the requirements established on the basis of clauses 5–7 of subsection 1 of § 101 of this Act.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

(4) [Repealed – RT I, 17.06.2020, 2 – entry into force 01.07.2020]

§ 91. Application for visa at foreign mission of member state of the Schengen Convention

(1) An alien may submit a visa application for the issue of a short-stay visa and an airport transit visa to the foreign mission of a member state of the Schengen Convention if the Government of the Republic has concluded an agreement with this state on representing the Republic of Estonia in visa matters.

(2) The provisions of the Visa Code are applied with regard to the submission of an application for the issue of a short-stay visa or an airport transit visa at a foreign mission of a member state of the Schengen Convention.

§ 91^{1}. Application for visa at Police and Border Guard Board

(1) An alien who is staying in Estonia temporarily on the basis of clauses 1–4 and 6 of subsection 1 of § 43 of this Act may apply for a long-stay visa at the Police and Border Guard Board.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

(1^{1}) An alien who has been granted a legal basis for the stay in Estonia in an emergency or an emergency situation on the basis of clause 5 of subsection 1 of § 43 of this Act may apply for a long-stay visa at the Police and Border Guard Board after the termination of the emergency or the emergency situation.
[RT I, 06.05.2020, 1 – entry into force 07.05.2020]

(2) In order to apply for a long-stay visa at the Police and Border Guard Board, an alien is required to appear at the Police and Border Guard Board in person.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

(3) An alien may submit an application for a long-stay visa to the Police and Border Guard Board by mail, electronically or through a representative if he or she has been fingerprinted in the proceedings for visa or the extension of the period of stay and the fingerprints taken enable to identify the person and comply with the requirements established on the basis of clauses 5–7 of subsection 1 of § 101 of this Act.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

§ 92. Application for visa at border checkpoint

The provisions of the Visa code are applied upon application of a short-stay visa at a border checkpoint.

§ 93. Application for extension of period of stay

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

(2) In order to apply for the extension of the period of stay, an alien is required to appear at the Police and Border Guard Board in person.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

(3) An alien may submit an application for the extension of the perios of stay to the Police and Border Guard Board by mail, electronically or through a representative if he or she has been fingerprinted in the proceedings

for visa or the extension of the period of stay and the fingerprints taken enable to identify the person and comply with the requirements established on the basis of clauses 5–7 of subsection 1 of § 101 of this Act.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

(4) [Repealed – RT I, 17.06.2020, 2 – entry into force 01.07.2020]

(5) [Repealed – RT I, 17.06.2020, 2 – entry into force 01.07.2020]

§ 94. Term for submission of application for extension of period of stay

[Repealed – RT I, 03.01.2017, 1 – entry into force 17.01.2017

§ 95. Specifications of visa application proceedings

(1) The provisions of § 30 of this Act do not apply to the evidence to be appended to the visa application.

(2) Subsection 2 of § 41 of this Act does not apply to the state fees to be paid for the review of a visa application.

§ 96. Transfer of functions related to visa application proceeding to private legal entity

(1) The Ministry of Foreign Affairs may transfer the function related to the proceeding of a visa application on the basis of an administrative contract to a private legal entity that complies with the requirements established for an external service provider provided in the Visa Code.

(2) In the case of long-stay visa proceedings the functions provided in §§ 81, 82, 85 and 86, subsection 3 of § 90, subsection 2 of § 97 or subsection 4 and 5 of this section shall not be transferred.

(3) In the case of short-stay visa proceedings the functions may be transferred the transfer of which to an external service provider is allowed by the Visa Code

(4) A fee may be charged for the performance of the function related to the receiving of a visa application, taking biometric identifiers and the issue of a reply to the visa application. The applicant for visa shall have the obligation to pay the fee.

(5) The amount of the fee is agreed upon for at least one year by the administrative contract entered into with the Ministry of Foreign Affairs. Upon determining the fee, account is taken of the justified expenses which are related to the arrangement of the proceedings of the application for visa and forwarding the documents, and the reasonable business profit.

(6) The Ministry of Foreign Affairs shall exercise supervision over the compliance with the administrative contract.
[RT I, 17.05.2018, 1 – entry into force 23.05.2018]

Subdivision 3
Procedure

§ 97. Refusal to review visa application and application for extension of period of stay

[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

(1) An application for a short stay visa or an airport transit visa shall not be reviewed pursuant to the bases provided in the Visa Code.

(2) An application for a long-stay visa and appplication for the extension of the period of stay shall not be reviewed if an alien withdraws the application, the Police and Border Guard Board have given an assessment of the unreliability of the sponsor of the alien on the basis of subsection 1 of § $40^2$of this Act or there are other grounds for refusal to review the application, which are provided in the Admnistrative Procedure Act.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

§ 98. Formalisation of issue of visa

(1) The issue of a visa shall be formalised by entry of a visa-sticker in the travel document of an alien or on a loose-leaf of the travel document.

(2) The issue of a visa shall be formalised on a loose-leaf of the travel document of an alien if this travel document is not recognized in Estonia.

§ 99. Formalisation of extension of period of stay

(1) The extension of the period of stay shall be formalised by entry of a visa-sticker in the travel document or on a loose-leaf of the travel document of an alien.

(2) The extension of the period of stay shall be formalised on a loose-leaf of the travel document of an alien if this travel document is not recognized in Estonia.

(3) In order to formalise the extension of the period of stay, an alien or his or her representative shall appear in person before an administrative authority.

§ 99[1]. Formalisation of right to stay arising from expiry of period of validity of temporary residence permit

(1) The right to stay in Estonia arising from the expiry of the period of validity of the temporary residence permit may be formalised as a long-stay visa.

(2) In order to formalise the right to stay arising from the expiry of the period of validity of the temporary residence permit an alien or his or her representative is required to appear at the Police and Border Guard Board in person.
[RT I, 03.01.2017, 1 – entry into force 17.01.2017]

§ 100. [Repealed – RT I, 23.02.2011, 2 – entry into force 05.04.2011]

Subdivision 4
Contestation

[RT I, 23.03.2011, 2 - entry into force 05.04.2011]

§ 100[1]. Contestation of decision on refusal to issue visa, annulment of visa, revocation of visa, refusal to extend period of stay and premature termination of period of stay

(1) In the decision on the refusal to issue a visa, annulment of visa, revocation of visa, refusal to extend period of stay and premature termination of period of stay (hereinafter in this Subdivision decision) an alien shall be notified of the possibility, place, term and procedure of the contestation of the decision.
[RT I, 03.01.2017, 1 – entry into force 17.01.2017]

(1[1]) An alien may submit an application for the review of a decision (hereinafter in this Division an appeal) within 30 days as of the date of notification of the decision.
[RT I, 03.01.2017, 1 – entry into force 17.01.2017]

(2) The term prescribed for the lodging of an appeal shall not be restored.

§ 100[2]. Legal status of alien who lodged appeal

The lodging of an appeal does not constitute a basis for the entry into and continued stay in the territory of the member states of the Schengen Convention and does not postpone the performance of the obligation of an alien to leave the territory of the member states of the Schengen Convention or Estonia.

§ 100[3]. Requirements for appeal

(1) An appeal shall be lodged in person, by post or through a representative,

(2) An appeal shall be lodged in writing.

§ 100[4]. Place of lodging appeal

(1) If the decision on the refusal to issue a visa, annulment of and revocation of a visa has been made at a foreign mission of Estonia, an appeal shall be lodged at a foreign mission of Estonia unless otherwise provided in the treaty.

(2) If the decision on the refusal to issue a visa, annulment and revocation of a visa or premature termination of the period of stay has been made at a border checkpoint, an appeal shall be lodged at the Police and Border Guard Board.

(3) If an alien is staying in Estonia during making the decision on annulment of a visa, revocation of a visa or premature termination of the period of stay, an appeal shall be lodged at an administrative authority that made the decision.

(4) An appeal against the decision to refuse to extend the period of stay shall be lodged at the Police and Border Guard Board.

§ 100[5]. Competence for review of appeal

(1) If a decision on the refusal to issue a visa, annulment of a visa or revocation of a visa has been made at a foreign mission of Estonia, an appeal shall be reviewed and new decision shall be made, if necessary, by a foreign mission of Estonia.

(2) If a decision on the refusal to issue a visa, annulment of a visa, revocation of a visa or premature termination of the period of stay has been made by the Police and Border Guard Board or the Estonian Internal Security Service, an appeal shall be reviewed and, if necessary, new decision shall be made by the Police and Border Guard Board or the Estonian Internal Security Service.

(3) An appeal against the decision on the refusal to extend the period of stay shall be reviewed and, if necessary, a new decision shall be made by the Police and Border Guard Board.

(4) If in the course of the review of an appeal lodged against the decision to refuse the issue of a visa it becomes evident that the issue of a visa had not been coordinated with an agency within the area of government of the Ministry of the Interior designated by the minister in charge of the policy sector, a foreign mission of Estonia shall forward the visa application again for coordination with the an agency within the area of government of the Ministry of the Interior.

§ 100[6]. Procedure for review of appeal

(1) In the course of the review of an appeal a competent administrative authority shall examine the legality and feasibility of the decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay and premature termination of the period of stay.

(2) If upon review of an appeal it becomes evident that the issue of a visa to an alien has not been coordinated with an agency in the area of government of the Ministry of the Interior designated by the minister in charge of the policy sector, a foreign mission of Estonia shall forward the application for a visa again for coordination with the agencies within the area of government of the Ministry of the Interior.

(3) An appeal lodged by an alien shall be reviewed and, if necessary, a new decision shall be made within 15 days as of the date of the lodge of an appeal.

§ 100[7]. Justification of decision made on basis of appeal

An administrative authority may:
1) satisfy the appeal and repeal the decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay or premature termination of the period of stay invalid and make the new decision;
2) dismiss the appeal and refuse to make amendments to the decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay or premature termination of the period of stay.

§ 100[8]. Justification of decision made on basis of appeal

(1) A decision made on the basis of an appeal shall not be substantiated.

(2) An alien or any other person shall not be notified of the facts on the basis of which the decision is made, the reason for making the decision or the information related thereto.

§ 100[9]. Notification of decision made on basis of appeal

A decision made on the basis of an appeal shall be communicated to an alien pursuant to the contact details that he or she has provided in the application.
[RT I, 23.03.2011, 2 – entry into force 05.04.2011]

Subdivision 5
Appeal against decision made in course of contestation

§ 100[10]. Appeal against decision made in course of contestation

(1) An alien may lodge an appeal against the decision made in the course of challenging the decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay and premature termination of the period of stay for the second review of the decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay and premature termination of the period of stay (hereinafter in this Division an appeal) within 30 days as of the date of notification of the decision made on the basis of the appeal specified in § 100[1] of this Act.
[RT I, 21.04.2021, 30 – entry into force 20.04.2021 – The resolution of the Constitutional Review Chamber of the Supreme Court declares subsection 1 of § 100[10], subsection 2 of § 100[13] and § 100[18] of the Aliens Act unconstitutional and invalid in the part that they preclude filing an appeal with the administrative court for challenging premature termination of the period of stay.]

(2) The term for lodging of an appeal shall not be restored.

§ 100[11]. Legal status of alien who has lodged appeal

The lodging of an appeal does not constitute a basis for the entry into the territory of the member states of the Schengen Convention, for the continued stay in the territory of the member states of the Schengen Convention or does it postpone the performance of the obligation of an alien to leave the territory of the member states of the Schengen Convention.

§ 100[12]. Requirements for appeal

(1) An appeal shall be lodged in person, by post or through a representative,

(2) An appeal shall be lodged in writing.

§ 100[13]. Place of lodging appeal

(1) If a decision on the refusal to issue a visa, annulment of a visa or revocation of a visa has been made by a foreign mission of Estonia, an appeal shall be lodged with the Ministry of Foreign Affairs.

(2) If a decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay or premature termination of the period of stay has been made by the Police and Border Guard Board or the Estonian Internal Security Service, an appeal shall be lodged with the Ministry of the Interior.
[RT I, 21.04.2021, 30 – entry into force 20.04.2021 – The resolution of the Constitutional Review Chamber of the Supreme Court declares subsection 1 of § 100[10], subsection 2 of § 100[13] and § 100[18] of the Aliens Act unconstitutional and invalid in the part that they preclude filing an appeal with the administrative court for challenging premature termination of the period of stay.]

§ 100[14]. Competence for review of appeal and procedure

(1) If a decision on the refusal to issue a visa, annulment of a visa or revocation of a visa has been made by the foreign mission of Estonia, the Ministry of Foreign Affairs shall carry out the second review of the decision.

(2) If a decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay or premature termination of the period of stay has been made by the Police and Border Guard Board or the Estonian Internal Security Service, the Ministry of the Interior shall review the decision for the second time.

(3) If upon the second review of the decision on the refusal to issue a visa it becomes evident that the issue of a visa to an alien has not been coordinated with an agency in the area of government of the Ministry of the Interior designated by the minister in charge of the policy sector, a foreign mission of Estonia shall involve the Ministry of the Interior in the proceedings.

(4) In the case specified in subsection 3 of this section the Ministry of the Interior shall, in the course of the review proceedings of the appeal, examine the legality and feasibility of the activity of the agency within the area of government of the Ministry of the Interior upon implementation of the coordination proceedings of the issue of a visa and shall forward its opinion to the Ministry of Foreign Affairs. Upon assessment of the legality and feasibility of the activity of the agency within the area of government of the Ministry of the Interior the opinion of the Ministry of the Interior is final.

(5) A decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay or premature termination of the period of stay shall be reviewed for the second time and, if necessary, a new decision shall be made within 15 days as of the date of the lodging of an appeal..

(6) The Ministry of the Interior shall forward the opinion specified in subsection 4 of this section to the Ministry of Foreign Affairs within seven days as of the involvement of the Ministry of Foreign Affairs in the proceedings.

§ 100[15]. Decision made on basis of appeal

An administrative authority may:
1) satisfy the appeal and repeal the decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay or premature termination of the period of stay and make a new decision;
2) dismiss the appeal and refuse to make amendments to the decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay or premature termination of the period of stay.

§ 100[16]. Justification of decision made on basis of appeal

(1) A decision made on the basis of an appeal shall not be substantiated.

(2) An alien or any other person shall not be notified of the facts on the basis of which the decision is made, of the reason for making the decision or of the information related thereto.

§ 100[17]. Notification of decision made on basis of appeal

A decision made on basis of an appeal shall be communicated to an alien according to the contact details that he or she provided in the appeal.

§ 100[18]. Contestation of decision made on basis of appeal

A new appeal or action cannot be filed with the administrative court against the decision made on the basis of an appeal.
[RT I, 21.04.2021, 30 – entry into force 20.04.2021 – The resolution of the Constitutional Review Chamber of the Supreme Court declares subsection 1 of § 100[10], subsection 2 of § 100[13]and § 100[18]of the Aliens Act unconstitutional and invalid in the part that they preclude filing an appeal with the administrative court for challenging premature termination of the period of stay.]

§ 100[19]. Specifications of contestation of decision on refusal to issue visa

If an alien has contested a decision on the refusal to issue a visa and submits a new visa application at a foreign mission of Estonia, his or her subsequent application for a visa shall be suspended until the final decision has been made with regard to the first visa application.
[RT I, 23.03.2011 – entry into force 05.04.2011]

Division 6
Organisation of visa affairs

§ 101. Organisation of visa affairs

(1) The minister in charge of the policy sector in coordination with the Minister of Foreign Affairs shall establish by a regulation the following:
1) the list and requirements for submission of the information to be provided upon application for issue of a long-stay visa and the extension of the period of stay and of the evidence to be appended to the application;
2) the terms for the issue and refusal to issue of a visa, for the extension of and refusal to extend the period of stay, the premature termination of the period of stay and for the annulment and revocation of a visa;
3) the procedure and terms for the grant of approval upon making decisions on the issue of visas;
4) the rate of funds which are sufficient to cover for the expenses of application for and holding of a visa;
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]
5) the procedure for taking fingerprints of an alien who applies for issue of a visa or extension of the period of stay;
6) the minimum age limit under which the fingerprints of a person are not captured in long-stay visa proceedings;
7) a list of other persons or categories of persons whose fingerprints are not captured in the long-stay visa proceedings and
8) a list of authorities competent to process the VIS data in the visa information system established on the basis of Regulation (EC) No 767/2008 of the European Parliament and of the Council regarding the information exchange between the visa information system (VIS) and the member states relating to short-stay visas (VIS Regulation)(OJ L 218, 13.08.2008, pp. 60-81);

9) a format of an application submitted for challenging the decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay and premature termination of the period of stay, a list of information to be submitted in the application and of the evidence to be appended.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(2) The minister in charge of the policy sector shall establish by a regulation:
1) a format for the list of students who are third-country nationals residing in a member state of the European Union and are participating in school trips, and the procedure for the completion and the guidelines for using thereof;
2) [Repealed – RT I, 03.01.2017, 1 – entry into force 01.04.2017]

(3) The minister in charge of the policy sector shall establish by a regulation:
1) the terms for submission of an application for the extension of the period of stay;
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]
2) a list of agencies which are competent to approve the issue of a visa;
3) a list of national notations entered in the data field of a visa sticker "COMMENTS";
4) the requirements for the completion of an application for formalisation as a long-stay visa of the right to stay arising from the expiry of the period of validity of the temporary residence permit and the list and requirements for submission of the data, which are necessary for the establishment of identity and making the decision, to be submitted upon application;
[RT I, 03.01.2017, 1 – entry into force 17.01.2017]
5) the requirements and procedure for assessment of the compliance with the specification of a start-up company upon application for a visa, the list of data and evidence to be submitted for that purpose and the requirements for the submission thereof.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(4) The minister in charge of the policy sector may establish by a regulation a list of authorities competent to organise the exchange of information relating to the uniform visa that is issued by a competent authority of a member state of the Schengen Convention.

(5) The minister in charge of the policy sector shall establish by a regulation the terms for submission of an application for the long-stay visa.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

(6) The minister in charge of the policy sector may establish by a regulation the terms and conditions and procedure for the assessment of compliance with the definition of a location-independent employee, the list of information and evidence to be submitted therefor and the requirements for submission of them.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

§ 102. Visa register

(1) The Visa Register is established by the Government of the Republic of Estonia and the statutes thereof shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(2) The purpose of maintaining the visa register is to ensure public order and national security through processing data of the legal bases and conditions of a temporary stay in Estonia of aliens.

(3) With the purpose to meet the objective set to the maintenance of the database the data of the applications for the issue of a visa, extension of the period of stay, premature termination of the period of stay, annulment of visas, revocation of visas and coordination of visas and the data of the administrative acts issued and acts performed in the course of the respective proceedings are processed in the course of the implementation of the functions provided for in a legal act of the European Union, a treaty, an act and a regulation.

(3^1) Upon identification of a person and verification of a person's identity within the meaning of § 15^5 of the Identity Documents Act, the person's identity data entered in the database may be processed.
[RT I, 08.07.2021, 1 – entry into force 15.07.2021]

(4) In private and public legal relations the data of the database regarding the administrative acts issued and acts executed in the proceedings indicated in subsection 3 of this section may be taken as a basis for the existence of the data regarding the legal basis of the temporary stay, residence and employment in Estonia of an alien and of the conditions of the temporary stay, residence and employment in Estonia.

(5) The data processed in the database are not public unless otherwise provided by this Act.

(6) The Police and Border Guard Board may enable verification of the validity of a visa on its public web page without disclosing the personal data of an alien thereby.

(7) The Visa Register is connected to the joint Visa Information System of the European Union according to the legislation of the European Union

(8) The controller of the database is the Police and Border Guard Board and the processor shall be appointed in the statutes of the database.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(9) The composition of data entered in the database and the term for retention thereof shall be specified in the statutes of the database.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(10) Biometric data processed for the purpose of identification of a person or verification of a person's identity shall be deleted from the database immediately after the performance of a comparative study.
[RT I, 08.07.2021, 1 – entry into force 15.07.2021]

§ 103. Organisation of exchange of information relating to uniform visa

The exchange of information relating to a uniform visa issued by a competent governmental authority of a member state of the Schengen Convention is organised, according to the competence, by the Ministry of the Interior or by an agency within the area of government of the Ministry of the Interior assigned by the minister in charge of the policy sector and the Ministry of Foreign Affairs.

Subchapter 3
Employment in Estonia of alien staying temporarily in Estonia

Division 1
Permissibility of employment of alien staying temporarily in Estonia

§ 104. Legal bases for employment in Estonia of alien staying temporarily in Estonia

(1) An alien who is staying temporarily in Estonia may work in Estonia if his or her employer has registered his or her short-term employment in the Police and Border Guard Board or his or her right to work in Estonia arises directly from the law or a treaty ratified by the Riigikogu.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

(2) An alien who is staying temporarily in Estonia is prohibited to take employment in Estonia if his or her employer has failed to register his or her short-term employment in the Police and Border Guard Board except in the cases prescribed in a treaty ratified by the Riigikogu or in the cases prescribed by law.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

(3) An alien who is staying in Estonia without a legal basis, including who has been imposed an obligation to leave Estonia by an administrative Act or judicial decision, is prohibited to take employment in Estonia.
[RT I, 23.03.2015, 1 – entry into force 02.04.2015]

§ 105. Right to work in Estonia arising from law

(1) An alien who is a prisoner or a person in detention or custody and is staying in a custodial institution in Estonia is allowed to work in Estonia in the course of the period of stay in the custodial institution.

(2) An alien who is a member of a locomotive crew, or belongs to the service personnel of a locomotive or train, or is a driver of a motor vehicle engaged in the carriage of passengers or goods involving the crossing of the national border, or a member of an aircraft crew is permitted to work in Estonia although the alien does not have a residence in Estonia and his or her employer does not have a permanent establishment of the undertaking in Estonia but a legal basis exists for the temporary stay in Estonia of an alien.

(2^1) An alien is permitted to work on a sea-going ship sailing under the Estonian national flag, except on a passenger ship that makes regular international voyages from an Estonian port in case the ship has entered an Estonian port up to 25 times during the last 365 days.
[RT I, 14.05.2022, 1 - entry into force 01.10.2022]

(2^2) An alien is permitted to work on a passenger ship sailing under the national flag of Estonia, which makes regular international voyages from an Estonian port, provided that the alien is paid remuneration that is at least equal to the salary rate agreed in the collective agreement for the corresponding post.
[RT I, 14.05.2022, 1 - entry into force 01.10.2022]

(2^3) In case the entrepreneur has not entered into the collective agreement specified in subsection $2^2$of this section, an alien must be paid the average wage of the post corresponding to the salary rate agreed in the collective agreements of the shipping sector.
[RT I, 14.05.2022, 1 - entry into force 01.10.2022]

(2^4) Aliens who are crew members of ships making local coastal voyages do not have the right to work on a seagoing ship sailing under the national flag of Estonia arising from law provided in subsections 2^1–$2^3$of this section.
[RT I, 14.05.2022, 1 - entry into force 01.10.2022]

(3) An alien who has a legal basis for a temporary stay in Estonia may be permitted to stay in Estonia for the purposes of performing directing or supervisory functions of a legal entity or a branch of a foreign company registered in Estonia for the duration of his or her temporary stay.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(4) An alien may take employment in Estonia without a residence permit issued for employment if he or she:
1) [Repealed – RT I, 29.06.2018, 4 – entry into force 15.08.2018]
2) is a journalist accredited by the Ministry of Foreign Affairs and has a legal basis for the stay in Estonia;
[RT I, 29.06.2018, 4 – entry into force 15.07.2018]
3) who has a legal basis for the stay in Estonia, whose employment is of temporary nature and whose term of employment does not exceed five days within the period of 30 days;
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]
4) who has the right to stay in Estonia arising from the expiry of the period of validity of the temporary residence permit;
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]
5) has a long-stay visa or residence permit for the purposes of studies issued by a competent authority of a member state of the Schengen Convention specified in clause 10 of subsection 1 of § 43 of this Act on condition that such employment in Estonia does not interfere with the studies;
[RT I, 17.05.2018, 1 – entry into force 23.05.2018]
6) has a legal basis for the stay in Estonia, specified in clauses 1–4 and 6–8 of subsection 1 of § 43 of this Act who has been admitted to the studies in an educational institution at the fourth or fifth qualification level of vocational training, in professional higher education or Bachelor's studies, to the studies based on the integrated curricula of Bachelor's and Master's studies or Master's or Doctoral studies, on condition that such employment does not interfere with the studies.
[RT I, 17.05.2018, 1 – entry into force 23.05.2018]
7) has been issued a visa for the stay in Estonia on the basis of § $62^5$of this Act for the performance of telework.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

Division 2
Short-term employment in Estonia

§ 106. Registration of short-term employment in Estonia

(1) An alien who has a legal basis for temporary stay in Estonia and whose employment has been registered with the Police and Border Guard Board before the employment commences, may take employment in Estonia for a short term.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

(1^1) The short-term employment in Estonia of an alien may be registered if:
1) the alien has would comply with the requisite qualifications, training, state of health, work experience and the necessary professional skills and knowledge to assume such position;
2) the employer is registered in Estonia.
3) short-term employment is registered as full-time work.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

(1^2) The requirements for registration of short-term employment in Estonia shall be continuously met during the short-term employment in Estonia of an alien.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

(1^3) Short-term employment in Estonia is permitted for up to 365 days within 455 consecutive days unless otherwise provided for in this Act.
[RT I, 29.06.2018, 4 – entry into force 15.07.2018]

(1^4) Subsection 1^3shall not be applied in the following cases:
1) for employment as a teacher in Estonia in an educational institution which complies with the requirements established by legislation;

2) for research work if an alien has appropriate professional training or experience therefor, or for employment as an academic staff member;
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]
3) for employment as a top specialist provided that an alien has appropriate professional training for such activities;
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]
4) employment in a start-up company.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(1^5) Short-term employment in Estonia as a seasonal worker is permitted for up to 270 days within 365 consecutive days.
[RT I, 29.06.2018, 4 – entry into force 15.07.2018]

(1^6) If it is justified taking account of the needs of the economy and labour market, the Government of the Republic may, in an emergency or an emergency situation, establish by a ruling a period longer than the period of short-term employment of an alien provided for in subsection $1^3$of this section, but not longer than 730 days within 913 consecutive days.
[RT I, 06.05.2020, 1 – entry into force 07.05.2020]

(1^7) The requirement for full-time employment provided clause 3 of subsection $1^1$of this section is not applied in the case of employment as a teacher, academic staff menber or researcher in an educational institution or in a research and development institution which complies with the requirements established by the legislation of Estonia or as youth worker.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

(2) An alien who has a legal basis for a temporary stay in Estonia and whose employment has been registered with the Police and Border Guard Board before the employment commences may take employment in Estonia without a residence permit for employment under the conditions provided for by a treaty.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(3) For the purposes of clause 3 of subsection $1^4$of this section a top specialist is an alien who has acquired appropriate professional training in any field to whom an employer registered in Estonia undertakes to pay remuneration for professional work in the amount at least equal to the annual average gross monthly salary in Estonia, last published by Statistics Estonia, multiplied by a coefficient of 1.5.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

(4) Short-term employment may be registered on the basis specified in clause 3 of subsection $1^4$of this section if the company where the alien commences employment has been registered in Estonia for at least 12 months and, in addition to the requirements provided for in subsection $1^1$of this section, at least one of the following conditions is met:
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]
1) the company has at least 65,000 euros of the paid-in equity capital, for which immovable property, machinery and equipment has been acquired in Estonia and accounted for as fixed assets or for which investment has been made in another company registered in Estonia which has actual business activity in Estonia, or in an investment fund created or established on the basis of the Investment Funds Act;
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]
2) the sales revenue of the company is at least 200,000 euros per year;
3) the social tax paid in Estonia monthly for persons employed in the company is, in the case of remuneration in the amount of five times the annual average gross monthly salary in Estonia, at least equal to the social tax paid in Estonia monthly.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

(5) Short-term employment may be registered on the basis specified in clause 3 of subsection $1^4$of this section if the company where the alien commences employment has been registered in Estonia for less than 12 months and commences operation with the support of the state or private investments, having received investment or loan from the state or a private management company licensed by the Financial Supervision Authority or a support from a public support measure.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

(6) [Repealed – RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(7) Short-term employment in Estonia of an alien may be registered also in the case of temporary agency work in the user undertaking for the purposes of subsection 5 of § 6 of the Employment Contracts Act, except on the basis specified in subsection 13 of this section.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(8) Temporary agency work may be registered as short-term employment if the employer who is a company registered in Estonia or another Member State of the European Economic Area is acting as an intermediary of temporary agency work and the employer has provided security to the extent of at least one month's remuneration of an alien provided in subsection 1 of § 107 of this Act.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

(8^1) The employer may choose one of the following types of security as the security specified in subsection 8 of this section:
1) guarantee;
2) deposit.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

(9) The guarantor may be an insurer or credit institution located in Estonia or another Member State of the European Economic Area. The security must be valid for the entire period of short-term employment.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

(10) Short-term employment of an alien as a seasonal worker may be registered if:
1) the alien commences work in the area of activity dependent upon season listed in the regulation established on the basis of subsection 3 of § 110 of this Act;
2) an employer has entered into a short-term employment contract with an alien before the submission of an application for registration of short-term employment or has made a job offer by which the employer expresses his or her will to be legally bound with the employment contract to be concluded and undertakes to employ the alien under the conditions determined in the concluded contract entered into or the job offer made;
3) the accommodation of an alien during the stay in Estonia shall be ensured in a dwelling or accommodation establishment which complies with the requirements established in the legislation.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

(11) A seasonal worker for the purposes of this Act is an alien whose permanent or habitual residence is in a third country and who is staying in Estonia on the basis specified in clause 1, 2 or 4 of subsection 1 of § 43 of this Act and who is doing seasonal work on the basis of the temporary employment contract concluded with an employer registered in Estonia.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

(12) If the accommodation of a seasonal worker is organised by or through the employer, the cost of accommodation cannot be excessive or disproportionate compared to the one month's remuneration of the alien and the cost of accommodation cannot be deducted from the remuneration of the alien..
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

(12^1) In case an alien has previously worked based on the temporary residence permit issued on the basis of § 176^2this Act, the employer may register the new short-term employment of the alien after one year has passed as of the expiry of the term of validity of the specified residence permit.
[RT I, 14.05.2022, 1 - entry into force 01.01.2023]

(13) The short-term employment in Estonia for the purpose of intra-corporate transfer is allowed as an executive, specialist or trainee employee during the period of validity of the residence permit with the intra-corporate transferee permit of another member state of the European union.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

(14) Employment of an alien as an intra-corporate transferee in the case not specified in subsection 13 of this section may be registered if:
1) the host entity belongs to the same group with or is a branch of the company located outside a member state of the European Union;
2) the alien arrives into Estonia for the purpose of intra-corporate transfer;
3) an intra-corporate transferee holds an employment contract with a company located outside a member state of the European Union on the basis of which the host entity undertakes to employ the person under the conditions determined in the employment contract.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

(15) A short-term employment for the purpose of practical training may be registered if:
1) an alien is acquiring higher education or has acquired higher education within two years before submission of the application for registration of short-term employment;
2) a contract has been entered into between the host entity and the trainee;
3) the practical training is related to the education acquired or to be acquired.
[RT I, 17.05.2018, 1 – entry into force 23.05.2018]

(16) A short-term employment for the purpose of vocational training may be registered by placement under the guidance of a foreign educational institution if practical training is part of the training program.
[RT I, 17.05.2018, 1 – entry into force 23.05.2018]

(17) An employer is obliged to register the short-term employment of an alien in Estonia if the employment of the alien in Estonia is related to the assumption of the company, registered in another member state of the

Schengen Convention, in Estonia related to the provision of services and the alien has a visa or residence permit issued by a competent authority of such member state and he or she has the right for employment in the specified member state.
[RT I, 29.06.2018, 4 – entry into force 15.08.2018]

(18) The provisions of subsection 11 of this section shall not be applied upon registration of the short-term employment of an alien in Estonia for the purpose of the provision of services.
[RT I, 29.06.2018, 4 – entry into force 15.08.2018]

(19) An undertaking registered in Estonia is a user undertaking within the meaning of this Act and has the rights and obligations of a user undertaking provided for in this Act if it directly enables employment in Estonia to an alien:
1) whose employment in Estonia is related to the assumption of the company, which is registered in another Member State of the Schengen Convention, in Estonia related to the provision of services;
2) who holds a visa or residence permit issued by the competent authority of the specified Member State and
3) who has the right of employment in the specified Member State.
[RT I, 10.07.2020, 4 – entry into force 20.07.2020]

§ 106[1]. Au pairing in Estonia

(1) A short-term employment as an au pair of an alien who is staying temporarily in Estonia may be registered if the alien has a contract for helping the host family who live permanently in Estonia relating to babysitting and domestic work.

(2) For the purposes of this Act an au pair means an alien who lives with the host family in Estonia in order to improve his or her linguistics skills and develop knowledge of Estonia, and who in exchange takes care of children and may help the family in light domestic work.

(3) The volume of work of an au pair shall not exceed 25 hours per week and one day in a week shall be off duty.

(4) The host family may pay remuneration to an au pair for the performance of the contract specified in subsection 1 of this section.

(5) If the factual activities of an alien do not comply with the content and purpose of acting as an au pair, the host family and the alien are required to be guided by the legal bases to which the activity corresponds.

(6) The requirement for registration of the employer in Estonia specified in clause 2 of subsection $1^1$of § 106 of this Act shall not be applied with regard to the host family.
[RT I, 17.05.2018, 1 – entry into force 23.05.2018]

§ 106[2]. Obligations of sponsor

(1) An employer and an internship provider with whom the short-term employment of an alien was registered shall have the obligations of a sponsor provided for in this Act.

(1^1) If the short-term employment of an alien is registered as employment of a posted employee under the conditions provided for in clause 10 of subsection $1^2$of § 107 of this Act, the obligations of the sponsor apply to the enterprise registered in Estonia to which the alien is posted for work.

(2) The obligations of the sponsor terminate for the provider of the internship provided for in subsection 1 of this section if the alien is granted a residence permit on another basis or 180 days after termination of the contract entered into with the intern.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

§ 106[3]. Short-term employment in growth company

(1) A growth company for the purposes of this Act is a company registered in Estonia that is growing its activities, the purpose of which is the further development of such a technology-based, innovative and repeatable business model with high global growth potential, which significantly contributes to the development of the Estonian business environment, and which complies with the following conditions:
1) has been operating for at least ten years;
2) at least 50 employees work in Estonia;
3) has paid labour taxes in Estonia in the last year for at least one million euros and
4) the cumulative increase in labour taxes during the last three years is 20 per cent.

(2) The conditions specified in clauses 1–4 of subsection 1 of this section must be complied with immediately before applying for a legal basis for the stay in Estonia for an alien.
alien applies for a legal basis of stay in Estonia.
[RT I, 14.05.2022, 1 - entry into force 01.01.2023]

§ 107. Requirements set to remuneration to be paid

[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

(1) An employer is obliged to pay an alien whose short-term employment in Estonia has been registered a remuneration in the amount equal to at least the annual average gross monthly salary last published by Statistics Estonia.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

(1^1) In the case specified in clause 3 of subsection $1^4$of § 106 of this Act an employer is obliged to pay an alien whose short-term employment in Estonia has been registered, a remuneration in the amount at least equal to the annual average gross monthly salary and wages last published by Statistics Estonia, multiplied by a coefficient of 1.5.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

(1^2) The requirement to pay remuneration provided for in subsection 1 of this section shall not be applied in the following cases:
1) employment in a performing arts institution as person engaged in creative activities for the purposes of the Performing Arts Institutions Act;
2) employment as a teacher in Estonia in an educational institution which complies with the requirements established by legislation;
3) research work if an alien has appropriate professional training or experience therefor, or for employment as an academic staff member in Estonia in an educational institution which complies with the requirements established by legislation;
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]
4) employment in the professional activities in the capacity of a sportsman, coach, referee or sports official by summons of a respective sports federation;
5) employment for the purposes of practical training;
[RT I, 17.05.2018, 1 – entry into force 23.05.2018]
6) employment within the framework of a youth project or program if the youth project or program is recognised by the Ministry of Education and Research;
7) employment as service personnel of a foreign mission with the approval of the Ministry of Foreign Affairs;
8) 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;
9) an alien is entitled to the right of employment in Estonia arising from a treaty without holding a special permit therefor;
10) an alien is a posted worker for the purposes of the Working Conditions of Workers Posted in Estonia Act;
11) employment as a seasonal worker.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]
12) employment in a start-up company.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]
13) employment as an au pair.
[RT I, 17.05.2018, 1 – entry into force 23.05.2018]
14) employment for the purposes of the provision of service in the case specified in subsection 17 of § 106 of this Act.
[RT I, 29.06.2018, 4 – entry into force 15.08.2018]

(1^3) In the case specified in § $106^3$of this Act, an employer is required to pay the alien, whose short-term employment in Estonia is registered, remuneration in the amount of at least 80 per cent of the Estonian average annual gross monthly salary last published by Statistics Estonia.
[RT I, 14.05.2022, 1 - entry into force 01.01.2023]

(2) [Repealed – RT I, 03.01.2017, 2 – entry into force 17.01.2017]

(2^1) [Repealed – RT I, 03.01.2017, 2 – entry into force 17.01.2017]

(3) Remuneration paid to an alien shall be, until the end of the short-term employment, in compliance with the data last published by Statistics Estonia during the application for registration of short-term employment.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

(3^1) As a specification to the provisions of subsection 1 of this section, a company located outside a member state of the European Union with which an alien has entered into an employment contract may also pay the remuneration provided for in this Act to an alien whose short-term employment is registered on the basis of subsection 13 of § 106 of this Act as an employment of an intra-corporate transferee.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

(3^2) As a specification to subsection 1 of this section, the employer is required to pay the fee prescribed in subsections 2^{2}and 2^{3}of § 105 of this Act to an alien who has been granted a residence permit to work on a ship sailing under the national flag of Estonia on international sea voyages.
[RT I, 14.05.2022, 1 - entry into force 01.10.2022]

(4) The Tax and Customs Board shall provide, at the request of the Police and Border Guard Board, the data regarding the remuneration paid to an alien.

§ 107^1. Legal effect of registration of short-term employment in Estonia

(1) An alien may commence employment in Estonia from the same calendar day when the employer has registered the short-term employment in Estonia of an alien with the Police and Border Guard Board, in the following cases:
1) in the case specified in subsections 1^4, 13 and 17 of § 106 of this Act;
[RT I, 29.06.2018, 4 – entry into force 15.08.2018]
2) employment as a seasonal worker under the conditions provided for in subsection 10 of § 106 of this Act if the alien has worked in Estonian as a seasonal worker for the last five years and his or her registration of short-term employment has not been revoked pursuant to the provisions of § 109 of this Act.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

(2) In the cases not specified in subsection 1 of this section an alien may commence employment in Estonia from the same calendar day when the Police and Border Guard Board has made a decision on registration of the short-term employment of the alien.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

§ 107^2. Refusal to review application for registration of short-term employment in Estonia

An application for registration of short-term employment in Estonia may be refused if the Police and Border Guard Board has made an assessment of the unreliability of the sponsor of an alien on the basis of subsection 1 of § 40^{2}of this Act.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

§ 108. Refusal to register short-term employment in Estonia

(1) The registration of the employment in Estonia of an alien is refused if:
1) at least one of the conditions which is required for registration of the short-term employment is not complied with;
2) the remuneration of an alien does not correspond to the conditions provided for in this Act;
3) a prohibition on entry applies with regard to an alien;
4) [Repealed – RT I, 03.01.2017, 2 – entry into force 17.01.2017]
5) [Repealed – RT I, 03.01.2017, 2 – entry into force 17.01.2017]
6) [Repealed – RT I, 03.01.2017, 2 – entry into force 17.01.2017]
7) [Repealed – RT I, 03.01.2017, 2 – entry into force 17.01.2017]
8) there is doubt that the alleged purpose of an alien's employment in Estonia does not correspond to its actual purpose or;
9) an alien, employer, user undertaking or host entity has provided false information regarding the facts relevant in the proceedings, has used fraud or has submitted falsified documents.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

(1^1) The registration of employment in Estonian of an alien may be refused if:
1) and alien, his or her employer or user undertaking has violated this Act and his or her his or her criminal record for the specified violence has not expired;
2) the employer or user undertaking has tax arrears and they have not been postponed;
3) the liquidation of the employer or user undertaking has been initiated, the court has accepted the bankruptcy petition filed against the employer or user undertaking and decided to appoint an interim trustee, the employer or user undertaking has been declared bankrupt, the bankruptcy proceedings filed against the employer or user undertaking end with abatement without being declared bankprut or the employer or user undertaking has no actual economic activity;
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]
3) bankruptcy proceeding or liquidation proceeding has been commenced with regard to the employer or user undertaking or the company has been declared bankrupt or the employer or user undertaking has no actual economic activities;
4) a prohibition on business has been imposed with regard to a member of the management body, a partner of a general partnership or a general partner of a limited partnership of an employer or user undertaking which is a legal person or with regard to an employer or user undertaking who is a natural person;
5) there is reason to doubt the trustworthiness of an alien or his or her employer or user undertaking.

[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

(2) If the employment in Estonia of an alien has been registered pursuant to subsection 1 of § 107^1 of this Act and the condition specified in subsection 1^4, 13 and 17 of § 106 or clause 2 of subsection 1 of § 107^1 of this Act for registration of the short-term employment in Estonia is not met, the Police and Border Guard Board shall, instead of refusal to register short-term employment in Estonia, revoke the registration of the short-term employment of an alien pursuant to provisions of § 109 of this Act.
[RT I, 29.06.2018, 4 – entry into force 15.08.2018]

§ 109. Revocation of registration of short-term employment in Estonia

(1) The registration of employment in Estonia of an alien shall be revoked if a circumstance specified in subsection 1 of § 108 of this Act that constitutes a basis for the refusal of registration of employment in Estonia becomes evident.

(2) The registration of employment in Estonian of an alien may be revoked if a circumstance specified in subsection 1^1 of § 108 of this Act that constitutes a basis for the refusal of registration of employment in Estonia becomes evident.

(3) Subsection 2 of this section shall not be applied is an alien is employed in Estonian on the basis of subsection 13 of § 106 of this Act.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

(4) The circumstances being the basis for the refusal to register the employment in Estonia specified in clauses 2, 3 and 8 of subsection 1 of § 108 and subsection 1^1 of § 108 shall not be applied if an alien is employed in Estonia on the basis of subsection 17 of § 106 of this Act.
[RT I, 29.06.2018, 4 – entry into force 15.08.2018]

§ 109^1. Termination of registration of short-term employment in Estonia

(1) The registration of the short-term employment in Estonia of an alien terminates upon the expiry of the temporary basis for their stay, issue of a residence permit, refusal to issue a visa to the alien and the alien does not have other legal basis for the stay and employment in Estonia or if the employer registers the termination of their employment in the employment register.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

(2) Subsection 1 of this section shall not be applied during the review of the application of an alien if the alien is applying for the extension of the period of stay on the basis of subsection 4^1 or 4^2 of § 67 of this Act or for a long-stay visa on the basis of § 91^1 of this Act.
[RT I, 03.01.2017, 2 – entry into force 18.01.2017]

§ 110. Organisation of short-term employment in Estonia

(1) The minister in charge of the policy sector shall establish by a regulation the procedure and terms for registration of short-term employment in Estonia and the list of information to be presented in the application and of evidence to be appended to the application.
[RT I, 03.01.2017, 2 – entry into force 18.01.2017]

(1^1) The requirements set to private management companies specified in subsection 5 of § 106 of this Act or the list of private management companies shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(1^2) The minister in charge of the policy sector shall establish by a regulation the requirements and procedure for assessment of the compliance with the specification of a start-up company upon application for visa and the list of data and evidence to be submitted for that purpose and the requirements for submission thereof.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(2) A visa that is issued for short-term employment in Estonia shall be formalised as a short stay or long-stay visa.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(3) The requirements for seasonal work and the list of the areas of activity dependent on a season shall be established by the regulation of the Government of the Republic.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

§ 111. Database of registration of short-term employment in Estonia

(1) The database of registering short-term employment of aliens in Estonia is established by the Government of the Republic and the statutes of the database shall be established by a regulation of the minister in charge of the policy sector..
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(2) The objective of the maintenance of the database of the registering of short-term employment of aliens in Estonia is to ensure public order and national security through processing the data of the legal bases and conditions of short-term employment of aliens in Estonia.

(3) To meet the objective set for the maintenance of the database the data of the administrative acts issued and acts performed in the course of proceedings regarding the aliens who are being employed in Estonia for a short term and their registration applications for short-term employment in Estonia and the revocation of the short-term employment registration are processed in the course of the performance of the functions provided for in a legal act of the European Union, a treaty, an act and a regulation.

(3^1) Upon identification of a person and verification of a person's identity within the meaning of § $15^5$of the Identity Documents Act, the person's identity data entered in the database may be processed.
[RT I, 08.07.2021, 1 – entry into force 15.07.2021]

(4) In private and public legal relationships the data of the database regarding the administrative acts issued and the acts performed in the course of the proceedings specified in 3 of this section may be taken as a basis for the data of the existence of the legal basis of the employment of an alien in Estonia and of the conditions of employment in Estonia.

(4^1) The controller of the database is the Police and Border Guard Board and the processor shall be appointed by the statutes of the database.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(4^2) The composition of the data entered in the database and the term for their storage shall be specified in the statutes of the database.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(4^3) Biometric data processed for the purpose of identification of a person or verification of a person's identity shall be deleted from the database immediately after the performance of a comparative study.
[RT I, 08.07.2021, 1 – entry into force 15.07.2021]

(5) The data processed d in the database shall not be public unless otherwise provided for in this Act.

(6) The Police and Border Guard Board may enable verification of the validity of the registration of short-term employment in Estonia on the public web page without disclosing the personal data of an alien thereby.

§ 111^1. Non-compliance levy for failure to comply with obligation to register employment in Estonia

(1) If the employer has not registered the short-term employment of an alien in the case specified in subsection 17 of § 106 of this Act, the Police and Border Guard Board may appoint a new term for registration and give a warning that a non-compliance levy may be applied in the case of a failure to register short-term employment.

(2) If the employer has not complied with the obligation imposed by an administrative act by the due term set out in the warning, he or she is required to pay the non-compliance levy set out in the warning. The Police and Border Guard Board shall present the claim for non-compliance levy to the obligated person by an order, shall determine the due date for payment and give a warning that in the case of a failure to pay the non-compliance levy within the time limit, the claim shall be compulsorily enforced pursuant to the procedure provided in the Code of Enforcement Procedure.

(3) To enforce performance of the registration of the short-term employment the non-compliance levy may not be over 3,300 euros, thereby it may not exceed 1,300 euros for the first event and 2,000 euros in the second event.

(4) The Police and Border Guard Board may submit to a foreign state a request for notification of a non-compliance levy if the employer has not complied with the claim for non-compliance levy, the performance thereof in Estonia is impossible and the due date for the contestation thereof has expired.
[RT I, 29.06.2018, 4 – entry into force 15.08.2018]

Chapter 3

RESIDENCE AND EMPLOYMENT IN ESTONIA

Subchapter 1
Temporary residence permit

Division 1
Issue of and refusal to issue temporary residence permit

Subdivision 1
Issue of temporary residence permit

§ 112. Temporary residence permit

A temporary residence permit is a permit issued to an alien for settling and living in Estonia in compliance with the conditions provided for in this Act and specified with the residence permit.

§ 113. Immigration quota

(1) The immigration quota limits the number of aliens who can settle in Estonia.

(2) The annual immigration quota is the quota for aliens immigrating to Estonia, which shall not exceed 0.1 per cent of the permanent population of Estonia annually.

§ 114. Competence for establishment of immigration quota

(1) The immigration quota shall be established by a regulation of the Government of the Republic.

(2) Within the limits of the immigration quota, the minister in charge of the policy sector may, by a ruling, establish a distribution of the immigration quota according to the grounds for application and the basis for the issue of a residence permit, as well as the temporal distribution within a year.

§ 115. Calculation of fulfilment of immigration quota

(1) The following persons are not included in calculating the fulfilment of the immigration quota:
1) an Estonian;
2) the spouse of an Estonian citizen, an Estonian and an alien, who resides in Estonia on the basis of a residence permit, to whom a residence permit is issued to settle with the spouse;
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]
3) a minor and adult child, parent and grandparent and a ward of an Estonian citizen, an Estonian and an alien, who resides in Estonia on the basis of a residence permit, to whom a residence permit is issued to settle with the close relative;
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]
4) an alien who is granted a residence permit for study;
5) an alien who is granted residence permit for employment with the purpose of research activities on condition that the alien has appropriate professional training and education, or as an academic staff member in Estonia in an educational institution which complies with the requirements established by the legislation;
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]
6) an alien who is granted a residence permit for the participation in criminal proceedings;
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]
7) an alien to whom the issue of a residence permit is justified and who does not present a threat to the interests of Estonia and who settled in Estonia before 1 July in the year 1990 and has not left to settle in another state after the indicated deadline;
8) a citizen of the United States of America;
9) a citizen of Japan;
9^1) a citizen of the United Kingdom;
[RT I, 19.03.2019, 9 – entry into force 01.04.2021]
10) an alien who has been granted the residence permit considering the fulfilment of immigration quota, and who thereafter has not left to settle in another state.
11) an alien who has been granted a residence permit for study if he or she is applying for a residence permit on any basis;
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]
12) an alien who has been granted a residence permit on the basis specified in clause 2 or 3 of this section if he or she is applying for a residence permit on any basis;
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]
13) an alien who is granted a residence permit for settling permanently in Estonia;

[RT I, 23.03.2015, 1 – entry into force 01.01.2016]
14) an alien who has been issued a residence permit for employment in a post in the field of speciality of information and communication technology;
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]
15) an alien who has been issued a residence permit for employment in a start-up company;
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]
16) an alien who has been issued a residence permit for engagement in business related to start-up business;
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]
17) an alien who has been issued a residence permit for engagement in enterprise as a large investor.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]
18) an alien who has been issued a temporary residence permit for employment as a top specialist on the basis of clause 3 of subsection 2 of § 181 of this Act;
[RT I, 29.06.2018, 4 – entry into force 15.07.2018]
19) an alien who is granted a temporary residence permit for short-term employment on the basis of § $176^2$of this Act;
[RT I, 14.05.2022, 1 - entry into force 01.01.2023]
20) an alien who is granted a residence permit for employment in a growth company.
[RT I, 14.05.2022, 1 - entry into force 01.01.2023]

§ 116. Requirements for issue of temporary residence permit

(1) An alien may be issued a temporary residence permit if the conditions of issue of a residence permit have been met and there are no facts which would result in the refusal to issue a residence permit;

(2) The requirements for the issue of a temporary residence permit must continue to be met during the period of validity of the residence permit.

§ 117. Conditions of issue of temporary residence permit

(1) The general conditions of the issue of a temporary residence permit to an alien are the following:
1) the purpose of application for the Estonian temporary residence permit is justified;
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]
2) the actual place of residence is Estonia;
3) sufficient legal income which would enable an alien and the family members of an alien the subsistence in Estonia and;
4) a medical expenses insurance contract in compliance with the requirements provided for in § 120 of this Act unless otherwise provided for in this Act.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(2) The general conditions for the issue of a temporary residence permit must be met for the issue of a residence permit on any basis.

(3) The supplementary conditions for the issue of a temporary residence permit on a specific basis have been provided for in this Act separately.

(4) If the issue of a temporary residence permit on a specific basis does not require that some of the general conditions of the issue of a temporary residence permit be met, it is provided for separately in this Act

§ 118. Bases for issue of temporary residence permit

A temporary residence permit may be issued to an alien:
1) to settle with a spouse;
2) to settle with a close relative;
3) for study;
4) for employment;
5) for enterprise;
6) [Repealed – RT I, 29.06.2012, 5 – entry into force 01.07.2012];
6^1) for participation in criminal proceedings;
[RT I, 29.06.2012, 5 – entry into force 01.01.2015];
6^2) in case of substantial national interest.
[RT I, 29.06.2012, 5 – entry into force 01.01.2015];
7) on the basis of a treaty or;
8) in case of substantial public interest.
[Repealed – RT I, 29.06.2012, 5 – entry into force 01.01.2015];
9) for settling permanently in Estonia.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

§ 119. Establishment of period of validity of temporary residence permit

(1) A temporary residence permit is issued with the period of validity of up to five years.

(2) The proof of facts that form the basis for the issue of the residence permit or of other relevant facts and the possibility that such facts may change during the period of validity of the residence permit to be issued are taken into account upon determination of the period of validity of a temporary residence permit.

§ 120. Insurance cover

(1) An alien who is applying for a residence permit or resides in Estonia is required to enter into the medical expenses insurance contract (hereinafter contract) in compliance with the following conditions:
1) [Repealed – RT I, 03.01.2017, 1 – entry into force 18.01.2017]
2) an insured event is a sudden and unpredictable illness or accident which occurs during the period of insurance with an alien who has been insured on the basis of the insurance contract (hereinafter in this section insured person);
3) the insurer is required to compensate to the insured person to the extent of the insurance amount for the medically necessary treatment costs arising as a result of an illness or accident and expenses of out-patient examinations, which are made to establish the insured event and prescribe treatment;
4) the insurance amount for the annual period of insurance is at least 6,000 euros;
5) if the parties have agreed on the waiting period for the purposes of subsection 1 of § 558 of the Law of Obligations Act it may not exceed two months;
6) the contract shall enter into force as of the grant of the residence permit and terminate upon the expiry of the period of validity unless the parties have agreed otherwise;
7) the insurance cover is valid only in Estonia.

(2) An alien is required to have the contract specified in subsection 1 of this section during the whole period of validity of the residence permit.

(3) The contract specified in subsection 1 of this section does not have to cover losses which:
1) are related to a chronic or congenital illness diagnosed before entry into force of this contract, except in the case of extraordinary exacerbation thereof;
2) are related to pregnancy, giving birth and the use of health services, dental services or health services fund related thereto that are not included in the list of health services of the health insurance fund;
3) arise from a traffic accident and which is compensated for by the insurer of traffic insurance;
4) are usually precluded pursuant to the insurance conditions of the insurers concluding medical expenses insurance contracts due to international insurance and reinsurance practice.

(4) If an insured person becomes an insured person pursuant to the Health Insurance Act or a person considered equal to such person during the period of insurance, the insurer has no obligation to perform the contract to the extent in which the insured person has the right for medical expenses insurance benefit on the basis of the Health Insurance Act.

(5) If an insured person becomes an insured person on the basis of the Health Insurance Act or a person considered equal to such person during the period of insurance, the parties shall have the right to withdraw from the contract as from the creation of the insurance cover on the basis of the Health Insurance Act.

(6) The contract shall be applied the provisions of Chapter 27 of the Law of Obligations Act concerning the medical expenses insurance contract unless otherwise provided for in this section. During the period of validity of the residence permit the provisions of § 559, subsection 1 of § 561 and § 562 of the Law of Obligations Act shall not be applied to the contract.

(7) The requirement for compulsory insurance provided for in this section shall be performed by the health insurance or collective health insurance contract concluded by other person in which an alien is noted as an insured person and the insurance cover of medical expenses insurance based thereon is in compliance with the provisions of this section.

(8) If the object of health insurance is another type of health insurance in addition to the medical expenses insurance, that part of the contract shall not be regarded as compulsory insurance for the purposes of the Insurance Activities Act and the provisions of this section shall not be applied thereto.

(9) An alien is not required to conclude a contract provided for in this section in the case provided for in a treaty or in the case he or she is a person insured with the compulsory health insurance pursuant to the Health Insurance Act.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

§ 121. Registration of place of residence in Population Register

(1) An alien is required to register his or her place of residence in the procedure prescribed by the Population Register Act within one month from the date of arrival into Estonia on the basis of the residence permit.

(2) An alien who is residing in Estonia during the issue of a residence permit is obliged to register his or her place of residence in the procedure prescribed by the Population Register Act within one month from the date of notification of the decision on the issue of the residence permit.

(3) An alien is required to have a place of residence registered in Estonia during the whole period of validity of the residence permit.

(4) The requirement of a registered place of residence shall not be applied to an alien during his or her stay in a prison or a custodial institution. An alien is obliged to register his or her place of residence within one month after he or she is released from prison or after a departure from the custodial institutions.

§ 121[1]. Sending alien to participate in adaptation programme

The Police and Border Guard Board is sending an alien who has been granted a residence permit or whose residence permit has been extended to participate in the adaptation programme.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

Subdivision 2
Refusal to issue temporary residence permit

§ 122. Application of bases for refusal to issue temporary residence permit

(1) The issue of a temporary residence permit shall be refused on the bases specified in this Subdivision.

(2) The complementary bases for refusal to issue a temporary residence permit, in addition to the bases for refusal to issue a temporary residence permit specified in this Division, are provided for separately in this Act under the basis for the issue of a respective temporary residence permit.

(3) If the issue of a temporary residence permit is not refused on some of the bases specified in this Subdivision, this is provided for separately in this Act under the basis for the issue of a respective temporary residence permit.

§ 123. General bases for refusal to issue temporary residence permit

The issue of a temporary residence permit shall be refused if:
1) the basis for the issue of a residence permit has ceased to exist;
2) an alien does not comply with the requirements for the issue of a temporary residence permit;
3) the application for the issue of a residence permit is not justified;
4) the immigration quota has been fulfilled by the time of making the decision with regard to the application;
5) a person has committed to leaving the Republic of Estonia, has received a dwelling in a foreign state through an international aid programme or has received support for leaving Estonia;
6) it is prescribed by an international sanction or a legislation imposing a sanction of the Government of the Republic.
[RT I, 19.03.2019, 11 – entry into force 01.01.2020]

§ 124. Refusal to issue temporary residence permit for considerations of ensuring public order and national security and protection of public health

(1) The issue of a temporary residence permit may be refused if:
1) there is reason to believe that the entry into or the stay in Estonia of an alien may constitute a threat to public order;
2) a circumstance which is the basis for applying the prohibition on entry exists in respect of an alien;
3) there is reason to believe that the stay of an alien in Estonia may endanger the morality or the rights or interests of other persons;
4) there is reason to believe that the stay of an alien in Estonia may constitute a risk to public health;
5) an alien has been punished for an offence;
6) an alien has violated the conditions regarding the entry into Estonia, temporary stay in Estonia, residence in Estonia, departure from Estonia, employment in Estonia of aliens or crossing the state border or the temporary control line of aliens;
6[1]) an alien has violated the obligation established in subsection 1 of § 11 or § 74[1] of the Act on Granting International Protection to Aliens;
[RT I, 06.04.2016, 1 – entry into force 01.05.2016]
7) there is reason to believe that the actual purpose of the application for temporary residence permit of an alien does not correspond to the alleged purpose;
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]
8) there is reason to believe that an alien shall not depart from Estonia upon the expiry of the basis of stay or;

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

(2) A temporary residence permit shall not be issued if:
1) an alien has submitted falsified documents or false information regarding the relevant matters in the proceeding, including information concerning his or her earlier activity upon application for a visa or a residence permit or work permit or upon application for extension of the residence permit or work permit or upon application for the citizenship of Estonia or for a personal identification document of the Estonian citizen;
2) an alien has violated the obligation established in § 11 of this Act;
[RT I, 06.04.2016, 1 – entry into force 01.05.2016]
3) the activity of an alien has been directed or is being directed or there is good reason to believe that such activity has been or is being directed against the Estonian state and the security thereof;
4) an alien has incited or is inciting or there is good reason to believe that an alien has incited or is inciting or may incite national, racial, religious or political hatred or violence;
5) an alien has served in a career position in the armed forces of a foreign state, has been assigned to the reserve forces thereof or has retired therefrom;
6) an alien is in the active service or in the contractual service of the armed forces of a foreign state;
7) an alien has committed a criminal offence for which he or she has been sentenced to imprisonment for a term for more than one year and his or her criminal record has not expired;
8) an alien has been repeatedly punished in Estonian for intentionally committed crime against the state and his punishment has not expired;
9) an alien has been repeatedly punished pursuant to criminal procedure for intentionally committed criminal offences;
10) there is information about an alien or a good reason to believe that he or she belongs to a criminal organisation, or is connected with the illegal conveyance of narcotics, psychotropic substances or persons across the border or the temporary control line, or he or she is a member of a terrorist organisation, or he or she has committed or there is a good reason to believe that he or she may commit an act of terrorism, or he or she is involved in financing or supporting terrorism or money laundering;
11) an alien is employed or there is a 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 been 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 facts do not preclude his or her conscription into service in the security forces or armed forces or other armed units of a foreign state;
12) an alien has received or there is good reason to believe that he or she has received special training or special preparation in landing operations, or in diversion or sabotage activities, or other special training, and the knowledge and skills acquired in the process of such training can be directly applied in the formation or training of illegal armed units;
13) an alien has participated or there is good reason to believe that he or she has participated in punitive operations against civil population or;
14) with regard to an alien there is good reason to believe that he or she has committed crimes against humanity or a war crimes.

(3) The facts listed in clauses 1–4, 6 and 9–14 of subsection 2 of this section shall be considered as a threat to the national security. This shall not preclude considering other facts as a threat to the national security.

(4) The provisions of subsections 1 and 2 of this section shall not preclude considering other facts as a threat to a public order.

(5) Clauses 5, 6 and 11 of subsection 2 of this section do not apply to the citizens of the member states of the NATO.

§ 125. Issue of temporary residence permit as exception

(1) If no other basis exists with regard to an alien for refusal to issue the residence permit due to the threat to public order and the national security specified in § 124 of this Act, the temporary residence permit may be issued as an exception if:
1) an alien has provided falsified documents or false information regarding the facts relevant in the proceedings, including information concerning his or her earlier activity upon application for a visa, a residence permit or work permit, or upon application for extension of the residence permit or work permit, or upon application for the citizenship of Estonia or a personal identification document of the Estonian citizen;
2) an alien has committed a criminal offence for which he or she has been sentenced to imprisonment for a term for more than one year and his or her criminal record has not expired;
3) an alien has been punished in Estonia for an intentionally committed crime against the state and his punishment has not expired;
4) an alien has been repeatedly punished pursuant to criminal procedure for intentionally committed criminal offences;
5) an alien has served in a career position in the armed forces of a foreign state or has been assigned to the reserve forces thereof or has retired therefrom;
6) an alien is in the active service of the armed forces of a foreign state or;
7) an alien has been 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 facts preclude his or her conscription into service in the security forces or armed forces of a foreign state or into other armed units.

(1[1]) If an alien has committed to leaving the Republic of Estonia, has received a dwelling in a foreign state through an international aid programme or has received support for leaving Estonia, the alien may be issued a temporary residence permit as an exception if he or she is applying for a residence permit to settle with a close relative on the basis provided for in clause 3 of subsection 1 of § 150 of this Act.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(2) If an alien is issued a temporary residence permit as an exception, his or her spouse and a minor child may also be issued a temporary residence permit as an exception.

§ 126. Refusal to issue temporary residence permit due to prohibition on entry

(1) The issue of a temporary residence permit shall be refused if the prohibition on entry applies with regard to an alien.

(2) The issue of a temporary residence permit shall be refused if the prohibition on entry into the Schengen area is applied with regard to an alien by a member state belonging to the common visa area of the European Union and the alert has been entered into the Schengen information system pursuant to Regulation (EC) No.1987/2006 of the European Parliament and of the Council on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 381, 28.12.2006, pp.4-23).
[RT I, 23.03.2015, 1 – entry into force 02.04.2015]

(3) As an exception, an alien indicated in subsection 2 of this section, may be issued a temporary residence permit if the entry of an alien into Estonia or his or her residence in Estonia is necessary on humanitarian grounds or for the performance of international obligations.

§ 127. Refusal to issue temporary residence permit to family member of alien

If an alien is refused the issue of a temporary residence permit, generally his or her spouse and minor child shall also be refused the issue of a residence permit.

Division 2
Extension and refusal to extend temporary residence permit

§ 128. Requirements for extension of temporary residence permit

A temporary residence permit may be extended if the conditions of the extension of the residence permit are met and there is no basis for refusal to extend the residence permit.

§ 129. Conditions of extension of temporary residence permit

(1) The requirements for the extension of a temporary residence permit shall be met for the extension of the temporary residence permit on any basis.

(2) The conditions of the issue of a temporary residence permit must be continuously met for the extension of a temporary residence permit unless otherwise provided in this Act.

(3) A prerequisite for the extension of the temporary residence permit is the registration of the place of residence in Estonia in the Population Register.
The additional conditions of the extension of a temporary residence permit are provided for separately in this Act under the basis for the issue of a respective temporary residence permit.

(4) The additional conditions of the extension of a temporary residence permit are provided for separately in this Act under the basis for the issue of a respective temporary residence permit.

(5) If upon the extension of a temporary residence permit on a respective basis it is not required to meet some the general condition for the extension of a temporary residence permit, this is provided separately in this Act under the basis of the issue of a respective temporary residence permit.

§ 130. Stay of alien in country during application proceeding

If an alien has applied for the extension of a residence permit, for a new temporary residence permit or for a long-term resident's residence permit during the period of validity of the residence permit or during the term provided for in subsections 4 and 5 of § 43 of this Act, his or her stay in Estonia is deemed legal during the review of his or her application.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

§ 131. Bases for refusal of extension of temporary residence permit

(1) The bases for refusal to issue a temporary residence permit are applied as the bases for refusal to extent a temporary residence permit unless otherwise provided in this Act.

(2) The additional bases for refusal to extend a temporary residence permit are provided separately in this Act under the basis for the issue of a respective temporary residence permit.

(3) If the extension of a temporary residence permit is not refused on some of the bases for the refusal to extend a temporary residence permit provided for in this Division, this is provided for separately in this Act under the basis for the issue of a respective temporary residence permit.

§ 132. Term for extension of temporary residence permit

(1) A temporary residence permit may be extended for up to ten years at a time.
[RT I, 03.01.2017, 1 – entry into force 01.10.2017]

(2) Upon determining the period of validity of the temporary residence permit to be extended, the proof of the facts forming the basis for the extension of a residence permit or proof of other facts relevant to the matter and the possibility of change during the period of validity of the residence permit shall be taken account of.

Division 3
Validity of temporary residence permit

§ 133. Validity of temporary residence permit

A temporary residence permit is valid until the period of validity of the residence permit expires or until revocation of the residence permit.

§ 134. Expiry of period of validity of temporary residence permit

The period of validity of temporary residence permit expires:
1) on the date of expiry;
2) upon the grant of the Estonian citizenship to an alien or upon his or her resumption of the Estonian citizenship;
3) upon the death or declaration of death of an alien;
4) upon receipt of a long-term resident's residence permit or upon receipt of a new temporary residence permit or;
5) upon the grant of the citizenship of a member state of the European Union, a member state of the European Economic Area or the Swiss Confederation to an alien or upon his or her resumption thereof.

§ 135. General bases for revocation of temporary residence permit

(1) A temporary residence permit may be cancelled if:
1) an alien has failed to register his or her place of residence in the Population Register within the term provided by law;
2) an alien does not have an actual place of residence in Estonia;
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]
3) an alien does not have an insurance contract provided for in § 120 of this Act guaranteeing that any costs related to his or her medical treatment as a result of illness or injury during the period of validity of the residence permit will be met or
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]
5) an alien does not use the residence permit purposefully.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(2) A temporary residence permit shall be cancelled if:
1) a circumstance which is a prerequisite for the issue of a residence permit to an alien or extension thereof is not complied with;
2) a basis for refusal to issue or extend the temporary residence permit exists in respect of an alien;
3) the activity of an alien constitutes a threat to public order or national security;
4) the conditions of the issue of a residence permit have not been met during the period of validity of the temporary residence permit;
5) an alien submits a personal request therefor.
6) [Repealed – RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(3) An administrative authority that is competent to cancel the temporary residence permit may during the proceedings to cancel the temporary residence permit appoint a term to an alien for the elimination of the deficiencies specified in subsection 1 of this section.

(4) If an alien eliminates a deficiency indicated in subsection 1 of this section within the term appointed by an administrative authority, the temporary residence permit shall not be cancelled.

§ 136. Application of bases for revocation of temporary residence permit

(1) A temporary residence permit shall be cancelled pursuant to the bases for revocation of a temporary residence permit indicated in this Division.

(2) Additional bases for revocation of a temporary residence permit are provided for separately in this Act under the basis for the issue of a respective temporary residence permit.

(3) If some basis for the revocation of a temporary residence permit provided for in this Division is not applied upon revocation of a temporary residence permit issued on a respective basis, this is provided for separately in this Act under the basis for the issue of a respective temporary residence permit.

Division 4
Bases for issue of temporary residence permit

Subdivision 1
Issue of temporary residence permit to settle with spouse

§ 137. Alien's spouse

(1) A temporary residence permit may be issued to an alien to settle with his or her spouse who resides in Estonia and who is an Estonian citizen or of Estonian nationality or with his or her spouse who is an alien residing in Estonia on the basis of a residence permit.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(2) The requirement for prior residence in Estonia shall not be applied to a spouse who is an Estonian citizen or of Estonian nationality for the purposes of settling with whom the residence permit is applied for if the family settles in Estonia together.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(2^1) In case of applying for a temporary residence permit to settle with the spouse who is an alien, who has been granted a temporary residence permit for studies, the spouse must have lived in Estonia based on a residence permit for at least two years.
[RT I, 14.05.2022, 1 - entry into force 01.01.2023]

(2^2) Subsection 2^1 of this section does not apply to an alien whose spouse, who is an alien, has been granted a temporary residence permit for Doctoral studies.
[RT I, 14.05.2022, 1 - entry into force 01.01.2023]

(2^3) A temporary residence permit to settle with the spouse is not granted in case the spouse, who is an alien, has been granted a temporary residence permit on the basis of § 176^2 of this Act.
[RT I, 14.05.2022, 1 - entry into force 01.01.2023; due to the military conflict in Ukraine, the subsection does not apply to citizens of Ukraine as of 24 February 2022]

(3) [Repealed – RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(3^1) [Repealed – RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(4) [Repealed – RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(5) [Repealed – RT I, 03.01.2017, 1 – entry into force 18.01.2017]

§ 138. Requirements for family life

(1) A residence permit may be issued to settle with his or her spouse if the spouses share close economic ties and a psychological dependence, the family is stable and the marriage is not fictitious.

(2) The marriage is fictitious if the marriage has been contracted with the purpose of getting a residence permit and there is no real family life between the persons.

§ 139. Requirement for legal income of family

If an alien applies to settle with his or her spouse who resides in Estonia, his or her spouse is required to have permanent legal income that shall ensure the subsistence of the family in Estonia, or the joint permanent legal income of the spouses shall ensure the subsistence of the family in Estonia.

§ 140. Requirement for registered residence and actual dwelling

(1) If an alien applies to settle with his or her spouse who resides in Estonia, the family must have a registered place of residence and an actual dwelling in Estonia.

(2) The requirement for registered place of residence and actual dwelling shall not be applied as a requirement for the issue of a temporary residence permit to settle with the spouse if the spouse for the purposes of settling with whom the residence permit is applied for has received a residence permit for enterprise or for employment in one of the following cases:
1) persons engaged in creative activities who work in a performing arts institution for the purposes of the Performing Arts Institutions Act;
2) for employment as a teacher in Estonia in an educational institution which complies with the requirements established by the legislation;
3) for research activities if an alien has appropriate professional training or experience therefor or employment as an academic staff member in Estonia in an educational institution which complies with the requirements established by the legislation;
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]
4) for employment as a sportsman, coach, referee or sports official for professional activities on the basis of a summons from a respective sports federation;
5) for employment as a member of the management body of a legal person registered in Estonia with the duty to perform directing or supervisory functions;
6) for employment as an expert, adviser or consultant provided that an alien has appropriate professional training for such activities in the respective field;
7) for employment as a fitter of equipment or a skilled worker provided that an alien has the required professional training in the respective field;
8) for employment as a top specialist on the basis of clause 3 of subsection 2 of § 181 of this Act provided that an alien has appropriate professional training for such activities in this field;
9) employment in a start-up company.

(3) The requirement for registered place of residence and actual dwelling shall not be applied as a requirement for the issue of a temporary residence permit to settle with the spouse if the spouse for the purposes of settling with whom the residence permit is applied for has received a residence permit for studies based on the integrated curricula of Bachelor's and Master's studies or Master's or Doctoral studies or if the spouse has been issued the residence permit for studies in professional higher education or Bachelor's studies or in vocational training at the fourth or fifth qualification level within the framework of an international cooperation program or a treaty or an international cooperation agreement of an educational institution or if the alien has been designated a scholarship which is financed by the Estonian state or is internationally recognized.
[RT I, 03.01.2017, 1 – entry into force 01.04.2017]

§ 140[1]. Specification of requirements for issue and extension of residence permit

If an alien is applying for a residence permit for the purpose of settling with his or her spouse who holds a temporary residence permit issued to a large investor for engagement in business, the requirement for actual dwelling specified in subsection 1 of § 117 of this Act and for the place of residence registered in the population register specified in § 121 and subsection 3 of § 129 of this Act shall not be applied as a requirement for the issue and extension of a residence permit.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

§ 141. Specifications of bases for refusal of issue of temporary residence permit

If an alien applies for a temporary residence permit to settle with his or her spouse, the fact that the stay of an alien in Estonia may endanger morality or rights or interests of other people is not applied as the basis for refusal to issue a residence permit.

§ 142. Unjustified application for issue of temporary residence permit to settle with spouse

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

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

(3) The provisions of subsections 1 and 2 of this section do not preclude considering the application for a residence permit to be unjustified under other facts.

§ 143. Period of validity of temporary residence permit to settle with spouse

(1) [Repealed – RT I, 03.01.2017, 1 – entry into force 01.10.2017]

(2) [Repealed – RT I, 03.01.2017, 1 – entry into force 01.10.2017]

(2^1) [Repealed – RT I, 03.01.2017, 1 – entry into force 01.10.2017]

(2^2) [Repealed – RT I, 03.01.2017, 1 – entry into force 01.10.2017]

(3) If a residence permit is issued to an alien to settle with the spouse residing in Estonia on the basis of a temporary residence permit, the period of validity of the residence permit to be issued to an alien shall not exceed the period of validity of a residence permit of the spouse for the purposes of settling with whom the residence permit was issued.

§ 143^1. Establishment of period of validity of temporary residence permit issued to settle with spouse

(1) Upon establishment of the period of validity of temporary residence permit issued to settle with the spouse, the duration of the marriage between an alien and the spouse for the purposes of settling with whom the residence permit is applied for is taken into account.

(2) The provisions of subsection 1 of this section do not preclude taking account of other relevant facts upon establishment of the period of validity of the residence permit.
[RT I, 03.01.2017, 1 – entry into force 01.10.2017]

§ 144. Additional bases for refusal to extend temporary residence permit to settle with spouse

The extension of a temporary residence permit to settle with a spouse shall be refused if:
1) the basis or grounds for the issue of the residence permit has ceased to exist;
2) the marriage has been terminated;
3) [Repealed – RT I, 03.01.2017, 1 – entry into force 18.01.2017]
4) the legal income of a spouse or the joint income of the family does not ensure subsistence of the family in Estonia;
5) the family does not have a registered place of residence in Estonia or;
6) the family does not have an actual dwelling in Estonia.

§ 145. Specifications for bases for refusal to extend temporary residence permit

(1) If an alien applies for a temporary residence permit to settle with his or her spouse, the circumstance that the stay of an alien in Estonia may endanger morality or rights or interests of other people is not applied as a basis for refusal to extend a residence permit.

(2) If an alien has been issued a temporary residence permit to settle with his or her spouse, who has a residence permit issued to a large investor for engagement in enterprise, the circumstance that the alien does not have a registered residence or actual dwelling in Estonia shall not be applied as a basis for the refusal to extend the residence permit.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

§ 146. Additional bases for revocation of temporary residence permit issued to settle with spouse

(1) A temporary residence permit to settle with a spouse shall be cancelled if:
1) the basis or grounds for the issue of the residence permit has ceased to exist;
2) the marriage has been terminated;
3) [Repealed – RT I, 03.01.2017, 1 – entry into force 18.01.2017]
4) the legal income of a spouse or the joint income of the family do not ensure subsistence of the family in Estonia;
5) the family does not have a registered place of residence in Estonia or;
6) the family does not have an actual dwelling in Estonia.

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

(3) A temporary residence permit that was issued to settle with a spouse may be cancelled on the basis specified in subsection 1 of this section within three years as of the issue of the residence permit.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

§ 147. Specification of bases for revocation of temporary residence permit

(1) If an alien has a temporary residence permit to settle with his or her spouse, the circumstance that the stay of an alien in Estonia may endanger morality or the rights or interests of other people, shall not be applied as a basis for revocation of a residence permit.

(2) If an alien has been issued a temporary residence permit to settle with his or her spouse, who has a residence permit issued to a large investor for engagement in enterprise, the circumstance that the alien does not have a registered residence or actual dwelling in Estonia shall not be applied as a basis for the revocation of the residence permit.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

§ 147[1]. Expiry of temporary residence permit issued for settling with spouse

If an alien has a temporary residence permit to settle with their spouse due to the fact that their spouse has a temporary residence permit for study and the spouse has failed to complete the study program to the extent required to hold a residence permit for study or has interrupted studies, the validity of an alien's temporary residence permit expires 30 days after the spouse has failed to complete the study program to the required extent or has interrupted studies.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

§ 148. Obligations of sponsor

The spouse for the purposes of settling with whom the residence permit was issued to an alien has the obligations of a sponsor provided for in this Act.

§ 149. Specifications of requirements of issue of residence permits to settle with spouse

(1) If an alien has been issued a temporary residence permit to settle with his or her spouse and has lived for at least three years in Estonia on this basis thereof, he or she may be issued a temporary residence permit for settling permanently in Estonia without applying the provisions of § 210[1] and § 210[2] of this Act.

(2) If an alien has been issued a temporary residence permit to settle with his or her spouse and their marriage ends before three years have passed as of the issue of a residence permit but the obligation to leave Estonia of an alien would be clearly too burdensome for him or her, he or she may be issued a temporary residence permit for settling permanently in Estonia without applying the provisions of § 210[1] and § 210[2] of this Act.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

§ 149[1]. Specifications of legal status of alien applying for residence permit to settle with spouse

The stay in Estonia of a spouse of an alien who is a holder of the EU Blue Card of another member state of the European Union and is applying for the EU Blue Card in Estonia is legal until the decision with regard to the application is made if he or she holds a residence permit issued by another member state of the European Union to a family member of an alien holding the European Union Blue Card and he or she is applying for a residence permit in Estonia to settle with spouse for the purpose of settling with an alien who is applying for the EU Blue Card.
[RT I, 09.03.2011, 3 – entry into force 19.06.2011]

Subdivision 2
Temporary residence permit to settle with close relative

§ 150. Close relative

(1) A temporary residence permit may be issued to an alien to settle with a close relative who is an Estonian citizen or who is an alien who resides in Estonia and holds a residence permit in one of the following cases:
1) to a minor child in order to settle with a parent who resides in Estonia;
2) to an adult child in order to settle with a parent who resides in Estonia if the child is unable to cope independently due to health reasons or a disability;
3) to a parent or grandparent in order to settle with his or her adult child or grandchild who resides in Estonia if the parent or grandparent needs care which he or she cannot receive in the country of his or her location or in another country and if the permanent legal income of his or her child or grandchild who legally stays in Estonia ensures the subsistence of him or her in Estonia and;
4) to a ward in order to settle with the guardian who resides in Estonia if the permanent legal income of the guardian ensures the subsistence of the ward in Estonia.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(2) In the case specified in clause 3 of subsection 1 of this section, a close relative for the purposes of settling with whom the residence permit is applied for is required to have a long-stay resident's residence permit.

(3) The requirement for prior residence in Estonia shall not be applied if:
1) the close relative has a temporary residence permit and an alien and the close relative, for the purposes of settling with whom the residence permit is applied for, enter into Estonia together;
2) the close relative has the EU Blue Card;
3) the close relative has been issued a temporary residence permit on the basis of § 210^3 of this Act;
4) the close relative has a temporary residence permit for an intra-corporate transfer.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(4) The persons specified in clauses 3 and 4 of subsection 1 of this section are not granted a temporary residence permit in case the alien has been granted a temporary residence permit based on § 176^2 of this Act.
[RT I, 14.05.2022, 1 - entry into force 01.01.2023]

§ 150^1. Temporary residence permit issued to minor child who was born in Estonia

(1) A minor child, who was born in Estonia or who is settling in Estonia immediately after birth together with his or her parent or parents, shall be issued a temporary residence permit to settle with a parent who is residing in Estonia if the parent is holding the Estonian temporary residence permit during the birth of the child.

(2) On order to waive the residence permit issued on the basis of subsection 1 of this section in the case of joint legal custody the parents shall have the right to jointly submit the application before the child reaches one year of age.
[RT I, 03.01.2017, 1 – entry into force 01.10.2017]

§ 151. Requirement of registered place of residence and actual dwelling of close relative

(1) A close relative for the purposes of settling with whom a residence permit is applied for is required to have a registered place of residence and an actual dwelling in Estonia.

(2) Upon application of a residence permit to settle with close relative the requirement for a registered place of residence and an actual dwelling specified in subsection 1 of this section shall not be applied as a condition of the issue of a residence permit provided that an alien and the close relative for the purposes of settling with whom the residence permit is applied for enter into Estonia together.

§ 151^1. Specification from requirements for issue and extension of residence permit

If an alien is applying for residence permit for the purpose of settling with the close relative who holds a temporary residence permit issued to a large investor for enterprise, the requirement for actual dwelling specified in subsection 1 of § 117 of this Act and for the place of residence registered in the population register specified in § 121 and subsection 3 of § 129 of this Act shall not be applied as a requirement for the issue and extension of a residence permit.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

§ 152. Requirement for covering maintenance and treatment costs

If the residence permit has been issued to an adult child in order to settle with a parent who resides in Estonia, to a parent or grandparent in order to settle with his or her adult child or grandchild who resides in Estonia, to a ward in order to settle with the guardian who resides in Estonia, the close relative for the purposes of settling with whom the residence permit is issued is required to cover the maintenance and treatment costs of an alien.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

§ 153. Specifications of bases for refusal to issue temporary residence permit

If an alien applies for a temporary residence permit to settle with his or her close relative, the circumstance that the stay of an alien in Estonia may endanger morality or the rights or interests of other people shall not be applied as a basis for the refusal to issue a residence permit.

§ 154. Consideration of rights and interests of child

(1) Upon the issue of a temporary residence permit to a minor child to settle with his or her parent the rights and interests of the child shall be taken into consideration in particular.

(2) A temporary residence permit shall not be issued if the settling of the child in Estonia damages his or her rights and interests and if the legal, financial or social status of him or her may deteriorate as a result of settling in Estonia.

(3) Under joint legal custody the consent of the other parent is required for issue of a residence permit.
[RT I, 03.01.2017, 1 – entry into force 01.10.2017]

(3^1) Under joint legal custody the consent of the other parent is not required for issue, to a minor child who was born in Estonia, of a temporary residence permit provided for in subsection 1 of § 150^1 of this section.
[RT I, 03.01.2017, 1 – entry into force 01.10.2017]

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

(5) If a minor child has been issued a residence permit to settle with a close relative and reaches the age of majority during the period of validity of the residence permit, his or her residence permit shall be valid until its expiry.

(6) Upon reaching the age of majority an alien who has been issued a temporary residence permit to settle with a close relative as a minor may be issued a residence permit under the conditions and with the period of validity which are not related to the close relative for the purposes of settling with whom the residence permit is issued. In that case the conditions and requirements for the issue of a residence permit that are to be met for the issue of a temporary residence permit on any basis shall be applied upon the issue of a temporary residence permit to an alien.

§ 155. Period of validity of temporary residence permit issued to settle with close relative

If a temporary residence permit is issued to settle with a close relative who holds a temporary residence permit, the period of validity of the residence permit issued to an alien shall not exceed the period of validity of the residence permit of the close relative for the purposes of settling with whom the residence permit was issued.

§ 155^1. Specifications of extension of temporary residence permit issued to settle with close relative

(1) If a minor child has been issued a temporary residence permit to settle with a parent residing in Estonia on the basis of clause 1 of subsection 1 of § 150 or subsection 1 of § 150^1 of this Act and the temporary residence permit of the parent is extended or he or she is issued a new temporary residence permit, the period of validity of the residence permit of a minor child is extended until the expiry of the period of validity of the residence permit of the parent.

(2) Under joint legal custody the consent of the other parent is not required for the extension of the period of validity of the temporary residence permit in the case specified in subsection 1 of this section.
[RT I, 03.01.2017, 1 – entry into force 01.10.2017]

§ 155^2. Expiry of temporary residence permit issued for settling with close relative

If an alien has a temporary residence permit to settle with a close relative due to the fact that their close relative has a temporary residence permit for study and the close relative has failed to complete studies to the extent required to obtain a residence permit for study or interrupted studies, the validity of an alien's temporary residence permit expires 30 days after the close relative has failed to complete the study program to the required extent or has interrupted studies.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

§ 156. Additional bases for refusal to extend temporary residence permit issued to settle with close relative

The extension of a temporary residence permit to settle with a close relative residing in Estonia shall be refused if:
1) [Repealed – RT I, 03.01.2017, 1 – entry into force 18.01.2017]
2) the close relative for the purposes of settling with whom the residence permit was issued cannot guarantee the subsistence of an alien in Estonia for no good reason or;
3) the close relative for the purposes of settling with whom the residence permit was issued fails to have a registered place of residence or an actual dwelling.

§ 157. Specifications of bases for refusal to extend temporary residence permit

(1) If an alien holds a temporary residence permit to settle with his or her close relative, the circumstance that the stay of an alien in Estonia may endanger morality or the rights or interests of other people shall not be applied as a basis for refusal to issue a residence permit.

(2) If an alien was issued a temporary residence permit as a minor child to settle with a parent, the extension of his or her residence permit shall not be refused due to his or her reaching the age of majority if he or she is a dependant of his or her parent.

(3) If an alien has been issued a residence permit to settle with a close relative who holds a temporary residence permit issued to a large investor for enterprise, the circumstance that the alien does not have a registered place of residence or dwelling in Estonia shall not be applied as a basis for refusal to extend the residence permit.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

§ 158. Additional bases for revocation of the temporary residence permit issued to settle with close relative

(1) The temporary residence permit which was issued to settle with a close relative who resides in Estonia shall be cancelled if:
1) [Repealed – RT I, 03.01.2017, 1 – entry into force 18.01.2017]
2) the close relative for the purposes of settling with whom the residence permit was issued fails to ensure, for no good reason, the subsistence of an alien in Estonia;
3) the close relative for the purposes of settling with whom the residence permit was issued fails to have a registered place of residence or the actual dwelling.

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

§ 159. Specifications of bases for revocation of temporary residence permit

(1) If an alien holds a temporary residence permit to settle with his or her close relative, the circumstance that the stay of an alien in Estonia may endanger morality or the rights or interests of other people shall not be applied as the basis for revocation of the residence permit.

(2) If an alien was issued a temporary residence permit as a minor child to settle with a parent, his or her residence permit shall not be cancelled after he or she has reached the age of majority.

(3) If an alien has been issued a residence permit to settle with a close relative who holds a temporary residence permit issued to a large investor for engagement in business, the circumstance that the alien does not have a registered place of residence or dwelling in Estonia shall not be applied as a basis for revocation of the residence permit.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

§ 160. Obligations of sponsor

The close relative for the purposes of settling with whom the residence permit was issued to an alien has the obligations of a sponsor provided for in this Act.

§ 161. Specifications of requirements for residence permit issued to settle with close relative

If an alien who has been issued a temporary residence permit to settle with his or her close relative and the basis or grounds for the issue of the residence permit have ceased to exist but the obligation of an alien to leave Estonia would be clearly too burdensome for him or her, the alien may be issued a temporary residence permit for settling permanently in Estonia without applying the provisions of § 210^1 and § 210^2 of this Act.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

§ 161^1. Specifications of legal status of alien applying for residence permit to settle with close relative

The stay in Estonia of a close relative of an alien who is a holder of the EU Blue Card of another member state of the European Union and is applying for the EU Blue Card in Estonia is legal until making the decision with regard to the application if he or she holds a residence permit issued to a family member of an alien holding the European Union Blue Card by another member state of the European Union and he or she is applying for a residence permit in Estonia to settle with close relative for the purpose of settling with an alien who is applying for the EU Blue Card.
[RT I, 09.03.2011, 3 – entry into force 19.06.2011]

Subdivision 3
Temporary residence permit for study

§ 162. Requirements for educational institution and voluntary service

(1) A temporary residence permit for study may be issued to an alien:

1) for study in a basic school, gymnasium or vocational educational institution or, on the basis of the state-recognised higher education curriculum, in a vocational educational institution, an institution of applied higher education or a university;
[RT I 2010, 41, 240 – entered into force 01.09.2010]
2) for participation in a traineeship at a state-recognised basic school or gymnasium for pedagogical or other study purposes
[RT I 2010, 41, 240 – entered into force 01.09.2010]
3) for participation in foundation courses offered by institutions of vocational education and applied higher education or a university recognised by the state.
4) for participation in traineeship intermediated by a state-recognised institution of vocational education institution or applied higher education institution or university or an international student organisation or;
5) for voluntary service within the framework of a youth project or program recognised by the Ministry of Education and Research.
6) for study in an educational institution founded on the basis of a treaty or an educational and training institution supported by the Ministry of Foreign Affairs.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

(2) A temporary residence permit for study at a higher education level in an educational institution specified in subsection 1 of this section may be issued for covering the full-time curriculum for the purposes of § 14 of the Higher Education Act and if the educational institution is institutionally accredited.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

§ 163. Requirement of proof of commencement of studies

Upon application for a residence permit for studies, the relevant educational institution or international student organisation shall submit an invitation to the Police and Border Guard Board.
[RT I, 17.05.2018, 1 – entry into force 23.05.2018]

§ 164. Requirements for traineeship

A temporary residence permit for study may be issued for participation in traineeship that is intermediated by a state-recognised vocational education institution, institution of applied higher education, university or an international student organisation under the following conditions:
1) the traineeship is related to the education to be acquired;
2) [Repealed – RT I, 17.05.2018, 1 – entry into force 23.05.2018]
3) a contract of traineeship has been concluded between an alien and the institution conducting the traineeship.

§ 165. Additional requirements for voluntary service

A temporary residence permit for study may be granted for voluntary service within the framework of a youth project or program recognised by the Ministry of Education and Research under the following conditions:
1) the activity of an alien in the framework of a youth project or program shall not be employment for the purposes of this Act, including that an alien shall not get remuneration for the activity;
2) an institution or organisation within the framework of whose youth project or program an alien is applying for residence permit for voluntary service activities shall bear the subsistence costs of an alien during his or her residence in Estonia;
[RT I, 03.01.2017, 1 – entry into force 01.04.2017]
3) an institution or organisation within the framework of whose youth project or program an alien is applying for residence permit for voluntary service activities has entered into an insurance contract which would cover all medical costs caused by illness or injuries of an alien and;
[RT I, 03.01.2017, 1 – entry into force 01.04.2017]
4) a contract of voluntary service has been concluded between an alien and the institution or organisation within the framework of whose youth project or program an alien is applying for residence permit for voluntary service activities.
[RT I, 03.01.20 17, 1 – entry into force 01.04.2017]

§ 166. Requirements for voluntary service contract

The contract of voluntary service entered into between an alien and the institution or organisation within the framework of whose youth project or program an alien is applying for residence permit for voluntary service activities shall reflect the following information:
[RT I, 03.01.2017, 1 – entry into force 01.04.2017]
1) the duties of an alien;
2) the tutoring conditions related to performance of the duties;
3) working time of an alien;
4) means for covering travelling, subsistence and accommodation costs and for allowances during the whole stay in Estonia and
5) the training provided to an alien for better performance of voluntary service if necessary.

§ 167. Requirement for use of dwelling

[Repealed – RT I, 02.07.2013, 3 – entry into force 01.09.2013]

§ 168. Requirement for language proficiency in language of instruction

(1) A temporary residence permit for study may be issued if the purpose of the stay of an alien in the country is to study on the basis of a higher education curriculum or the curriculum of an educational institution established on the basis of a treaty or in-service training of a training institution supported by the Ministry of Foreign Affairs and his or her proficiency in the language of instruction is sufficient.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

(2) The proficiency in the language of instruction of an alien is considered to be sufficient if it corresponds to the minimum requirements set by the educational institution for language of instruction or if an alien commences in-depth studies in the national language.

(3) The procedure for submitting evidence of conformity to the requirements set to the proficiency in the language of instruction shall be established by a regulation of the minister in charge of the policy sector Education and Research.

§ 168[1]. Specifications of requirement for legal income

The requirement of sufficient legal income for the issue of a residence permit for study, for holding and extension thereof may also be complied with the income not specified in § 9 of this Act.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

§ 169. Requirement for submission of evidence of holding long-term resident's residence permit of member state of European Union

An alien who is holding a long-term resident's residence permit of a member state of the European Union and who is applying for a temporary residence permit for study shall submit additional documentary evidence of holding the long-term resident's residence permit of the European Union.

§ 170. Period of validity of temporary residence permit for study

(1) A temporary residence permit for study may be issued to an alien with a period of validity until the end of the nominal study period but for no longer than the estimated duration of studies.
[RT I, 03.01.2017, 1 – entry into force 01.04.2017]

(2) A temporary residence permit for study may be extended until the end of the nominal study period or, if the nominal study period has terminated, until the end of the estimated duration of studies.
[RT I, 03.01.2017, 1 – entry into force 01.04.2017]

(3) [Repealed – RT I, 23.03.2015, 1 – entry into force 01.01.2016]

§ 171. Right of representation of alien

The educational institution for commencement of study wherein an alien was granted a residence permit for study has the right of representation of a minor alien in the proceedings related to his or her stay in Estonia and the departure from Estonia if the legal representative of an alien does not stay in Estonia.

§ 172. Health insurance

Clauses 2 and 5 of subsection 4 of § 5 of the Health Insurance Act shall not be applied with regard to an alien who has been issued a temporary residence permit for study.

§ 172[1]. Additional basis for refusal to issue temporary residence permit for study

The issue of a temporary residence permit for study may be refused if there is a reason to doubt the trustworthiness of the educational institutions for the purpose of study in which the temporary residence permit is applied for, of the international student organisation that intermediates the traineeship of an alien in Estonia or of an agency or association for voluntary service within the framework of a youth project or program the temporary residence the permit is applied for.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

§ 173. Additional basis for annulment of temporary residence permit for study

(1) A temporary residence permit for study is annulled if an alien has failed to perform to a significant extent an obligation arising from this Act or another Act.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

(2) A failure to complete the curriculum provided in subsection 1 of this section to the required extent is not applied as a basis for revocation of the residence permit with regard to an alien who has been issued a temporary residence permit for Doctoral studies.
[RT I, 15.03.2022, 1 – entry into force 01.08.2022]

§ 173[1]. Expiry of temporary residence permit issued for study

If an alien holds a temporary residence permit for study and has failed to complete the study program to the extent required to hold a residence permit for study or has interrupted studies, the vallidity of their temporary residence permit expires 30 days after failure to complete the study program to the required extent or interruption of studies.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

§ 174. Obligations of sponsor

(1) The educational institution where an alien who was granted a temporary residence permit for study, the institution conducting the traineeship, the international student organisation that intermediated the traineeship of an alien in Estonia and an institution or organisation within the framework of whose youth project or programme an alien was issued a temporary residence permit for voluntary service activities shall have the obligations of a sponsor provided for in this Act.

(2) If an alien has been issued a temporary residence permit for the purpose of participation in practical training on the basis of clause 2 or 4 of subsection 1 of § 162 of this Act, the obligations of a sponsor terminate when the alien is granted residence permit on another basis or after 180 days as of the termination of the contract entered into with the trainee.
[RT I, 03.01.2017, 1 – entry into force 01.04.2017]

§ 175. Conditions of employment in Estonia on basis of temporary residence permit for study

An alien who has been issued a residence permit for study may take employment in Estonia without a specific permit on condition that such employment does not interfere with the studies.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

Subdivision 4
Issue of temporary residence permit for employment

§ 176. Purpose of issue of temporary residence permit for employment

(1) The purpose of the granting of a temporary residence permit is to further the development of the Estonian economy, research, education or culture by creating a possibility to employ aliens with the necessary knowledge and skills in Estonia.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

(2) In order to take employment on the basis of a temporary residence permit an alien shall be granted the right to stay in Estonia and be employed by an employer registered in Estonia under the conditions determined by the residence permit.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

§ 176[1]. Temporary agency work

(1) A temporary residence permit for employment may be issued to an alien also for employment as a temporary agency worker in the user undertaking for the purposes of subsection 5 of § 6 of the Employment Contracts Act.

(2) A temporary residence permit for employment may be issued for employment as a temporary agency worker if the employer is a company that is registered in Estonia or another Member State of the European Economic Area is acting as an intermediary of temporary agency work and the employer has provided security to the extent of at least one month’s remuneration of an alien provided in subsection 1 of § 178 of this Act.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

(2[1]) The employer may choose one of the following types of security for the security specified in subsection 2 of this section:
1) guarantee;
2) deposit.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

(3) The guarantor may be an insurer or credit institution located in Estonia or another Member State of the European Economic Area. The security must be valid for the entire period of validity of temporary residence permit.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

§ 176[2]. Temporary residence permit for short-term employment

(1) A temporary residence permit for short-term employment may be granted to an alien for up to two years in case:
1) the alien with a temporary basis of stay has been employed in Estonia for at least nine months on the basis of the registration of short-term employment immediately before applying for a residence permit;
2) employment continues with the employer who has registered short-term employment, and who has registered the short-term employment of the alien with a temporary basis of stay before applying for a temporary residence permit;
3) the employer is reliable;
4) the employer has paid the alien remuneration in compliance with the requirements provided in § 107 of this Act during the period of registered short-term employment.

(2) The provisions of § 180 of this Act apply to the assessment of the reliability of the employer.
[RT I, 14.05.2022, 1 - entry into force 01.01.2023]

§ 177. Requirement for permission of Estonian Unemployment Insurance Fund

(1) A temporary residence permit for employment may be issued to an alien for employment with an employer registered in Estonia in a place of employment, filling of which with an alien has been permitted by the Estonian Unemployment Insurance Fund because it is impossible to fill the vacant position by employing an Estonian citizen or a citizen of the European Union or an alien residing in Estonia on the basis of a residence permit, who would comply with the requirements for qualification and professional skills for such position and filling the place of employment with an alien is justified taking account of the labour market and based on the data of the Estonian Unemployment Insurance Fund.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(1[1]) The permit specified in subsection 1 of this section is not related to the person of an alien and it is issued for filling one or several positions with an alien at an employer registered in Estonia.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(1[2]) If an alien is applying for temporary residence permit for employment as a temporary agency worker, the conditions provided for in subsection 1 of this section shall be applied to filling a place of employment in the user undertaking registered in Estonia.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(2) [Repealed – RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(3) The requirement for the permission of the Estonian Unemployment Insurance Fund is not applied upon extension of the temporary residence permit for employment.
[RT I, 09.03.2011, 3 – entry into force 19.06.2011]

(4) The requirement for the permission of the Estonian Unemployment Insurance Fund is not applied in the case specified in subsection 4 of § 185 of this Act.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

§ 178. Requirements for remuneration to be paid

(1) An employer is required to pay to an alien a remuneration that is at least equal to the annual average gross salary in Estonia last published by Statistics Estonia regardless of the agreed working time.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

(1[1]) An employer is required to pay remuneration to an alien who has been issued a residence permit for employment on the basis of clause 3 of subsection 2 of § 181 of this Act in the amount at least equal to the annual average gross monthly salary and wages in Estonia, last published by Statistics Estonia, multiplied with the coefficient 1.5.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

(1[2]) With regard to an alien who has acquired vocational education at the fourth or fifth level of vocational training or who has acquired a higher education in Estonia in the professional higher education or Bachelor's studies, in the studies based on the integrated curricula of Bachelor's and Master's studies, in Master's or Doctoral studies, the rate of remuneration specified in subsections 1 and 1[1] of this section shall not apply.
[RT I, 03.01.2017, 1 – entry into force 01.04.2017]

(1[3]) The employer is required to pay to an alien, who has been issued a residence permit for employment on the basis of clause 4 of subsection 2 of § 181 of this Act, remuneration in the amount of at least equal to the

annual average gross monthly salaries and wages in Estonia last published by Statistics Estonia by an order of the Government of the Republic issued on the basis of subsection 8 of § 181 of this Act in the specified area.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(1^4) The employer is required to pay an alien who has been granted a residence permit for employment in a growth company remuneration equal to 80 per cent of the average gross monthly salary in Estonia last published by Statistics Estonia.
[RT I, 14.05.2022, 1 - entry into force 01.01.2023]

(2) The amount of remuneration to be paid to an alien shall be in compliance with the data last published by Statistics Estonia, valid at the moment of commencement of proceedings of an application for a temporary residence permit; this shall be adjusted upon the extension of the temporary residence or application for a new temporary residence permit.

(2^1) As a specification to the provisions of subsection 1 of this section, a company located outside a member state of the European Union with which an alien has entered into an employment contract may pay the remuneration provided for in this Act also to the alien, who has been granted a residence permit for employement as an intra-corporate transferee on the basis of § $190^{14}$of this Act.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

(2^2) As a specification to subsection 1 of this section, an employer is required to pay the remuneration prescribed in subsections 22 and $2^3$of § 105 of this Act to an alien who has been granted a residence permit to work on a ship sailing under the national flag of Estonia on international sea voyages.
[RT I, 14.05.2022, 1 - entry into force 01.10.2022]

(3) The Tax and Customs Board shall provide at the request of the Police and Border Guard Board the data concerning the remuneration paid to an alien.

(4) In case of the issue of a temporary residence permit for employment, the salary or wages earned by an alien must be sufficient for his or her subsistence in Estonia.

§ 179. Requirements to alien

(1) For the issue of a temporary residence permit for employment an alien is required to have the requisite qualifications, training, state of health, work experience and the necessary professional skills and knowledge to assume such position.

(2) If an alien complies with the conditions specified in subsection 1 of this section and the employer submits a confirmation about employment of an alien, the Police and Border Guard Board may issue a temporary residence permit to an alien or employment for commencement of work in the position for filling of which the Estonian Unemployment Fund has granted approval to the employer.

(3) An alien who is applying for a temporary residence permit for employment and who has prior resided in Estonia for at least five years on the basis of the temporary residence permit for employment is required to have the Estonian language proficiency at least at the language proficiency level A2.
[RT I, 29.06.2018, 4 – entry into force 15.07.2018]

(4) The requirement for the Estonian language proficiency specified in subsection 3 of this section shall not be applied to an alien who is applying for:
1) a temporary residence permit for employment with the purpose of research activities on the basis of § 182 of this Act;
2) the EU Blue Card on the basis of § $190^1$of this Act;
3) a temporary residence permit for an intra-corporate transferee on the basis of § $190^{14}$of this Act, or
4) a temporary residence permit for employment as an academic staff member in Estonia in an educational institution which complies with the requirements established by legislation.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

§ 180. Trustworthiness of employer

(1) The issue of a temporary residence permit for employment shall be refused if the employer or user undertaking or host entity has been punished for a criminal offence provided for in §§ 133- 133^3, § 175 or § $260^1$of the Penal Code and whose data concerning punishment have not expunged from the criminal records database pursuant to the Criminal Records Database Act..
[RT I, 03.01.2017, 1 – entry into force 17.01.2017]

(2) The issue of a temporary residence permit for employment may be refused if:
1) the salary or wages of an alien does not guarantee his or her subsistence in Estonia;
2) the employer or user undertaking or host entity has tax arrears;
[RT I, 03.01.2017, 1 – entry into force 17.01.2017]

3) the employer or user undertaking or host entity has a criminal record for the misdemeanour provided for in §§ 300–302 of this Act;
[RT I, 03.01.2017, 1 – entry into force 17.01.2017]
4) the employer or user undertaking or host entity has failed to perform the notification obligation provided for by law;
[RT I, 03.01.2017, 1 – entry into force 17.01.2017]
4^{1}) the liquidation of the employer or user undertaking has been initiated, the court has accepted the bankruptcy petition filed against the employer or user undertaking and decided to appoint an interim trustee, the employer or user undertaking has been declared bankrupt, the bankruptcy proceedings filed against the employer or user undertaking end with abatement without being declared bankprut or the employer or user undertaking has no actual economic activity;
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]
5) there is a ground to doubt the trustworthiness of the employer or user undertaking or host entity for any other reason.
[RT I, 03.01.2017, 1 – entry into force 17.01.2017]

§ 181. Specifications of conditions of issue of temporary residence permit for employment

(1) A temporary residence permit for employment may be issued without meeting the requirement for permission of the Estonian Unemployment Insurance Fund and without meeting the requirement for the amount of remuneration to be paid to an alien in one of the following cases:
1) to 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) to an alien who is a journalist accredited by the Ministry of Foreign Affairs;
3) to an alien whose right to take employment in Estonia without a specific permit arises from a treaty;
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]
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 in Estonia in an educational institution which complies with requirements established by the legislation;
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]
6) research activities if an alien has appropriate professional training or experience and the research and development institution has signed a hosting agreement with the alien, or employment as an academic staff member in Estonia in an educational institution which complies with requirements established by the legislation;
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]
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 law registered in Estonia;
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]
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) an alien has acquired vocational education in Estonia at the fourth or fifth level of vocational training or a higher education in professional higher education or Bachelor's studies, in the studies based on integrated curricula of Bachelor's and Master's studies, in Master's or Doctoral studies;
[RT I, 03.01.2017, 1 – entry into force 01.04.2017]
12) employment in a start-up company;
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]
13) employment as an au pair.
[RT I, 17.05.2018, 1 – entry into force 23.05.2018]

(2) A temporary residence permit for employment may be issued without meeting the requirement of the permission of the Estonian Unemployment Insurance Fund:
1) for employment as an expert, adviser or consultant provided that an alien has appropriate professional preparation for such activities;
2) for the purposes of performing directing or supervisory functions of a legal person governed by private law and a branch of a foreign company (hereinafter in this subsection a legal person governed by private law) registered in Estonia;
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]
3) for employment as a top specialist provided that an alien has appropriate professional preparation for such activities.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]
4) for employment in an area specified in the order of the Government of the Republic issued on the basis of subsection 8 of this section.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]
5) for employment as an intra-corporate transferee on the basis of § 190^{14} of this Act;
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

6) for employment in a growth company.
[RT I, 14.05.2022, 1 - entry into force 01.01.2023]

(3) For the purposes of performing directing or supervisory functions of a legal person governed by private law registered in Estonia, specified in clause 2 of subsection 2 of this section, a temporary residence permit for employment may be given to a partner of a general partnership or a general partner of a limited partnership, a member of the management board or supervisory board of a private limited company, public limited company, foundation and commercial association, a member of the management board of a non-profit association, a procurator, liquidator, trustee in bankruptcy, auditor, financial inspector, member of the audit committee and manager of a branch of a foreign company.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

(4) For the purposes of clause 3 of subsection 2 of this section a top specialist is an alien who has acquired appropriate professional training in any field to whom an employer registered in Estonia undertakes to pay remuneration for professional work in the amount at least equal to the annual average gross monthly salary in Estonia, last published by Statistics Estonia, multiplied by a coefficient of 1.5.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

(5) On the basis specified in clause 3 of subsection 2 of this section a residence permit for employment may be issued if the company where an alien commences employment has been registered in Estonia for at least 12 months and at least one of the following conditions is complied with:
1) the company has at least 65,000 euros of the paid-in equity capital for which immovable property, machinery and equipment has been acquired in Estonia and has been accounted for as fixed assets, or for which investment has been made in another company registered in Estonia which has actual business activity in Estonia or in an investment fund created or established on the basis of the Investment Funds Act;
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]
2) the sales revenue of the company is at least 200,000 euros per year;
3) the social tax paid in Estonia monthly for persons employed in the company is, in the case of remuneration in the amount of five times the annual average gross monthly salary in Estonia, at least equal to the social tax paid in Estonia monthly.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(5^1) The requirement established in subsection 5 of this section regarding that a company is required to have been registered in Estonia for at least 12 months shall not be applied if the parent company has been operating for at least 12 months and the annual turnover of the parent company amounts to at least ten million euros.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(5^2) The company specified in subsection $5^1$of this section is required to, after one year as of the day of issue of the residence permit, perform at least one of the conditions provided for in clauses 1–3 of subsection 5 of this section.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(6) [Repealed – RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(7) A residence permit for employment may be issued on the basis of clause 3 of subsection 2 of this section if the company where the alien commences employment has been registered in Estonia for less than 12 months and commences operation with the support of the state or with the support of private investments, having received investment or loan from the state or a private management company licenced by the Financial Supervision Authority or a support from a public support measure.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(8) A temporary residence permit for employment may be issued without meeting the requirement for permission of the Estonian Unemployment Insurance Fund for employment in the field in which it is necessary to reduce the shortage of labour in Estonia and employ in Estonia aliens with the necessary knowledge and skills in order to facilitate the development of the Estonian economy, science, education or culture. The Government of the Republic may establish by an order a list of the fields with the shortage of labour for up to two years.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016

(9) A new temporary residence permit specified in § $176^2$of this Act may be issued one year after the expiry of the period of validity of the previous temporary residence permit specified in § 176^2.
[RT I, 14.05.2022, 1 - entry into force 01.01.2023]

§ 181^1. Additional conditions for temporary residence permit for employment for purposes of performing directing or supervisory functions of legal person governed by private law

(1) A temporary residence permit for employment for the purposes of performing directing or supervisory functions of a legal person governed by private law may be granted if the following conditions are met:
1) the legal person governed by private law has been entered into the register in Estonia for at least five months before the submission of an application for the residence permit;
2) the legal person governed by private law has been engaged in activities in Estonia for at least five months before the decision is made with regard to the application;

3) for the purposes of performing directing or supervisory functions of the legal person governed by private law the activities of the legal person governed by the private law and the settling of an alien in Estonia shall significantly contribute to achieving the purpose of the grant of a temporary residence permit for employment.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

(2) A company or a branch of a foreign company for the purposes of performing directing or supervisory functions of which the temporary residence permit for employment is applied for is required to have been engaged in actual economic activities in Estonia for at least five months before the submission of the application for residence permit.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

§ 181[2]. Specifications of employment in Estonia of alien who has been granted temporary residence permit for employment

(1) An alien who has been granted a temporary residence permit for employment may be employed by several employers concurrently following the conditions determined in the residence permit for employment.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(2) [Repealed – RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(3) [Repealed – RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(4) [Repealed – RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(5) [Repealed – RT I, 23.03.2015, 1 – entry into force 01.01.2016]

§ 181[3]. Specifications of employment in Estonia of alien who has been granted temporary residence permit for employment as temporary agency worker

An alien who has been granted a temporary residence permit for employment as a temporary agency worker may commence work for another user undertaking instead of the user undertaking determined in the residence permit or concurrently for the user undertaking determined in the residence permit and also for another user undertaking following the conditions determined in the residence permit for employment.
[Repealed – RT I, 23.03.2015, 1 – entry into force 01.01.2016]

§ 181[4]. Specifications of au pairing in Estonia

(1) A temporary residence permit for employment as an au pair may be issued to an alien if the alien has a contract for helping the host family who live permanently in Estonia relating to babysitting and domestic work.

(2) The volume of work of an au pair shall not exceed 25 hours per week and one day in a week shall be off duty.

(3) The host family may pay remuneration to an au pair for the performance of the contract specified in subsection 1 of this section.

(4) If the factual activities of an alien do not comply with the content and purpose of acting as an au pair, the host family and the alien are required to be guided by the legal bases to which the activity corresponds.

(5) The requirement for registration of the employer in Estonia specified in subsection 2 of § 176 of this Act shall not be applied with regard to the host family.
[RT I, 17.05.2018, 1 – entry into force 23.05.2018]

§ 182. Temporary residence permit for employment as researcher

(1) A temporary residence permit for employment for the purposes of research shall be issued if an alien has appropriate professional preparation or experience for such activities and if:
1) the research and development activities of the research and development institution which is recognised by the Ministry of Education and Research have been positively evaluated in at least one field or
2) the educational institution has a valid institutional accreditation or
3) the principal activity of the institution entered in the state register of state and local government authorities is research and development and
4) an alien has signed a hosting agreement with the research and development institution for carrying out research and development work.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(2) There is no need to conclude a hosting agreement if upon entering into the employment contract between an alien and the research and development institution the conditions provided for in subsection 1 of § 183 of this Act are followed and the employment contract includes the data prescribed in the regulation established on the basis of clause 8 of subsection 1 of § 224 of this Act.
[RT I, 17.05.2018, 1 – entry into force 23.05.2018]

§ 183. Conditions of concluding hosting agreement

(1) The research and development institution may conclude a hosting agreement if:
1) an alien has a permanent legal income for subsistence in Estonia;
2) an alien has a valid insurance policy which guarantees that any costs related to his or her medical treatment as a result of illness or injury will be met to the same extent as for a person covered by health insurance during the period of validity of the residence permit applied for, if exemption from the holding thereof does not arise from law or a treaty and;
3) there are finances for research work for the purpose of which the residence permit of an alien is applied for.

(2) Upon conclusion of the hosting agreement the research and development institution shall undertake the obligations of an employer provided for in this Subdivision.

§ 184. Information included in hosting agreement

(1) [Repealed – RT I, 17.05.2018, 1 – entry into force 23.05.2018]

(2) [Repealed – RT I, 23.03.2015, 1 – entry into force 01.01.2016]

§ 185. Conditions determined in temporary residence permit for employment

(1) The conditions of employment of an alien in Estonia are determined in the temporary residence permit for employment, including at least an employer, the location of employment and the position.

(2) 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 provided for in subsection 1 of this section.

(2^1) If an alien is applying for temporary residence permit for employment as a temporary agency worker, in addition to the conditions provided for in subsection 1 of this section also the user undertaking is determined in the temporary residence permit issued for employment.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(2^2) If an alien is applying for a temporary residence permit for an intra-corporate transfer, the host entity registered in Estonia shall be determined in the temporary residence permit in addition to the conditions provided for in subsection 1 of this section.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

(3) An alien who has been issued a temporary residence permit for employment is allowed to work in Estonia only under the conditions determined in the residence permit unless otherwise provided for in this Act.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(4) An alien who has been issued a temporary residence permit for employment is allowed to take employment in another post at the same employer provided that other conditions determined in the residence permit do not change and the same professional and qualification requirements are required in the other post.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

§ 186. Period of validity of temporary residence permit issued for employment

(1) [Repealed – RT I, 03.01.2017, 1 – entry into force 01.10.2017]

(2) [Repealed – RT I, 03.01.2017, 1 – entry into force 01.10.2017]

(3) By way of derogation from the time-limit provided in §§ 119 and 132 of this Act, a temporary residence permit for employment for the purposes of performing directing or supervisory functions of a legal person governed by private law can also be issued for a shorter period than for up to five years in the case provided in § 1891 of this Act and can be extended for a length of the period which is shorter than ten years.
[RT I, 03.01.2017, 1 – entry into force 01.10.2017]

(4) A temporary residence permit for employment as an au pair in the host family in Estonia shall be issued for the period of validity up to one year and it may be extended once by up to six months.
[RT I, 17.05.2018, 1 – entry into force 23.05.2018],

(5) On the basis of § 176[2] of this Act, a temporary residence permit for short-term employment is granted with the period of validity of up to two years and is not extended.
[RT I, 14.05.2022, 1 - entry into force 01.01.2023]

§ 187. Additional conditions of extension of temporary residence permit for employment

[RT I, 29.06.2018, 4 – entry into force 15.07.2018]

(1) A temporary residence permit for employment may be extended if the current activities of an alien have been so far in compliance with the conditions of the issue of a residence permit.

(2) Upon the extension of a temporary residence permit for employment the applicant is required to have the Estonian language proficiency at least at the language proficiency level A2.

(3) The requirement for the Estonian language proficiency specified in subsection 2 of this section shall not be applied to an alien who is applying for the extension of:
1) a temporary residence permit for employment with the purpose of research activities on the basis of § 182 of this Act;
2) the EU Blue Card on the basis of § 190[1] of this Act;
3) a temporary residence permit for an intra-corporate transferee on the basis of § 190[14] of this Act, or
4) extension of a temporary residence permit for employment as an academic staff member in Estonia in an educational institution which complies with requirements established by the legislation.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

§ 188. Additional bases for refusal to extend temporary residence permit issued for employment

(1) The extension of a temporary residence permit for employment shall be refused if:
1) an alien has not fulfilled an obligation related to the temporary stay, residence or employment in Estonia of an alien arising from this Act or other legislation or
2) a condition of employment determined in the residence permit has changed.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(2) If a post of an alien with the same employer is changed during the period of validity of the residence permit in the case provided for in clauses 5 and 6 of subsection 1 of § 181 of this Act, it is not deemed to be the change of the condition of employment determined in the residence permit specified in clause 2 of subsection 1 of this section.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(3) It is not deemed to be the change of the condition of employment determined in the residence permit specified in clause 2 of subsection 1 of this section if, during the period of validity of the temporary residence permit issued for an intra-corporate transfer, a member state of the European Union is changed in the case specified in § 190[14] of this Act when an intra-corporate transferee is transferred to a host entity of a member state of the European Union belonging to the same group.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

§ 189. Additional bases for annulment of temporary residence permit for employment

(1) A temporary residence permit for employment shall be revoked if:
1) an alien has not fulfilled an obligation related to the temporary stay, residence or employment in Estonia of an alien arising from this Act or other legislation or
2) a condition of employment determined in the residence permit has changed.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(2) It is not deemed to be the change of the condition of employment determined in the residence permit specified in clause 2 of subsection 1 of this section if:
1) the post of an alien with the same employer is changed during the period of validity of the residence permit in the case provided for in clauses 5 and 6 of subsection 1 of § 181 of this Act;
2) an alien commences employment for another employer;
3) an alien commences work for another user undertaking instead of the user undertaking determined in the residence permit or concurrently for the user undertaking determined in the residence permit and also another user undertaking.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]
4) the post of an alien with the same employer is changed in the case specified in subsection 4 of § 185 of this Act.
[RT I, 03.01.2017, 1 – entry into force 01.10.2017

(3) It is not deemed to be the change of the condition of employment determined in the residence permit specified in clause 2 of subsection 1 of this section if, in the case specified in § 190[14] of this Act, during the period of validity of the temporary residence permit issued for an intra-corporate transfer a member state of the European Union is changed when an intra-corporate transferee is transferred to a host entity of a member state of the European Union belonging to the same group.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

§ 189[1]. Additional bases for refusal to grant or extend and revocation of temporary residence permit for employment for purposes of performing directing or supervisory functions of legal person governed by private law

The grant or extension of a temporary residence permit for employment which is granted for the purposes of performing the directing and supervisory functions of a legal person governed by private law may be refused or the residence permit revoked if:
1) an alien does not provide evidence of the trustworthiness of the current and planned activities of the legal person governed by private law, the partners thereof or the sources of financing;
2) the explanations of the alien about the current and planned activities of the legal person governed by private law are not convincing or are controversial;
3) an alien does not provide evidence that his or her stay in Estonia on the basis of the residence permit would significantly contribute to the achievement of the purpose of the temporary residence permit granted for employment;
4) an alien does not provide evidence of how the activities of a legal person governed by private law would contribute to the achievement of the purpose of the temporary residence permit granted for employment;
5) the current activities of an alien or a legal person governed by private law are not in accordance with the purpose of the temporary residence permit granted for employment;
6) an alien has failed to comply with the obligation related to the temporary stay, residence or employment of an alien in Estonia arising from this Act or any other law.
[RT I 29.06.2012, 5 – entry into force 01.07.2012]

§ 189[2]. Specifications of annulment of temporary residence permit granted for employment

A temporary residence permit granted to an alien shall not be annulled within 90 days as of the day of becoming unemployed if the employer cancels the employment contract extraordinarily for economic reasons in the cases provided for in subsections 1 and 2 of § 89 of the Employment Contracts Act.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

§ 190. Obligations of sponsor

(1) The employer for the purposes of whose employment the temporary residence permit has been issued to an alien has the obligations of a sponsor provided for in this Act.

(2) The obligations of a research and development institution as a sponsor for the purposes of employment for whom an alien is issued a residence permit for carrying out science or research work shall terminate after 180 days from the performance by the research and development institution of the notification obligation of the research and development institution provided for in this Act or from expiry of the hosting agreement.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

Subdivision 4[1]
European Union Blue Card

[RT I, 09.03.2011, 3 - entry into force 19.06.2011]

§ 190[1]. European Union Blue Card

The European Union Blue Card (hereinafter the EU Blue Card) is a residence permit for employment that is issued to an alien for residence and employment in Estonia in a job or position that requires higher qualification.

§ 190[2]. Employment that requires higher qualification

For the purposes of this Act employment that requires higher qualification is employment the knowledge and skills for performance of which are attested by a higher professional qualification.

§ 190[3]. Higher professional qualification

(1) For the purposes of this Act a higher professional qualification which is required for applying for the EU Blue Card is with the nominal study period of at least three years to obtain and evidenced by a document certifying a higher education or at least five years of professional experience.

(2) If an alien applies for a EU Blue Card for settling to work in a regulated position or profession, the professional qualification of an alien shall be assessed on the basis of the Recognition of Foreign Professional Qualifications Act.

(3) If an alien applies for a EU Blue Card for settling to work in an unregulated position or profession, the compliance of the document attesting his or her higher education shall be assessed on the basis of subsection 2 of § 28^1 of the Education Act pursuant to the conditions and procedure established by a regulation of the Government of the Republic for the assessment and academic recognition of documents attesting education completed in a foreign state and for the use of a title of qualification acquired in the educational system of a foreign state by an agency competent to assess foreign and cross-border qualifications that enable access to higher education and attestation thereof and the study periods.

(4) The documents, appended to the application for the EU Blue Card by an alien, that provide proof of work experience which is required to provide proof of a higher professional qualification shall be assessed by the Police and Border Guard Board.

(5) In the case specified in subsection 2 of this section an alien or his or her employer shall submit an application for the assessment of the documents attesting a higher professional qualification to the specified competent agency on the basis of the Recognition of Foreign Professional Qualifications Act regulating.

(6) In the case specified in subsection 3 of this section an alien or his or her employer shall submit an application for the assessment of documents attesting a higher education of an alien on the basis of subsection 2 of § 28^1 of the Education Act, pursuant to the conditions and procedure established by a regulation of the Government of the Republic for the assessment and academic recognition of documents attesting education completed in a foreign state and for the use of a title of qualification acquired in the educational system of a foreign state, by an agency competent to assess foreign and cross-border qualifications that enable access to and attestation of higher education and the study periods.

(7) In the case specified in subsections 2 and 3 of this section the compliance of the qualification of an alien with the requirements is assessed prior to the submission of an application for the EU Blue Card by an alien.

§ 190^4. Provisions applied with regard to EU Blue Card

Upon the issue, extension and revocation of the EU Blue Card a regulation regarding a residence permit for employment is applied, taking into account the specifications of this Subdivision.

§ 190^5. Specifications of requirements regarding aliens

An EU Blue Card can be issued to an alien only for employment in such a position which requires a higher professional qualification.

§ 190^6. Specifications of requirements for issue of residence permit

For the issue of a EU Blue Card an employer shall enter into an employment contract with the length of at least one year with an alien before the lodging of the application for residence permit, or make a job offer by which the employer expresses his or her will to be legally bound with the employment contract to be concluded and undertakes to employ an alien for at least one year period in a position requiring a higher qualification which is determined in the contract entered into or a job offer made.

§ 190^7. Specifications of requirements regarding payment of remuneration

(1) 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, as last published by Statistics Estonia.

(2) 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 1.24 times the annual average gross monthly salary, as last published by Statistics Estonia, 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 s specialist in legal, cultural or social sphere.

§ 190[8]. Commencement of work for another employer

(1) In case an alien is residing in Estonian on the basis of an EU Blue Card and wishes during the first two years of the period of validity of the EU Blue Card to terminate the employment with the employer for employment with whom the EU Blue Card was issued to an alien and to commence employment with another employer, then such other employer shall need a consent of the Estonian Unemployment Insurance Fund for employing an alien.

(2) At the request of an employer the Estonian Unemployment Insurance Fund may grant a permission to the employer to fulfil the position with an alien if the employer with whom an alien wishes to commence employment has not found a suitable employee under the conditions and procedure provided for in § 177.

(3) In the case an alien has been residing in Estonia on the basis of an EU Blue Card for at least two consecutive years and he or she holds a valid EU Blue Card, he or she can commence employment with another employer and terminate employment with the present employer. In such case the new employer who wishes to employ and alien need not get consent of the Estonian Unemployment Insurance Fund to fulfil the position with an alien.

§ 190[9]. Temporary unemployment

(1) During the period of validity of the EU Blue Card an alien can be unemployed once for up to three months.

(2) The date following the day of terminating the work relations of an alien is deemed to be the date of starting the temporary unemployment.

§ 190[10]. Specifications of bases of revocation of EU Blue Card

An EU Blue Card issued to an alien shall not be revoked due to unemployment of an alien:
1) during the review by the Estonian Unemployment Insurance Fund of the application to be submitted for commencement of employment with another employer;
2) in the course of three months as of the date of becoming unemployed if he or she has become unemployed for the first time during the period of validity of an EU Blue Card.

§ 190[11]. Specifications of period of validity of temporary residence permit for employment

(1) If an alien is issued an EU Blue Card, the period of validity thereof is determined for three months longer than the period of employment guaranteed by an employer taking into account that the period of validity of an EU Blue Card cannot exceed two years and three months.

(2) An EU Blue Card may be extended for up to four years and three months at a time.

§ 190[12]. Specifications of bases for refusal to extend temporary residence permit for employment and revocation thereof

The extension of an EU Blue Card is refused or an EU Blue Card is revoked if:
1) during two first years of the period of validity of an EU Blue Card an alien has commenced employment with another employer who did not have a consent of the Estonian Unemployment Insurance Fund to fulfil the position by an alien;
2) an alien has been unemployed for longer than three consecutive months during the period of validity of an EU Blue Card;
3) an alien has been unemployed for more than once during the period of validity of an EU Blue Card or
4) a subsistence allowance has been assigned to an alien during the period of validity of an EU Blue Card.

§ 190[13]. Specifications regarding legal status of alien applying for EU Blue Card

If an alien who holds an EU Blue Card issued by another member state of the European Union is applying for an EU Blue Card in Estonia, his or her stay in Estonia is legal until the making of a decision with regard to the application.
[RT I, 09.03.2011, 3 – entry into force 19.06.2011]

Subdivision 4[2]
Temporary residence permit for intra-corporate transfer

[RT I, 03.01.2017, 2 - entry into force 17.01.2017]

§ 190[14]. Temporary residence permit for intra-corporate transfer

A temporary residence permit for an intra-corporate transfer is a residence permit for employment which is issued to an alien who is transferred for the purposes of employment or practice within the company into Estonia

from a company located outside a member state of the European Union into a company or branch of a company belonging to the same group with the company located in a member state of the European Union (hereinafter host entity).
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

§ 190[15]. Application for temporary residence permit issued for intra-corporate transfer

(1) An alien whose residence is outside a member state of the European Union shall submit an application for an issue of an intra-corporate transferee permit into Estonia in the case the intended period of stay in Estonia is the longest out of the whole period of the intra-corporate transfer intended in the European Union.

(2) If the intended period of stay in Estonia is at least equal to the period of employment intended in another member state of the European Union, an alien may submit an application in Estonia if Estonia is the first member state where the intra-corporate transferee commences employment.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

§ 190[16]. Provisions applied to temporary residence permit issued for intra-corporate transfer

(1) The regulation of a residence permit for employment shall be applied upon the issue, extension and revocation of a temporary residence permit for intra-corporate transfer, taking account of the specifications provided for in this Subdivision.

(2) The rights, obligations and responsibility of an employer arising from this Act shall extend to a host entity.

(3) A contract with regard to work relations entered into in a foreign state shall be deemed an employment contract if it is in compliance with the provisions of the Employment Contracts Act with regard to the employment contract.

(4) The Private International Law Act shall be applied in the choice of the law applicable to the contract entered into with regard to the work relations of an intra-corporate transferee.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

§ 190[17]. Additional requirements for alien

A temporary residence permit for an intra-corporate transfer may be issued to an alien who is employed in a company in the framework of an intra-corporate transfer:
1) as a specialist if he or she has expertise in the areas of activity, working techniques or management of the host entity and the corresponding qualification;
2) as an executive if he or she is subject to the control of the management or supervisory board of the host entity and is in charge of a company, department or its subdivision established in Estonia;
3) as a trainee employee if he or she holds an academic degree and the purpose of the practice is to undergo training related to the organisation or methods of the company.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

§ 190[18]. Additional requirements for issue of temporary residence permit for intra-corporate transfer

A temporary residence permit for an intra-corporate transfer may be issued if:
1) the host entity belongs to the same group with a company or is a branch of a company located outside a member state of the European Union;
2) an intra-corporate transferee holds an employment contract with a company located outside a member state of the European Union on the basis of which the host entity undertakes to employ the person according to the conditions determined in the employment contract;
3) an intra-corporate transferee has been employed just before the transfer of the company in a company or branch of a company belonging to the same group with the company as an executive or specialist for at least 12 consecutive months and as a trainee rmployee for at least six consecutive months.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

§ 190[19]. Work conditions applied to intra-corporate transferee

(1) An intra-corporate transferee shall be applied the following working conditions established in Estonia:
1) work period;
2) rest time;
3) remuneration and compensation for overtime;
4) duration of annual leave;
5) equal treatment and equal opportunities.

(2) An intra-corporate transferee shall be applied the Occupational Health and Safety Act also when it is less favourable than the provisions of the law of a foreign state. Upon employment on the basis of § 190[14] of this Act the host entity shall ensure the compliance with the requirements specified in this subsection.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

§ 190[20]. Specification of period of validity of temporary residence permit for employment

A temporary residence permit for an intra-corporate transfer shall be issued for the longest:
1) for employment as a trainee employee for up to one year;
2) for employment as an executive or specialist for up to three years.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

§ 190[21]. Extension of temporary residence permit for intra-corporate transfer

A temporary residence permit for an intra-corporate transfer may be extended in the case of trainee employees until the date of expiry specified in clause 1 of § 190[20] of this Act and in the case of managers and specialists until the day of expiry specified in clause 2 of § 190[20] of this Act.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

§ 190[22]. Complementary bases for refusal to issue temporary residence permit for intra-corporate transfer

(1) The issue of a temporary residence permit for intra-corporate transfer shall be refused if the host entity has been founded primarily to facilitate the entry of the intra-corporate transferees into Estonia or the Schengen territory.

(2) The issue of a temporary residence permit for intra-corporate transfer shall be refused if:
1) [Repealed – RT I, 17.06.2020, 2 – entry into force 01.07.2020]
2) the host entity has been punished for recruiting an alien or enabling employment to an alien illegally.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

§ 190[23]. Complementary bases for revocation of and refusal to extend temporary residence permit for intra-corporate transfer

(1) The extension of a temporary residence permit for intra-corporate transfer shall be refused or the permit shall be revoked if:
1) the host entity has been founded primarily to facilitate the entry of the intra-corporate transferees into Estonia or the Schengen territory;
2) the term specified in § 190[20] of this Act has expired;
3) bankruptcy proceeding or liquidation proceeding has been commenced with regard to the host entity or the company has been declared bankrupt and there is no actual economic activity of the employer.

(2) The extension of a temporary residence permit for intra-corporate transfer may be refused or the permit may be revoked if an alien does not comply any more with the requirements for the issue of a temporary residence permit for intra-corporate transfer.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

§ 190[24]. Organisation of information exchange

[Repealed – RT I, 17.05.2018, 1 – entry into force 23.05.2018]

§ 190[25]. Withdrawal of alien under temporary residence permit for intra-corporate transfer

[Repealed – RT I, 17.05.2018, 1 – entry into force 23.05.2018]

Subdivision 5
Temporary residence permit for enterprise

§ 191. Temporary residence permit for enterprise

The purpose of the grant of a temporary residence permit for enterprise is to contribute to the establishment of such companies and branches of foreign companies (hereinafter in this Division companies) in Estonia and the settling of sole proprietors and their activities in Estonia which would significantly contribute to the development of the Estonian economy.
[RT I 29.06.2012, 5 – entry into force 01.07.2012]

§ 192. Requirements for business activity

(1) A temporary residence permit for enterprise may be issued if the settling of an alien in Estonia shall significantly contribute to the achievement of the purpose of the residence permit granted for enterprise and the following conditions are met:
1) an alien has a holding in a company or he or she operates as a sole proprietor;
2) the company or the sole proprietor is entered into the commercial register of Estonia;
3) an alien has sufficient monetary resources for engaging in enterprise in Estonia

(2) An alien who has a holding in a company shall have invested at least 65,000 euros in the share capital of an Estonian company, for which real estate, machinery or equipment has been acquired and registered as fixed assets in Estonia.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

(2^1) The requirement for the amount of investment specified in subsection 2 of this section shall not be applied if:
1) the company has been registered in Estonia for less than 12 months and commences operation with the support of the state or private investments, having received investment or loan from the state or a private management company licenced by the Financial Supervision Authority or a support from a public support measure;
2) in the case of a start-up company.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(3) 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.

(3^1) The requirement for the amount of investment specified in subsection 3 of this section shall not be applied to a start-up company.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(4) [Repealed – RT I, 17.06.2020, 2 – entry into force 01.07.2020]

(5) An alien shall submit the description of the business plan on the basis of which it is possible to assess if the grant of a residence permit to him or her shall be in compliance with the purpose of the grant of the residence permit for enterprise and provide evidence, in addition to other facts which are relevant in the proceeding, that there are no circumstances which would preclude his or her nomination as a member of the management body, procurator or the acquisition of a major holding or prohibit to be an actual beneficiary.

(6) An alien is required to submit the business plan in the Estonian or English language.

(6^1) The requirement for the description of the business plan specified in subsection 5 of this section shall not be applied to a start-up company.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(7) After one year has passed from the issue of a residence permit, one of the following conditions may be met during the period of validity of a temporary residence permit for enterprise instead of the possession condition of a residence permit provided for in subsection 2 of this section:
1) the sales revenue of the company shall be at least 200,000 euros per year or
2) the social tax paid in Estonia monthly for the persons employed by the company shall be at least equal with the social tax paid in Estonia monthly on the remuneration equalling fivefold Estonian annual average gross wages.

(8) At the request of the Police and Border Guard Board the Tax and Customs Board shall submit the data of the remuneration on which the company has paid social tax.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

§ 193. Conditions determined in temporary residence permit for enterprise

A temporary residence permit for enterprise shall set out the areas of activity permitted for the undertaking and, where necessary, also the licensed territory.

§ 194. Additional condition for extension of temporary residence permit for enterprise

(1) A temporary residence permit for enterprise can be extended if the previous activities of an alien have been in compliance with the requisite conditions set for the grant and extension of the residence permit and with the purposes of the temporary residence permit for enterprise.

(2) Instead of the condition provided for in subsection 2 of subsection of § 192 of this Act, an alien may meet one of the following conditions as a condition for the extension of a residence permit for enterprise:
1) the sales revenue of a company shall be at least 200,000 euros per year or
2) the social tax paid in Estonia monthly for the persons employed by the company shall be at least equal with the social tax paid in Estonia monthly on the remuneration equalling fivefold Estonian annual average gross wages.

(3) If several aliens have been granted a temporary residence permit for enterprise related to the activity of the company, the requirement provided for in subsection 2 of this section shall apply to each alien who has been granted the temporary residence permit for enterprise separately.

(4) At the request of the Police and Border Guard Board the Tax and Customs Board shall submit the data about the remuneration on which the company has paid social tax.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

§ 195. Additional bases for revocation of temporary residence permit for enterprise

The grant or extension of a temporary residence permit for enterprise may be refused or residence permit may be revoked if:
1) an alien does not provide evidence of the trustworthiness of his or her own current and planned business activities or of the company, of the business associates or financial resources;
2) the explanations of an alien about his or her own current and planned business activities or about the company are not convincing or are controversial;
3) an alien does not provide evidence that his or her stay in Estonia on the basis of the residence permit would significantly contribute to the achievement of the purpose of the temporary residence permit for enterprise;
4) an alien does not provide evidence of how his or her own activities or the activities of a company would contribute to the achievement of the purpose of the temporary residence permit for enterprise;
5) the current activities of an alien or a company are not in accordance with the plans in the description of the business plan;
6) the current activities of an alien or a company are not in accordance with the purpose of the temporary residence permit for enterprise;
7) an alien has failed to meet the condition related to the temporary stay, residence and employment in Estonia of an alien arising form this Act or any other law.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

§ 196. Obligation of notification of change in facts

An alien who has been issued a temporary residence permit for enterprise is required to inform the Police and Border Guard Board of any change in the facts on the basis of which the residence permit was issued, of difficulties in the performance of the assumed duties or of the impossibility to perform the assumed duties.

§ 197. Restrictions on employment in Estonia

[Repealed – RT I, 23.03.2015, 1 – entry into force 01.01.2016]

§ 197[1]. Period of validity of temporary residence permit for enterprise

[Repealed – RT I, 17.06.2020, 2 – entry into force 01.07.2020]]

Subdivision 5[1]
Temporary residence permit issued to large investor for enterprise

[RT I, 03.01.2017, 1 - entry into force 18.01.2017]

§ 197[2]. Purpose of issue of temporary residence permit to large investor for enterprise

A temporary residence permit issued to a large investor for enterprise is a residence permit for enterprise the purpose of which is to facilitate making investments in such business in Estonia which is in public interests and significantly contributes to the development of the Estonian economy.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

§ 197[3]. Requirements for issue of temporary residence permit to large investor for enterprise

(1) For the purposes of this subsection a large investor is an alien who has made a direct investment in the amount of at least 1,000,000 euros into a company, registered in the Estonian Commercial Register, investing primarily into the Estonian economy, or has made an investment into an investment fund, which, pursuant to its investment policy, invests the resources of the fund primarily into the companies entered into the Estonian Commercial register.

(1[1]) Direct investment provided for in subsection 1 of this section includes an investment in the share capital for which real estate, machinery or equipment has been acquired and registered as fixed assets or for which investments have been made in other companies entered in the Estonian commercial register which have actual economic activities in Estonia or in an investment fund created or founded on the basis of the Investment Funds Act.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

(2) The investment specified in subsection 1 of this section is required to be lasting during the period of validity of the residence permit. The investment is lasting if the investment is not reduced during the period of validity of the residence permit, except for due to the fluctuations in the market price of the investment, or it has not been taken out from the company or investment fund specified in subsection 1 of this section.

(3) The company or investment fund in which the initial investment was made as required for the issue of a residence permit may be changed during the period of validity of the residence permit provided that the company or investment fund in which the investments have been made comply with the requirements provided for in subsection 1 of this section.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

§ 197[4]. Specification of requirements for issue and extension of residence permit

The requirement for actual dwelling specified in subsection 1 of § 117 of this Act and for the registration of the place of residence in the population register specified in § 121 and subsection 3 of § 129 of this Act need not be fulfilled as a requirement for the issue and extension of a temporary residence permit to a large investor for enterprise.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

§ 197[5]. Supplementary bases for refusal to issue permanent residence permit to large investor for enterprise and for revocation of residence permit

The issue or extension of a temporary residence permit to a large investor for enterprise may be refused or the residence permit revoked if:

1) an alien has not made the investment specified in subsection 1 of § 197[3] of this Act or the investment is not lasting during the period of validity of the temporary residence permit;

2) the activity of the company or investment fund specified in subsection 1 of § 197[3] of this Act does not contribute to the purpose of the issue of a temporary residence permit issued to a large investor for enterprise;

3) the investment is not in the public interests;

4) an alien does not provide evidence of the trustworthiness of the financial source of investment or of the business partner or

5) an alien has not fulfilled the obligation related to the temporary stay, residence or employment of an alien in Estonia arising from this Act or other legislation.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

§ 197[6]. Obligation to notify of change in circumstances

The large investor is required to notify the Police and Border Guard Board of the change in circumstances, including the change of the company or investment fund pursuant to the procedure provided for in subsection 3 of § 197[3] of this Act.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

§ 197[7]. Specification of bases for revocation of temporary residence permit

If an alien holds a temporary residence permit issued to a large investor for enterprise, the circumstance that the alien does not have a registered residence in Estonia or an actual dwelling in Estonia shall not be applied as a basis for revocation of the residence permit.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

§ 197[8]. Provisions applied with regard to temporary residence permit issued to large investor for enterprise

The regulation provided for in Subdivision 5 Division 4 Subchapter 1 of Chapter 3 of this Act shall not be applied upon the issue, extension and revocation of the temporary residence permit issued to a large investor for enterprise.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

Subdivision 6

Temporary residence permit in case of sufficient legal income

§ 198. Temporary residence permit issued in case of sufficient legal income

A temporary residence permit in case of sufficient legal income may be issued to an alien whose legal income ensures his or her subsistence in Estonia if the issue of the residence permit does not damage public interests.

§ 199. Period of validity of temporary residence permit in case of sufficient legal income

A temporary residence permit in case of sufficient legal income may be issued for up to two years at a time and it may be extended by ten years at a time.
[RT I, 03.01.2017, 1 – entry into force 01.10.2017]

§ 200. Restrictions on employment in Estonia

An alien who has been issued a temporary residence permit in case of sufficient legal income is prohibited to work in Estonia.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

Subdivision 6^1
Temporary residence permit in case of substantial national interest

[RT I, 29.06.2012, 5 - entry into force 01.01.2015]

§ 200^1. Purpose of issue of temporary residence permit in case of substantial national interest

The purpose of the issue of a temporary residence permit in case of substantial national interest is to create an opportunity to settle in Estonia for an alien who does not have a basis for application for a residence permit provided for in clauses 1–5 and 7 of § 118 of this Act but whose settling in Estonia is in the national interests.
[RT I, 29.06.2012, 5 – entry into force 01.01.2015]

§ 200^2. Additional conditions for issue and extension of temporary residence permit in case of substantial national interest

In case of substantial national interest a temporary residence permit may be issued or extended if the following conditions are met:
1) the issue of a temporary residence permit in Estonia to an alien or the extension thereof is supported by the Government of the Republic or a governmental authority according to whose assessment the residence of the alien in Estonia on the basis of a residence permit is in the national interests;
2) issue of a residence permit to an alien corresponds to the purpose of the issue of a residence permit vin case of substantial national interest.
[RT I, 29.06.2012, 5 – entry into force 01.01.2015]

§ 200^3. Period of validity of temporary residence permit issued in case of substantial national interest

[Repealed – RT I, 03.01.2017, 1 – entry into force 01.10.2017]

§ 200^4. Restrictions on employment in Estonia

An alien who has been issued a temporary residence permit in case of substantial national interest shall be prohibited to work in Estonia and the alien shall not be given permission for employment in Estonia.
[RT I, 29.06.2012, 5 – entry into force 01.01.2015]

Subdivision 7
Temporary residence permit on basis of treaty

§ 201. Temporary residence permit on basis of treaty

A temporary residence permit on the basis of a treaty may be issued to an alien whose application for residence permit is based on a provision in a treaty concluded by Estonia or the European Union.

§ 202. Justification of temporary residence permit on basis of treaty

Upon application for residence permit an alien must refer to the provision of the treaty that is the basis for his or her application for residence permit and provide a justification.

Subdivision 8
Temporary residence permit in case of substantial public internest

[RT I, 29.06.2012, 5 - entry into force 01.01.2015]

§ 203. Cases of temporary residence permits issued for participation in criminal proceedings

[RT I, 29.06.2012, 5 – entry into force 01.01.2015]

(1) An alien may be issued a temporary residence permit for participation in criminal proceedings for assistance in the ascertaining of the facts of the subject of proof of a criminal offence if:
[RT I, 29.06.2012, 5 – entry into force 01.01.2015]
1) he or she is a victim or a witness in a criminal procedure, the object of which is a criminal offence provided for in §§ 133-133 3, §§ 138-140, § 145^1, § 175 or clause 3 or 5 of subsection 1 of § 260^1 of the Penal Code;
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]
2) [Repealed – RT I, 23.03.2015, 1 – entry into force 01.01.2016]
3) [Repealed – RT I, 18.04.2013, 2 – entry into force 28.04.2013]
4) [Repealed – RT I, 23.03.2015, 1 – entry into force 01.01.2016]
5) an alien has been issued a temporary residence permit to settle with his or her spouse and their marriage ends before three years have passed as of the issue of the residence permit and he or she is a victim in a criminal procedure the object of which is a criminal offence provided for in clause 2 of subsection 2 of § 121 or § 141 of the Penal Code.
[RT I, 26.06.2017, 69 – entry into force 06.07.2017]

(2) In case of the issue of a temporary residence permit for participation in criminal proceedings the victim or witness specified in subsection 1 of this section shall have previously facilitated the ascertaining of facts relating to the subject of proof of a criminal offence or has given consent for doing so and has broken off all the relations with the persons who are being suspected or accused of committing the respective offence.
[RT I, 29.06.2012, 5 – entry into force 01.01.2015]

§ 204. Notification of alien

Upon the existence of the bases provided for in subsection 1 of § 203 of this Act the prosecutor's office or an investigative authority on the order of the prosecutor's office shall notify an alien of the services offered during the cooling-off period, of the possibilities and conditions of the issue of a temporary residence permit for participation in criminal proceedings and the grant of international protection.
[RT I, 02.07.2013, 3 – entry into force 01.01.2015]

§ 205. Cooling-off period

Upon the decision of the prosecutor's office a cooling-off period of 30 to 60 calendar days is granted to an alien from the moment when he or she is notified of the facts provided for in § 204 of this Act in order that an alien could make a decision whether he or she wishes to cooperate with the investigative authority or the prosecutor's office.
[RT I, 18.04.2013, 2 – entry into force 28.04.2013]

§ 206. Revocation of cooling-off period

(1) A prosecutor's office may revoke the decision for granting a cooling-off period to an alien prematurely if an alien has voluntarily and on his or her own initiative renewed contacts with a person who is being suspected or accused of committing a criminal offence, or if an alien constitutes a threat to public order or national security.

(2) The revocation of the decision for granting a cooling-off period shall not be justified.

(3) Upon revocation of the decision on granting a cooling-off period to an alien, the alien's obligation to leave is immediately executed according to the procedure provided for in the Obligation to Leave and Prohibition on Entry Act.

§ 207. Conditions of issue of temporary residence permit for participation in criminal proceedings

(1) A temporary residence permit for participation in criminal proceedings shall be issued if the conditions of issue of temporary residence permit provided for in this Division are met with regard to an alien and the alien does not constitute a threat to public order or national security.

(2) A minor or a person with restricted active legal capacity may be issued a temporary residence permit for participation in criminal proceedings if the issue of the residence permit is in compliance with her or his rights and interests.
[RT I, 29.06.2012, 5 – entry into force 01.01.2015]

§ 208. Period of validity of temporary residence permit issued for participation in criminal proceedings

(1) A temporary residence permit for participation in criminal proceedings shall be issued for six up to twelve months on the application of the prosecutor's office.

(2) A temporary residence permit for participation in criminal proceedings shall be extended for the term stated in the application of the prosecutor's office, but for no longer than for twelve months at a time.

(3) If an alien proves that he has the right to demand unreceived remuneration for employment in Estonia from the employer, the Police and Border Guard Board may extend the temporary residence permit for participation in criminal proceedings until payment of remuneration in the case the stay in Estonia of the alien contributes to the performance of the obligation to pay remuneration.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

§ 209. Conditions of extension of temporary residence permit issued for participation in criminal proceedings

(1) A temporary residence permit for participation in criminal proceedings shall be extended if the grounds for granting such a residence permit have been retained.

(2) An application of the prosecutor's office and the written consent of an alien are required for the extension of a temporary residence permit for participation in criminal proceedings.
[RT I, 29.06.2012, 5 – entry into force 01.01.2015]

§ 210. Revocation of temporary residence permit issued for participation in criminal proceedings

[RT I, 29.06.2012, 5 – entry into force 01.01.2015]

(1) A temporary residence permit issued for participation in criminal proceedings may be revoked:
[RT I, 29.06.2012, 5 – entry into force 01.01.2015]
1) upon termination of criminal proceedings;
2) if an alien has abandoned contributing to the clarification of facts of the subject of proof of the criminal offence, or has voluntarily renewed contacts with the person being suspected or accused of committing the criminal offence or;
3) if an alien constitutes a threat to public order or national security.

(2) In cases provided for in clauses 1 and 2 of subsection 1 of this section the temporary residence permit for participation in criminal proceedings shall be revoked on the initiative of the prosecutor's office.
[RT I, 29.06.2012, 5 – entry into force 01.01.2015]

Subdivision 9
Temporary residence permit for settling permanently in Estonia

[RT I, 23.03.2015, 1 - entry into force 01.01.2016]

§ 210^{1}. Purpose of temporary residence permit issued for settling permanently in Estonia

(1) The purpose of the temporary residence permit issued for settling in Estonia is to enable an alien, who has settled into Estonia on the basis of a temporary residence permit and whose residence in Estonia is in accordance with public interests, to settle in Estonia.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(2) The temporary residence permit for settling permanently in Estonia may be issued to an alien who has held a temporary or permanent right of residence in Estonia, who holds a long-term resident's residence permit in Estonia or who has been an Estonian citizen.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(3) The temporary residence permit for settling permanently in Estonia may be issued also to an alien, who holds a doctorate degree, without applying the additional conditions provided in subsection 1 of § 210^{2}of this Act, provided that the the alien has acquired higher education in the doctorate studies in Estonia or the compliance of the document attesting higher education of an alien with the doctorate degree has been assessed on the basis of subsection 2 of § 28^{1}of the Republic of Estonia Education Act pursuant to the conditions and procedure established by a regulation of the Government of the Republic for the assessment and academic recognition of documents attesting education completed in a foreign state and for the use of a title of qualification acquired in the educational system of a foreign state by a competent authority for the assessment of

foreign and cross-border qualifications and periods of study enablling access to higher education and attestation thereof.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

§ 210[2]. Additional conditions of granting temporary residence permit issued for settling permanently in Estonia

(1) The additional conditions of the issue of temporary residence permit for settling permanently in Estonia are:
1) an alien has resided in Estonia for at least three years during five consecutive years;
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]
2) an alien has adapted well in Estonia and
3) the current activities of an alien have been so far in compliance with the purpose and conditions of the issue of a residence permit thereto.

(2) The required period of residence in Estonia provided in clause 1 of subsection 1 of this section does not include time spent in Estonia on the basis of a temporary residence permit for study.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

(3) The conditions provided for in clause 1 of subsection 1 of this Act shall not be applied to an alien who has held the Estonian temporary residence permit or right of residence but who has been taken during the period of validity of the residence permit or right of residence to another state for the purpose of forced marriage and as a result has lost the Estonian residence permit or right of residence.
[RT I, 26.06.2017, 69 – entry into force 06.07.2017]

(4) The period during which a temporary residence permit has been granted to an alien based on § 176[2] of this Act is not included in the three-year period specified in clause 1 of subsection 1 of this section.
[RT I, 14.05.2022, 1 - entry into force 01.01.2023]

§ 210[3]. Derogation from purpose and conditions of granting temporary residence permit issued for settling permanently in Estonia

(1) By way of derogation from the purpose provided for in § 210[1] of this Act in exceptional circumstances an alien may be granted a temporary residence permit issued for settling permanently in Estonia if the alien is staying in Estonia and in the course of the proceedings concerning the entry of an alien into Estonia, his or her temporary stay, residence and employment in Estonia and the obligation to leave Estonia of an alien it has become evident that it would be clearly unduly burdensome to him or her, the alien lacks the possibility of getting the residence permit in Estonia on another basis and the alien does not constitute a threat to public order and national security.

(2) The decision on granting a temporary residence permit by way of derogation specified in subsection 1 of this section shall be substantiated and shall also note the considerations on which the making of the decision was based.
[RT I, 06.04.2016 – entry into force 01.05.2016]

§ 210[4]. Derogation from period of validity of temporary residence permit issued for settling permanently in Estonia

A temporary residence permit issued for settling permanently in Estonia on the basis of § 210[3] of this Act may be issued for up to one year at a time and may be extended by up to three years at a time.
[RT I, 06.04.2016, 1 – entry into force 01.05.2016]

Division 5
Proceeding of temporary residence permits

Subdivision 1
Competence

§ 211. Competence for issue and extension of temporary residence permit

(1) The issue or refusal to issue, the extension or refusal to extend of a temporary residence permit shall be decided by the Police and Border Guard Board unless otherwise provided for by this Act or a treaty.
[RT I, 06.04.2016, 1 – entry into force 01.05.2016]

(2) The grant by way of derogation of a temporary residence permit issued for settling in Estonia specified in § 210[3] of this Act shall be decided by the Director General of the Police and Border Guard Board.
[RT I, 06.04.2016, 1 – entry into force 01.05.2016]

§ 212. Competence for revocation of temporary residence permit

The Police and Border Guard Board shall decide revocation of a temporary residence permit unless otherwise provided for by a treaty.

Subdivision 2
Application

§ 213. Application for temporary residence permit

(1) In order to apply for a temporary residence permit an alien shall submit an application for a temporary residence permit personally.

(1[1]) An alien need not personally appear at the Estonian foreign mission or the Police and Border Guard Board to apply for a temporary residence permit if he or she has undergone fingerprinting in the proceedings concerning the issue of a residence permit, right of residence or identity document and the captured fingerprints enable identification of a person and comply with the requirements established on the basis of subsection 6 of § 15 of the Identity Documents Act and clauses 4 and 5 of subsection 1 of § 224 and clauses 7 and 8 of subsection 2 of § 250 of this Act.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(2) A minor child who resides permanently in a foreign state and who is at least 15 years of age may submit an application for a temporary residence permit personally only with the notarised consent of a legal representative.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(3) Upon the application for a residence permit to a minor child the notarised consent of a parent who is not moving to Estonia or a consent thereof that is officially certified at a foreign mission of Estonia shall be submitted. The consent of the parent shall be presumed if he or she submits an application for a residence permit on behalf of the minor child.

(4) Subsection 3 of this section shall not be applied if the minor child is issued a temporary residence permit to settle with a parent on the basis of § 150[1] of this Act.
[RT I, 03.01.2017, 1 – entry into force 01.10.2017]

§ 214. Specifications of application for temporary residence permit

(1) An official or employee of a custodial institution who is authorised by an alien shall forward an application for the temporary residence permit on behalf of a prisoner or a person in detention or custody staying in the custodial institution. The official or employee of the custodial institution shall present his or her identification for the performance of such acts in addition to the power of attorney of the imprisoned person.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(2) A prisoner or a person in detention or custody staying in a custodial institution may send the application indicated in subsection 1 of this section by post through the custodial institution with the cover letter of the custodial institution if an official or employee of the custodial institution has verified his or her identity.
[RT I, 23.03.2015, 1 – entry into force 02.04.2015]

§ 215. Lodging of application for temporary residence permit at foreign mission of Estonia

An alien shall submit an application for a temporary residence permit at a foreign mission of Estonia which shall send it, if necessary, to the Police and Border Guard Board for proceedings after the person has been identified or the identity verified and after the taking of biometric data.
[RT I, 09.12.2010, 1 – entry into force 01.01.2011]

§ 216. Submission of application for temporary residence permits to Police and Border Guard Board

(1) The following persons may apply for a temporary residence permit at the Police and Border Guard Board:
1) an alien who has a legal basis for the stay in Estonia;
2) an alien who is staying in the state illegally who is unable to apply for the issue of a temporary residence permit at a foreign representation of Estonia for good reason except in the case his or her obligation to leave is subject to compulsory enforcement;
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(1[1]) At the latest within one month as of the entry into Estonia the following person is required to apply for the EU Blue Card, residence permit to settle with a spouse or residence permit to settle with a close relative:

1) an alien who is holding the EU Blue Card issued by another member state of the European Union who is applying for the EU Blue Card in Estonia;
2) a spouse of an alien who is holding the EU Blue Card issued by another member state of the European Union, who holds a residence permit issued by another member state of the European Union for a family member of an alien holding the EU Blue Card, who is applying for a residence permit in Estonia to settle with spouse;
3) a close relative of an alien who is holding the EU Blue Card issued by another member state of the European Union, who holds a residence permit issued by another member state of the European Union for a family member of an alien holding the EU Blue Card, who is applying for a residence permit in Estonia to settle with close relative.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(2) [Repealed – RT I, 09.03.2011, 3 – entry into force 19.06.2011]

§ 217. Application for temporary residence permit issued for participation in criminal proceedings

(1) For participation in criminal proceedings the proceedings for the issue of a temporary residence permit shall be initiated at the written request of the prosecutor's office, which is added the written consent of an alien. An alien does not need to submit the specified application for a residence permit personally.

(2) An alien is involved in the proceeding of the issue of a temporary residence permit for participation in criminal proceeding as a third person for the purposes of clause 2 of subsection 1 of § 11 of the Administrative Procedure Act.

(3) To clarify the facts of the cases of the issue of a temporary residence permit for participation in criminal proceedings the prosecutor's office or an investigative authority on the order by the prosecutor's office is entitled to interview an alien, make enquiries to the agencies administering databases and use the assistance of psychologists, general practitioners or specialist physicians and interpreters.
[RT I, 29.06.2012, 5 – entry into force 01.01.2015]

§ 217[1]. Application for extension of temporary residence permit

(1) An alien shall personally lodge an application for the extension of a temporary residence permit to the Police and Border Guard Board in order to extend the temporary residence permit.

(2) An alien need not appear at the Police and Border Guard Board in person to lodge an application for the extension of a temporary residence permit in the cases provided for in § 277 of this Act and in the case the fingerprints of an applicant captured in the last proceedings concerning a residence permit, work permit, the right of residence or the issue of a personal identification document enable identification of a person and comply with the requirements established on the basis of subsection 6 of § 15 of the Identity Documents Act and clauses 4 and 5 of subsection 1 of § 224 and clauses 7 and 8 of subsexction 2 of § 250 of this Act.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(3) [Repealed – RT I, 03.01.2017, 1 – entry into force 01.10.2017].

(4) An official or employee of a custodial institution who is authorised by an alien for that purpose shall forward an application of a prisoner or a person in detention or custody staying in a custodial institution for the extension of a temporary residence permit. Upon performance of these acts the official or employee of the custodial institution shall present his or her identification in addition to the power of attorney of the imprisoned person.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(5) A prisoner or a person in detention or custody staying in a custodial institution may send the application indicated in subsection 1 of this section by post through the custodial institution with the cover letter of the custodial institution which confirms that an official or employee of the custodial institution has verified the applicant's identity.
[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

Subdivision 3
Procedure

§ 218. Concurrent review of several applications for temporary residence permits

If several applications for a residence permit with regard to an alien are processed concurrently, the decision shall be made with regard to only one application for a residence permit chosen by an alien. If an alien fails to notify an administrative authority which is competent to make a decision about which application for a residence

permit the decision should be made, the decision shall be made regarding the application for a residence permit which was last submitted and the remaining applications for residence permits shall be dismissed.

§ 219. Refusal to review application for temporary residence permit

(1) An application for a temporary residence permit is deemed to be clearly unfounded and its contents shall not be reviewed if:
1) an alien has been refused the issue of a residence permit on the basis of this Act and the alien has not produced any new essential evidence of the facts of which an alien was unaware during the proceedings regarding the previous application;
2) an alien has submitted an application for a temporary residence permit in order to avoid the enforcement of return, expulsion or extradition procedure and it has been possible for him or her to submit an application for a temporary residence permit earlier;
3) an alien has not provided credible evidence regarding the reason for application for a temporary residence permit;
4) the explanations of an alien or a person obliged to give explanations are inconsistent, conflicting, improbable or lacking in circumstantial or personal details;
5) a basis for the refusal to review an application provided for in the Administrative Procedure Act has become evident or
6) in the case of an alien, the existence of a temporary residence permit in Estonia is not required.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

(2) An application for a temporary residence permit may be rejected if the Police and Border Guard Board has made an assessment of the unreliability of the sponsor of the alien on the basis of subsection 1 of § 40^2 of this Act.
[RT I, 17.06.2020, 2 – entry into force 01.07.2020]

§ 220. Refusal to review application for extension of temporary residence permit

(1) An application for the extension of a temporary residence permit is deemed clearly unfounded and its review is refused if a basis for refusal provided for in § 219 of this Act becomes evident.

(2) If the information of the place of residence in Estonia of an alien has not been registered in the Population Register, an alien shall be given a term for the registering of the information of the place of residence in the Population Register. In case of a failure to register the information of the place of residence in the Population Register the application for the extension of a temporary residence permit shall be not be reviewed.

§ 221. Prohibition on restoration of term

(1) The term prescribed for application for the extension of a temporary residence permit shall not be restored if the period of validity of the temporary residence permit has expired.

(2) Subsection 1 of this section shall not be applied if an alien has submitted the application for the extension of a temporary residence permit within the term provided for in subsections 4 and 5 of § 43 of this Act.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

§ 222. Filing of appeal

(1) Within ten days as of the date of notification of the decision an appeal may be filed with an administrative court or a challenge may be filed against a decision on the issue of and refusal to issue, the extension of and refusal to extend and the revocation of a temporary residence permit or the refusal to review an application for a temporary residence permit. A decision on the challenge may be contested in an administrative court within the same term.

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

(3) Pursuant to subsections 1 and 2 of this section an alien may file an appeal or challenge against a decision on the issue of or refusal to issue, the extension of or refusal to extend or the revocation of a temporary residence permit for participation in criminal proceedings.
[RT I, 29.06.2012, 5 – entry into force 01.01.2015]

§ 222^1. Restriction of right of appeal

(1) A challenge may be filed against a decision regarding the issue or refusal to issue, by way of derogation, a decision concerning the grant of temporary residence permit issued for settling permanently in Estonia specified in subsection 1 of § 210^3 of this Act.

(2) An appeal may not be filed with the administrative court against a decision regarding the issue or refusal to issue, by way of derogation, a decision concerning the grant of temporary residence permit issued for settling permanently in Estonia specified in subsection 1 of § 210^3 of this Act.

[RT I, 06.04.2016, 1 – entry into force 01.05.2016]

Division 6
Organisation of temporary residence permit

§ 223. Identification code

An alien who has been issued a residence permit shall be given a personal identification code pursuant to the procedure provided for in the Population Register Act.

§ 223[1]. Adaptation programme for aliens

(1) The adaptation programme for aliens who have been issued a residence permit or whose residence permit has been extended shall be established by a regulation of the minister in charge of the policy sector.

(2) The minister in charge of the policy sector may conclude a civil law or administrative contract in the procedure provided for in the Administrative Co-operation Act for the performance of the duty provided for in the adaptation programme for aliens.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

§ 224. Organisation of proceedings of temporary residence permits

(1) The minister in charge of the policy sector shall establish by a regulation:
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]
1) the procedure and terms for application, issue, extension and revocation of a temporary residence permit, a list of information to be provided in the application and of evidence to be appended to the application;
2) the rates of legal income and remuneration provided for in this Act;
3) the minimum age limit under which the fingerprints of a person are not captured;
4) other persons or categories of persons whose fingerprints are not captured;
5) the procedure for capturing fingerprints of an alien who applies for issue of a temporary residence permit or extension thereof and
6) a standard format of a temporary residence permit;
7) a list of data in the description of the business plan to be submitted upon application for a temporary residence permit for enterprise;
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]
8) list of data included in the hosting contract.
[RT I, 17.05.2018, 1 – entry into force 23.05.2018]

(1[1]) The minister in charge of the policy sector shall establish by a regulation the requirements set to a private management company specified in subsection 7 of § 181 and subsection 2[1] of § 192 of this Act or a list of private management companies.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(1[2]) The minister in charge of the policy sector shall establish by a regulation a list of scholarships financed by the Estonian state and recognised internationally, treaties, international cooperation agreements and international programmes of cooperation of educational institutions referred to in subsection 3 of § 140 of this Act and the requirements set for them.
[RT I, 03.01.2017, 1 – entry into force 01.04.2017]

(1[3]) The minister in charge of the policy sector shall establish by a regulation the requirements and procedure for assessment of the compliance with the specification of a start-up company upon application for the issue and extension of a temporary residence permit and the list of data and evidence to be submitted for that purpose and the requirements for the submission thereof.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(2) [Repealed – RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(3) The information of administrative acts issued and the procedural acts performed in the course of proceedings concerning applications for a temporary residence permit and for the extension thereof, applications for the transfer of the data of a temporary residence permit to a travel document of a foreign country and applications for the registration of the absence from Estonia, as well as the data of administrative acts issued and procedural acts performed concerning revocation of residence permits and work permits shall be processed in the Register of Residence and Work Permits.

§ 225. Organisation of issue of temporary residence permits for participation in criminal proceedings

[RT I, 29.06.2012, 5 – entry into force 01.01.2015]
The list of information and evidence to be provided in the application of the Prosecutor's Office to initiate proceedings concerning the issue of a temporary residence permit as well as the evidence to be added to the application shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

§ 226. Place of stay of alien and services provided to alien

(1) An alien shall be placed with his or her consent, for the period of the cooling-off period provided for in § 205 of this Act, of the review of the application for a temporary residence permit for participation in criminal proceedings and upon the issue of the specified residence permit for the period of validity of the residence permit to a place designated by the Social Insurance Board.
[RT I, 02.07.2013, 3 – entry into force 01.01.2015]

(2) The Social Insurance Board shall provide the services specified in §§ 3 and 3^1 of the Victim Support Act to an alien with his or her consent.

(3) Upon the provision of services to an alien the specific needs of minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.

(4) Upon the assignment of the place of stay of an unaccompanied minor alien and the provision of services the priority is given to the rights and interests of the minor.
[RT I, 18.04.2013, 2 – entry into force 28.04.2013]

§ 227. Representation of unaccompanied minor and adult alien with a restricted legal capacity

(1) The provisions of the Act on Granting International protection to Aliens regarding the representation of unaccompanied minor or adult with restricted legal capacity applying for or receiving international protection shall apply correspondingly to the representation of an unaccompanied minor and adult alien with a restricted legal capacity in the proceedings provided for in this Act.
[RT I, 18.04.2013, 2 – entry into force 28.04.2013]

§ 228. Register of residence and work permits

(1) The register of residence and work permits is established by the Government of the Republic of Estonia and the statutes of the database shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(2) The purpose of maintaining a database of residence and work permits is to ensure public order and national security through processing data of the legal bases and the conditions of the residence and employment in Estonia of an alien.

(3) To meet the purposes of the maintenance of the database, in the course of the performance of functions provided for by a legal act of the European Union, a treaty, an act or a regulation, the data are processed of the administrative acts issued and procedural acts performed in the course of proceedings concerning applications for residence permits and work permits and the applications for a temporary residence permit and the extension thereof, applications for the issue of a long-term resident's residence permit and the restoration thereof, applications for a work permit and the extension thereof, applications for the transfer of information of a residence permit into a travel document of a foreign country, the registration of the absence from Estonia, the revocation of a residence permit and a work permit, as well as of the data concerning the temporary right of residence and the extension thereof of a family member of a citizen of the European Union and the registration of the right of permanent residence and the right of residence of a citizen of the European Union and his or her family member and the data of the proceedings related to adaptation programme.
[RT I, 23.03.2015, 1 – entry into force 01.08.2015]

(3^1) Upon identification of a person and verification of a person's identity within the meaning of § 15^5 of the Identity Documents Act, the person's identity data entered in the database may be processed.
[RT I, 08.07.2021, 1 – entry into force 15.07.2021]

(4) In private and public relationships the data of the database concerning administrative acts issued and procedural acts performed in the proceedings specified in subsection 3 of this section may be used as a basis for the data on the existence of the legal basis for the temporary stay, residence and employment in Estonia of an alien and of the conditions of the temporary stay, residence and employment in Estonia.

(4^1) The controller of the database is the Police and Border Guard Board and the processor shall be appointed in the statutes of the database.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(4^2) The composition of the data entered in the database and the term for their retention shall be specified in the statutes of the database.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(4^3) Biometric data processed for the purpose of identification of a person or verification of a person's identity shall be deleted from the database immediately after the performance of a comparative study.
[RT I, 08.07.2021, 1 – entry into force 15.07.2021]

(5) The data processed in the database are not public unless otherwise provided for in this Act.

(6) The Police and Border Guard Board may enable the verification of the validity of a residence permit and the right of residence on the public web page without disclosing the personal data of an alien.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

§ 229. Formalisation of temporary residence permit

A temporary residence permit is formalised on the basis of the data of the decision on the issue of a temporary residence permit or extension thereof.

§ 229[1]. Organisation of exchange of information

The exchange of information with the member states of the European Union concerning the temporary residence permit shall be organised by the Ministry of the Interior or an agency in the area of government of the Ministry of the Interior assigned by the minister in charge of the policy sector.
[RT I, 17.05.2018, 1 – entry into force 23.05.2018]

§ 229[2]. Readmission of alien

Estonia shall readmit an alien who has been issued a temporary residence permit pursuant to subsection 1 of § 162, subsection 1 of § 182 or § 190[14] of this Act and it has been revoked or it has expired during the intra-corporate transfer in another member state of the European Union.
[RT I, 17.05.2018, 1 – entry into force 23.05.2018]

Subchapter 2
Residence permit for long-term resident

Division 1
Issue and refusal to issue residence permit for long-term resident

§ 230. Residence permit for long-term resident

A residence permit for a long-term resident is a permit issued to an alien for entry into Estonia and residence in Estonia for an unspecified term pursuant to the conditions provided for in this Act and determined by the residence permit.

§ 231. Rights of alien with residence permit for long-term resident

(1) A residence permit for a long-term resident shall grant an alien the rights provided for in Chapter III of Council Directive 2003/109/EU concerning the status of third-country nationals who are long-term residents, (OJ L 016, 23.01.2004, pp. 44-53).

(2) Subsection 1 of this section shall not be applied:
1) [Repealed – RT I, 02.07.2013, 3 – entry into force 12.07.2013]
2) with regard to a minor child under five years of age who is a child of a citizen of Estonia residing in Estonia or an alien who is holding a residence permit for a long-term resident of Estonia if the child is given a residence permit for long-term residents;
3) with regard to an alien who is holding a residence permit for a long-term resident in Estonia issued under the conditions provided for in subsection 5 of § 232 of this Act.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(3) An alien who is holding a residence permit for a long-term resident in Estonia does not need a specific permit for employment and engagement in business activities in Estonia.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

§ 232. Conditions of issue of residence permit for long-term resident

(1) A residence permit for a long-term resident may be issued to an alien who corresponds to the following conditions:
1) he or she has resided in Estonia on the basis of a residence permit for at least last five years before the submission of the application for a residence permit for a long-term resident;
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]
2) he or she has a valid temporary residence permit;
3) he or she has a permanent legal income which ensures his or her own subsistence in Estonia;
4) he or she is deemed to be an insured person for the purposes of the Health Insurance Act or a treaty of the Republic of Estonia;
5) he or she has met the integration requirement;
6) the information of his or her place of residence has been registered in the Population Register;
7) no facts which are the basis for the refusal to issue a residence permit for a long-term resident exist in respect of him or her.

(2) Clauses 1–3 of subsection 1 of this section shall not be applied with regard to a child under fifteen years of age, who is a child of a citizen of Estonia residing in Estonia or of an alien residing in Estonia and holding a long-term resident's residence permit of Estonia.
[RT I, 03.01.2017, 1 – entry into force 01.10.2017]

(2^1) The requirement for prior residence of an alien in the member states of the European Union on the basis of the EU Blue Card for at least five years immediately before the lodging of an application for a residence permit for a long-term resident, including the last two years in Estonia on the basis of the EU Blue Card, may be applied with regard to an alien who holds the EU Blue Card in Estonia instead of the requirement for residence on the basis of a residence permit provided for in clause 1 of subsection 1 of this section.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(2^2) Upon meeting the requirement provided for in clause 1 of subsection 1 of this section the period of residence as an applicant for international protection immediately before the grant of international protection and the period of residence in Estonia as a person enjoying international protection shall be included into the period of residence in Estonia prior to the lodging of an application for a residence permit for a long-term resident.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(3) The requirement of residence on the basis of a residence permit provided for in clause 1 of subsection 1 of this section and clause 2 shall not apply with regard to an alien who has lost the citizenship of Estonia or who has been issued a personal identification document of the citizen of Estonia by mistake within six months as of the loss of the Estonian citizenship or the revocation of the document certifying the identity of an Estonian citizen.

(4) Subsection 3 of this section shall not be applied with regard to an alien who, upon application for the Estonian citizenship or for a document certifying the identity of the Estonian citizen, has submitted false information or falsified documents regarding the facts which are relevant to the proceedings.

(5) The conditions provided for in clauses 1, 2 and 4–6 of subsection 1 of this section shall not be applied with regard to an alien who has settled in Estonia before 1 July in the year 1990 and who has factually resided and resides in Estonia and has not left to reside in another state and whose residence in Estonia does not pose a threat to the interests of the Estonian state.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

§ 232^1. Long-term resident's residence permit for minor child who was born in Estonia

(1) A minor child who was born in Estonia or who is settling in Estonia immediately after birth together with a parent or parents shall be issued a long-term resident's residence permit if the parent is holding a valid long-term resident's residence permit of Estonia during the birth of the child.

(2) A child under fifteen years of age shall be issued a long-term resident's residence permit if the parent, for the purposes of settling with whom he or she is issued the residence permit, is issued a long-term resident's residence permit.

(3) In the case of a joint legal custody the parents shall have the right to jointly submit the application to waive the residence permit issued on the basis of subsection 1 of this section until the child reaches one year of age.
[RT I, 03.01.2017, 1 – entry into force 01.10.2017]

§ 233. Calculation of period of residence in Estonia

(1) The period of residence in Estonia required for the issue of a residence permit for a long-term resident shall include the period of his or her temporary stay outside Estonia, which does not exceed six consecutive months and in total ten months within five last years immediately before the lodging of the application for a residence permit for long-term residents.

[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(1^1) The period of residence in Estonia required for the issue of a residence permit for a long-term resident to an alien who holds the EU Blue Card shall include the period of his or her temporary stay outside member states of the European Union, which does not exceed twelve consecutive months and in total eighteen months within five last years immediately before the lodging of the application for a residence permit for long-term residents.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(2) The period of the stay in Estonia on the basis of a temporary residence permit for study shall be taken into account in half in the calculations of the period of stay required for the issue of a residence permit for a long-term resident if an alien has been issued a residence permit on another basis later.

(3) If an alien's stay outside Estonia within five last years before the lodging of an application for a residence permit for a long-term resident has lasted longer than six consecutive months and in total ten months within five last years and the Police and Border Guard Board has considered his or her stay outside Estonia justified, the period of permanent residence in Estonia required for the issue of a residence permit for a long-term resident shall extend by the length of the period of the stay away, which exceeds the allowed time period specified in subsection 1 of this section.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

§ 234. Integration requirement

(1) An alien who is applying for a residence permit for long-term residents is required to have the Estonian language proficiency at least at the elementary level – language proficiency level B1 or a corresponding level.

(2) The integration requirement need not be complied with by:
1) an alien under 15 years of age;
2) an alien over 65 years of age and
3) an adult alien who has restricted active legal capacity.

(3) The Estonian language proficiency is evaluated at the Estonian language proficiency level exam under the conditions provided for in the Language Act.

(4) An alien who has acquired the basic, secondary and higher education in the Estonian language is not required to take the Estonian language examination.

§ 235. Release from taking of Estonian language proficiency examination

(1) An alien who, for health reasons, is permanently unable to comply with the requirements of the Estonian language proficiency level examination shall be released from the examination.

(2) An alien who, for health reasons, is permanently unable to fully comply with the requirements of the Estonian language proficiency level examination shall pass the examination to such extent and in such manner as his or her state of health allows.

(3) In cases specified in subsections 1 and 2 of this section the expert committee shall decide on the partial or total release of an alien from the Estonian language proficiency examination.

§ 236. Contestation of decision of expert committee

An appeal against a decision of the expert committee may be filed with an administrative court within thirty days as of the date of receipt of the decision.

§ 237. Refusal to issue residence permit for long-term residents

(1) The issue of a residence permit for a long-term resident may be refused if:
1) an alien may constitute a threat to public order or national security;
2) an alien has submitted false information concerning the facts which are relevant to the proceedings or has used deceit upon application for the issue of a residence permit for long-term residents;
3) an alien has been punished in Estonia for intentionally committed crime against the state and his or her criminal record has not expired.

(2) The issue of a residence permit for a long-term resident shall be refused if:
1) an alien has been issued a temporary residence permit for study;
2) an alien has been issued a temporary residence permit in case of substantial public interest;
[RT I, 02.07.2013, 3 – entry into force 12.07.2013]
3) an alien does not comply with the conditions of the issue of a residence permit for a long-term resident provided for in this Act;

[RT I, 02.07.2013, 3 – entry into force 12.07.2013]
4) an alien is holding a valid temporary residence permit on the basis of the Act on Granting International Protection to Aliens before the decision is made with regard to the application for residence permit for a long-term resident and with regard to him or her a basis for the ending or revocation of the refugee status or supplementary protection status of an alien provided for in that act has become evident.
[RT I, 02.07.2013, 3 – entry into force 12.07.2013]

(3) In case of the refusal to issue a residence permit for a long-term resident for the reason that the person my constitute a threat to public order or national security or has submitted false information or used deceit or an alien has been punished in Estonia for an intentional criminal offence against the state and his or her criminal record has not expired, the gravity or type of the offence committed by an alien or the threats related to the relevant person are considered, taking into account the length of the period of stay in Estonia of an alien and connections with Estonia and the county of origin.

(4) The provisions of § 124 of this Act are applied upon refusal to issue a residence permit for long-term residents on the grounds that the person constitutes a threat to public order or national security.

Division 2
Resumption of residence permit for long-term resident

§ 238. Conditions of resumption of residence permit for long-term resident

(1) Upon revocation of a residence permit for long-term resident due to staying outside Estonia or other member state of the European Union or due to the acquisition of a long-term resident status in a member state of the European Union the long-term resident's residence permit of an alien may be resumed if he or she complies with the following conditions:
1) he or she has lived in Estonia on the basis of a temporary residence permit for at least last two years immediately before the submission of an application for the resumption of a residence permit for a long-term resident;
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]
2) he or she has a valid temporary residence permit;
3) he or she has a permanent legal income for his or her subsistence in Estonia;
4) he or she is deemed to be a person insured for the purposes of the Health Insurance Act or a treaty;
5) no facts which are the basis for the refusal to issue a residence permit for a long-term resident exist in respect of him or her.

(2) The period of residence in Estonia required for the resumption of a residence permit for a long-term resident shall include his or her temporary stay outside Estonia which does not exceed four months within the last two years immediately before the submission of an application for the resumption of a residence permit for a long-term resident.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

Division 3
Validity of residence permit for long-term resident

§ 239. Validity of long-term residence permit

A residence permit for a long-term resident is valid until the expiry of the period of validity of the residence permit or revocation of the residence permit.

§ 240. Expiry of residence permit for long-term resident

(1) The period of validity of a residence permit for a long-term resident shall expire:
1) upon the grant of the Estonian citizenship to an alien or upon his or her resumption of the Estonian citizenship;
2) upon the grant of the citizenship of a member state of the European Union to an alien or upon his or her resumption thereof;
3) upon the death or declaration of death of an alien.

(2) Upon the grant of the citizenship of a member state of the European Union to an alien or upon his or her resumption of the Estonian citizenship the person shall obtain the right of permanent residence of a citizen of the European Union for the purposes of the Citizen of European Union Act.

§ 241. Revocation of the residence permit for long-term resident

(1) A residence permit for a long-term resident may be revoked if:
1) an alien has submitted false information concerning facts which are relevant in the proceedings or used fraud upon application for issue of a residence permit for a long-term resident;
2) an alien constitutes a threat to public order or national security;

[RT I, 02.07.2013, 3 – entry into force 12.07.2013]
3) an alien has been punished in Estonia for intentionally committed crime against the state and his or her criminal record has not expired;
[RT I, 02.07.2013, 3 – entry into force 12.07.2013]
4) an alien has held a valid temporary residence permit on the basis of the Act on Granting International Protection to Aliens immediately before the application for residence permit for a long-term resident and with regard to him or her a basis for the ending or revocation of the refugee status or supplementary protection status of an alien provided for in that act has become evident.
[RT I, 02.07.2013, 3 – entry into force 12.07.2013]

(2) A residence permit for a long-term resident shall be revoked:
1) at the personal request of an alien;
2) if an alien stays outside member states of the European Union for twelve consecutive months during a year;
3) if an alien has acquired a status of a long-term resident in another member state of the European Union;
[RT I, 09.03.2011, 3 – entry into force 19.06.2011]
4) if the stay of an alien outside Estonia has lasted for at least six consecutive years;
5) if an alien who holds a residence permit of a long-term resident as a person who resided in Estonia on the basis of the former EU Blue Card stays outside member states of the European Union for twenty-four consecutive months or
[RT I, 09.03.2011, 3 – entry into force 19.06.2011]
6) if an alien holds a residence permit of a long-term resident which is issued to him or her as a family member of a person who resided in Estonia on the basis of the former EU Blue Card and stays outside the member states of the European Union for twenty-four consecutive months.
[RT I, 09.03.2011, 3 – entry into force 19.06.2011]

(3) The revocation of a residence permit a long-term resident on the grounds that an alien has submitted false information or used deceit upon application for a residence permit of a long-term resident or an alien constitutes a threat to public order and national security or an alien has been punished in Estonia for an intentional criminal offence against the state and his or her criminal record has not expired, the gravity or type of the offence committed by an alien or the threats related to the person concerned shall be considered, taking into account the length of the stay in Estonia of an alien, the age of an alien, the consequences of the revocation of the residence permit of a long-term resident for an alien and his or her family and connections with Estonia and the county of origin.

(4) The facts specified in clauses 2–4 of subsection 2 of this section do not constitute a basis for the revocation of a residence permit if the Police and Border Guard Board have deemed the absence of an alien from Estonia to be justified.
[RT I, 17.05.2018, 1– entry into force 23.05.2018]

Division 4
Procedure for granting residence permit for long-term resident

Subdivision 1
Competence

§ 242. Competence for issue of residence permit for long-term resident

The Police and Border Guard Board shall decide on the issue or refusal to issue of a residence permit for a long-term resident unless otherwise decided by a treaty.

§ 243. Competence for revocation of residence permit for long-term resident

The Police and Border Guard Board shall decide the revocation of a residence permit for a long-term resident unless otherwise decided by a treaty.

§ 244. Competence for resumption of residence permit for long-term resident

The Police and Border Guard Board shall decide on the resumption of or refusal to resume a residence permit for a long-term resident unless otherwise decided by a treaty.

Subdivision 2

Proceeding

§ 245. Application for resumption of long-term residence permit

(1) Upon application for the issue of a residence permit for a long-term resident or the resumption thereof an alien shall submit an application for the issue of a residence permit for a long-term resident or for the resumption thereof to the Police and Border Guard Board in person.

(2) An alien need not appear to the Police and Border Guard Board in person to submit the application for the issue of a residence permit for a long-term resident or the resumption thereof in the cases provided in § 277 of this Act and in the case the person's fingerprints which were captured in the last proceedings for the issue of the residence permit, work permit, right of residence or identity document enable to identify the person and comply with the requirements established on the basis of subsection 6 of § 15 of the Identity Documents Act and clauses 4 and 5 of subsection 1 of § 224 and clauses 7 and 8 of subsection 2 of § 250 of this Act.
[RT I, 17.05.2018, 1 – entry into force 23.05.2018]

§ 246. Specifications of application for residence permit for long-term resident and resumption thereof

(1) An official or employee of a custodial institution who is authorised by an alien for that purpose shall forward an application for a residence permit for a long-term resident or for the resumption of a residence permit for a long-term resident of a prisoner or a person in detention or custody staying in a custodial institution. Upon performance of these acts the official or employee of the custodial institution shall present his or her identification in addition to the power of attorney of the imprisoned person.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(2) A prisoner or a person in detention or custody staying in a custodial institution may send the application indicated in subsection 1 of this section by post through the custodial institution with the cover letter of the custodial institution, which confirms that an official or employee of the custodial institution has verified the applicant’s identity.
[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 247. Refusal to review application

If the information of the place of residence in Estonia of an alien has not been entered in the Population Register, an alien shall be given a term for registration of the information of the place of residence in the Population Register. In case of a failure to register the information of the place of residence in the Population Register, the application for the issue of a residence permit for a long-term resident and for the resumption thereof, shall be refused.

§ 248. Filing of appeal

Within ten days as of the date of notification of the decision an appeal may be filed with an administrative court or a challenge may be filed against a decision on the issue of the residence permit for a long-term resident or the resumption thereof, the refusal to issue a long-term resident or of the resumption thereof, the revocation of the residence permit for a long-term resident or refusal to review an application. A decision on the challenge may be contested in an administrative court within the same term.

§ 249. Formalisation of residence permit for long-term resident

(1) A residence permit for a long-term resident shall be formalised on the basis of the information of the decision on the issue of a residence permit for a long-term resident.

(2) [Repealed – RT I, 09.12.2010, 1 – entry into force 01.01.2011]

Division 5
Organisation of affairs related to residence permit for long-term resident

§ 250. Organisation of issue of residence permit for long-term resident

(1) The Government of the Republic shall establish by a regulation:
1) [Repealed – RT I, 23.03.2015, 1 – entry into force 01.01.2016]
2) [Repealed – RT I, 23.03.2015, 1 – entry into force 01.01.2016]
3) the extent and manner of the partial release from taking the Estonian language proficiency level examinations required for the issue of a residence permit for a long-term resident or the conditions and procedure for release from taking of the specified examinations;
4) [Repealed – RT I, 23.03.2015, 1 – entry into force 01.01.2016]
5) [Repealed – RT I, 23.03.2015, 1 – entry into force 01.01.2016]
6) [Repealed – RT I, 23.03.2015, 1 – entry into force 01.01.2016]

7) [Repealed – RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(2) The minister in charge of the policy sector shall establish by a regulation:
1) [RT I, 03.01.2017, 1 – entry into force 18.01.2017]
2) [Repealed – RT I, 09.12.2010, 1 – entry into force 01.01.2011]
3) [Repealed – RT I, 09.12.2010, 1 – entry into force 01.01.2011]
4) the procedures and terms for application, issue, resumption and revocation of a residence permit for a long-term resident and the list of information to be submitted in the application and the evidence to be added to the application;
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]
5) the rate of legal income required for the issue of a residence permit for a long-term resident or for the resumption thereof;
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]
6) the minimum age limit under which the fingerprints of a person are not captured;
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]
7) a list of other persons or categories of persons whose fingerprints are not captured;
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]
8) the procedure for capturing fingerprints of an alien who applies for the issue or resumption of a residence permit for a long-term resident;
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]
9) the standard format of a residence permit for a long-term resident;
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(3) An expert committee competent to assess the extent and manner of the release from the Estonian language proficiency level examination or of the partial release shall be formed and the organisation of work thereof shall be established by the minister in charge of the policy sector in coordination with the minister in charge of the policy sector.
[RT I, 29.06.2014, 109 – entry into force 01.07.2014, on the basis of subsection 4 of § 107³ of the Government of the Republic the words the "Minister of Education and Research" are replaced with the words the" minister in charge of the policy sector" in the middle of the sentence and the words the "Minister of Social Affairs" are replaced by the words the "minister in charge of the policy sector" at the end of the sentence.]

(4) The data of administrative acts issued and procedural acts performed in the course of proceedings concerning applications for a residence permit for a long-term resident and for the resumption thereof, applications for the transfer of information concerning information of a residence permit of a long-term resident into the travel documents of a foreign country and applications for the registration of the absence from Estonia, as well as the data of administrative acts issued and procedural acts performed in the course of proceedings concerning revocation of a residence permit for a long-term resident shall be processed in the Register of Residence and Work Permits.

§ 251. Organisation of exchange of information

The exchange of information concerning a residence permit for a long-term resident with the member states of European Union shall be organised by the Ministry of the Interior or by an agency within the area of government of the Ministry of the Interior assigned by the minister in charge of the policy sector.

Subchapter 3
Absence from Estonia

[Repealed –RT I, 03.01.2017, 1 - entry into force 18.01.2017]

§ 252.–§ 258.[Repealed – RT I, 03.01.2017, 1 – entry into force 18.01.2017]

Subchapter 4
Employment in Estonia on basis of residence permit

§ 259. Legal bases for employment in Estonia

(1) An alien who resides in Estonia on the basis of a residence permit has the right for employment in Estonia unless otherwise provided for in this Act.

(2) If the conditions of employment in Estonia of an alien who holds a temporary residence permit have been restricted or he or she has been prohibited to take employment in Estonia, this is provided for separately under the basis for the issue of a respective temporary residence permit.

§ 260.–§ 269.[Repealed - RT I, 02.07.2013, 3 – entry into force 01.09.2013]

Chapter 4
PROCESSING OF PERSONAL DATA

§ 270. Admissibility of processing personal data

(1) In the proceedings concerning the application for a legal basis for the temporary stay, residence or taking employment in Estonia, the verification of the legality of the legal basis, the application for the extension or revocation of the legal basis, as well as in the proceedings regarding performance of the obligation to leave, an administrative authority which is conducting the proceedings may process personal data, including specific type of personal data.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(2) An administrative authority may forward the personal data specified in subsection 1 of this section to third persons without a person's consent and without separately notifying him or her thereof in order to clarify and verify the facts relevant to the proceedings. Third persons may process the personal data communicated to them to the extent that is necessary for clarification of the facts relevant to the proceedings.

(3) A natural or legal person who has the obligations of a sponsor arising from this Act, an employer of an alien, a user undertaking, a provider of accommodation services, a provider of transport services and a person providing housing to an alien may process the personal data of an alien, except a specific type of personal data, without the consent of an alien and without separately notifying him or her thereof, or to perform obligations arising from this Act or the Obligation to Leave and Prohibition on Entry Act to the extent that is needed to fulfil the respective obligation.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(4) An administrative authority may request a person to submit an application in writing in order to explain to him or her the purposes, extent and manner of the processing of the personal data which are to be processed with regard to him or her, the contents and sources of the personal data and the admissibility of the communication of the data to third persons and disclose the information of third persons to whom his or her personal data have been communicated.

(5) The Estonian Internal Security Service may apply the provisions concerning the processing of personal data in the Security Authorities Act for the performance of the functions provided for in this Act.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

§ 271. Communication and collection of personal data

(1) Upon carrying out the proceedings an administrative authority has the right to collect data about facts which may be relevant to the proceedings regarding aliens from databases, other public agencies and persons and legal persons governed by private law who perform public functions. Such persons and agencies are obliged to communicate these data to an administrative authority which has the right to process these data.

(2) The communication of personal data collected about an alien, including forwarding specific type of personal data, to a foreign state, an international organisation, a European Union institution and a single database for the European Union may be permitted for the performance of obligations arising from a treaty, the legislation of the European Union, an act or a regulation.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(3) The personal data, including a specific type of personal data received from a foreign state or an international organisation, may be processed for the performance of obligations arising from a treaty, the legislation of the European Union, an act or a regulation.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(4) The Police and Border Guard Board shall have the right to notify the employer of an alien without the consent of the alien of the refusal to issue a residence permit to the alien or the refusal to extend his or her residence permit or of the revocation of the residence permit.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

§ 272. Processing of biometric data

(1) In the conduct of proceedings in the matter specified in this Act, biometric data may be obtained from a person and such data may be processed.

(2) For the purposes of this Act, biometric data is a facial image, fingerprint images, a signature or image of signature, and iris images.

(3) With regard to an alien who refuses to enable taking biometric data may be applied coercion with the use of physical force or bonds as long as it is needed for taking biometric data. Before application of coercion an alien shall be informed of the application thereof.

(4) Coercion shall not be applied if an alien refuses to enable taking biometric data upon application for visa.

(5) The processing of biometric data collected in the course of the proceedings provided for in this Act is only permitted in the cases and under the conditions provided by law.

§ 273. Data processed in proceedings of legal bases for temporary stay in Estonia

The data collected in the course of proceedings concerning applications for a visa and the extension of the period of stay, the premature termination of the period of stay, the revocation and annulment of a visa shall be processed without an alien's consent in order to perform the functions provided for in a treaty, the legislation of the European Union, an act or a regulation.

§ 274. Data processed in proceedings of residence permit and work permit

The data collected in the course of proceedings concerning applications for residence and work permits and a temporary residence permit, the extension of a temporary residence permit, a residence permit of a long-term resident, the resumption of a residence permit for a long-term resident, a work permit, the extension of a work permit, the registration of the absence from Estonia, the transfer of the data of a residence permit into the travel document of a foreign state, as well as the data collected in the course of the procedure of revocation of a residence permit and a work permit shall be processed without an alien's consent in order to perform functions specified in a treaty, the legislation of the European Union, an act or a regulation.

§ 275. Processing of DNA data

(1) DNA samples may be taken from an alien upon conducting the proceedings provided for in this Act and the respective data may be processed unless it is possible to identify a person otherwise.

(2) With regard to an alien who refuses to enable taking DNA samples, coercion may be applied with the use of physical force or braces as long as it is necessary for taking DNA samples. Before the coercion is applied an alien shall be notified about the application thereof.

(3) The processing of the DNA data collected in the course of the proceedings specified in this Act is only allowed in the cases and under the conditions provided by law.

(4) The data received as a result of taking DNA samples shall be entered into the National DNA Database.

§ 276. Capturing of fingerprints

(1) In visa proceedings and the proceedings of a residence and work permit fingerprints shall be captured from a person and the respective personal data shall be processed without the person's consent.

(2) Biometric data collected upon fingerprinting in the visa procedure shall be entered in the automated biometric identification system database (hereinafter ABIS database).
[RT I, 08.07.2021, 1 – entry into force 15.07.2021]

(3) Biometric data collected upon fingerprinting in the procedure of a residence permit and work permit shall be entered in the ABIS database.
[RT I, 08.07.2021, 1 – entry into force 15.07.2021]

§ 277. Restrictions on fingerprinting

(1) An alien shall not undergo fingerprinting if:
1) an alien lacks all fingers;
2) his or her state of health has rendered the person unable to undergo fingerprinting or
3) an alien belongs under the category of persons from whom fingerprints are not captured arising from the provisions of the Visa Code or clauses 6 and 7 of subsection 1 of § 101, clauses 3 and 4 of subsection 1 of § 224, clauses 6 and 7 of subsection 1 of § 250 and clauses 2 and 3 of subsection 1 of § 268 of this Act.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(2) An alien must provide evidence of his or her state of health due to which the person is unable to undergo fingerprinting.

(3) An alien shall not undergo fingerprinting if his or her state of health does not enable him or her to appear before an administrative authority in person. An alien shall provide evidence of his or her state of health due to which he or she is unable to appear before an administrative authority in person.

§ 278. Fingerprinting in visa procedure

Upon the lodging of an application for a visa and an application for the extension of the period of stay the applicant's fingerprints shall be captured unless otherwise provided for by the Visa Code or this Act.

§ 279. Fingerprinting in proceedings of residence permit and work permit

(1) Upon the submission of an application for the issue of a temporary residence permit, the extension of a temporary residence permit, the issue of a residence permit for a long-term resident and the resumption of a residence permit for a long-term resident the applicant shall undergo fingerprinting.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(2) An alien need not undergo fingerprinting if he or she has undergone fingerprinting in a proceeding concerning the issue of a residence permit, right of residence or work permit or a personal identification document and the captured fingerprints enable identification of a person and comply with the requirements established on the basis of subsection 6 of § 15 of the Identity Documents Act and clauses 4 and 5 aof subsecrtion 1 of § 224 and clauses 7 and 8 of subsection 2 of this Act.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(3) If an alien submitted an application for a temporary residence permit, the extension of a temporary residence permit, the issue of a residence permit for a long-term resident, the resumption of a residence permit for a long-term resident, the issue of a work permit or the extension thereof, and he or she did not undergo fingerprinting in the course of the proceeding, the provisions of the Identity Documents Act shall be applied upon the determination of the period of validity of a residence card.

§ 279[1]. Specifications of taking biometric data from person staying in custodial institution

If in the course of the proceeding arising from this Act, the taking of biometric data from an alien is prescribed, an administrative authority may take biometric data from a prisoner or a person in detention or custody staying in a custodial institution in Estonia in the custodial institution.
[RT I, 09.12.2010, 1 – entry into force 01.01.2011]

§ 279[2]. Specifications of taking biometric data from applicant for temporary residence permit for participation in criminal proceedings

(1) If in the course of a proceeding arising from this Act, the taking of biometric data from an alien is prescribed, biometric data are taken from an applicant for a temporary residence permit for participation in criminal proceedings in the course of the proceeding of his or her application for a residence permit.

(2) An administrative authority may take biometric data from an applicant for a temporary residence permit for participation in criminal proceedings at the place of stay of the applicant in Estonia.
[RT I, 29.06.2012, 5 – entry into force 01.01.2015]

§ 279[3]. Restriction of rights of data subject

(1) The right of a data subject to receive information and access to personal data collected on him or her, as well as the right of access to data entered in the database, including the procedural file, may be restricted if it may:
1) prevent or damage the prevention, detection, processing or execution of a punishment;
2) damage the rights and freedoms of another person;
3) endanger the security of the Republic of Estonia, another Member State of the European Union, a Member State of the Schengen Convention or a Member State of the North Atlantic Treaty Organization;
4) jeopardize the protection of public order.

(2) The restriction on publication of the information specified in subsection 1 of this section shall apply to the data subject with respect to the following rights:
1) to obtain information about the processing of his or her personal data, including which personal data are processed, as well as the manner, method, purpose, legal basis, scope or reason for the processing;
2) to know the recipients of his or her personal data and the categories of personal data to be disclosed and whether his or her personal data are transferred to a foreign state or international organization;
3) to demand that the processing of his or her personal data be restricted;
4) to object to the processing of his or her personal data;
5) to find out about a personal data breach.

(3) The restriction on the publication of the information specified in subsection 1 of this section may also be applied to data obtained from a foreign state or an international organization.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

§ 279[4]. ABIS database

(1) The ABIS database is an electronic database the purpose of which, within the meaning of this Act, is to process biometric data taken in visa proceedings, upon registration of short-term employment and in residence permit and work permit proceedings for identification of a person and verification of a person's identity.

(2) In proceedings provided for in this Act, data entered in the ABIS database on the basis of the Identity Documents Act, Citizenship Act, Consular Act, Code of Criminal Procedure, Imprisonment Act, Act on Granting International Protection to Aliens, Obligation to Leave and Prohibition on Entry Act and Code of Misdemeanour Procedure may be processed for identification of a person and verification of a person's identity.

(3) Data entered in the ABIS database on the basis of the Acts specified in subsection 2 of this section may be processed for identification of a person and verification of a person's identity for the purposes of ensuring public order and national security only if the person cannot be identified or a person's identity verified based on the data entered in the ABIS database on the basis of this Act.

(4) The provisions of § 15[5]of the Identity Documents Act shall apply to the processing of data entered in the ABIS database.

(5) The ABIS database shall be founded and its statutes established by a regulation of the Government of the Republic.

(6) The controller of the ABIS database is the Police and Border Guard Board. The processor shall be specified in the statutes of the database.

(7) The composition of data to be entered in the ABIS database and the term for storing thereof shall be prescribed in the statutes of the database.

(8) The data contained in the ABIS database are subject to restrictions on access and have been recognized as information for internal use.
[RT I, 08.07.2021, 1 – entry into force 15.07.2021]

Chapter 5
OBLIGATIONS

§ 280. Notification obligation of alien

An alien is required to notify the Police and Border Guard Board of the following facts:
1) the change in marital or family status if such change has been registered in a foreign state;
2) the punishment under criminal procedure if the punishment was imposed on an alien by a law enforcement authority of a foreign state;
3) any change in the conditions of employment determined by the temporary residence permit for employment, of the termination of the contract and the end of work relations;
[RT I, 09.03.2011, 3 – entry into force 19.06.2011]
4) upon the expiry or termination of an insurance contract covering any costs related to the medical treatment as a result of illness or injury of an alien or the expiry of the health insurance provided for in the Health Insurance Act;
[RT I, 03.01.2017, 2 – entry into force 18.01.2017]
5) his or her conscription into service in the armed forces of a foreign state, serving in a career position in the armed forces of a foreign state or entering into contractual service relations with the army, he or she has been assigned to the reserve forces thereof or has retired therefrom;
6) any change in the location and conditions of accommodation if the short-term employment of an alien has been registered on the basis of subsection 10 of § 106 of this Act and the accommodation of the alien is not ensured by or through the employer.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

§ 281. Obligation to bear costs related to stay in Estonia or departure from Estonia

(1) An alien is required to bear the costs related to the stay in Estonia and the residence in Estonia, including to ensure covering the costs related to his or her accommodation, catering and the medical treatment as a result of illness or injury of an alien and other subsistence costs.

(2) An alien is required to bear the costs related to his or her departure from Estonia, including the costs of the compulsory enforcement of the duty to leave, of the stay in the detention centre and police detention house which are borne in connection with the expulsion of an alien.
[RT I, 03.07.2013, 2 – entry into force 01.10.2013]

§ 282. Obligation to bear proceeding costs

(1) The costs of participation in the proceedings, including the costs related to appearing before an administrative authority in person and the costs related to the lodging of evidence, shall be borne by the party to the proceeding.

(2) If an alien does not fulfil the obligation to co-operate or acts in bad faith in any other manner, causing additional costs of proceeding to an administrative authority, these costs shall be recovered from an alien, but in the amount not exceeding 6,400 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

(3) The costs of the proceeding specified in subsection 2 of this section may be recovered from an alien in the procedure specified in the Code of Enforcement Procedure.

(4) In order to recover the proceeding costs an alien shall be issued a precept, which determines the term for voluntary compliance with the costs and a warning shall be given of the recovery of the costs in the procedure, provided for in the Code of Enforcement Procedure.

(5) The minister in charge of the policy sector shall establish by a regulation the procedure for the recovery of proceeding costs.

§ 283. Organisation to fulfil obligation to participate in proceeding

(1) An alien who has failed to fulfil the obligation to participate in the proceeding, and who has been obligated by an administrative authority to appear before the administrative authority in person, may be searched for and detained and compelled attendance may be applied with regard to him or her, in order to verify the facts of the stay and employment in Estonia of an alien unless it is possible to carry out the procedure otherwise.

(2) Upon compelled attendance an alien is detained, his or her person is established or his or her identity is verified, the security clearance is conducted and he or she is transported to the location of an administrative authority in order to carry out the procedural acts.

(3) An alien may be detained without the permit of the administrative court to ensure fulfilment of the obligation to participate in the proceeding in the office rooms of the Police and Border Guard Board or the detention house of the police for up to 48 hours but not longer than necessary to perform the duty to participate in the proceeding.

(4) Upon using compelled attendance and detention of an alien the Police and Border Guard Board may apply the measures provided for in §§ 30-33 and 45-53 of the Law Enforcement Act taking account of the specifications provided for in this Act.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(5) The measures specified in §§ 50 and 51 of the Law Enforcement Act may only be applied if there is a reason to believe that without taking such measures the prevention of the assumed illegal stay or employment in Estonia of an alien shall not be effective and other measures have been depleted.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(6) A measure provided for in § 45 of the Law Enforcement Act may only be applied by a police officer.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(7) Upon the detention of an alien the documents, money, valuables and prohibited articles found upon the detention of an alien shall be received for deposit for the time of detention. Prohibited articles are items and substances which are not allowed in commerce and which may present a risk to an alien himself or herself or to other persons, or items and substances the holding of which is not permitted in the office of an administrative authority or a police detention house.

(8) The personal data related to an alien and the data concerning the search, detention and compelled attendance of an alien are public to the extent that is necessary for his or her performance of the obligation to participate in the proceeding.

(9) The personal data related to an alien and the data concerning the search, detention and compelled attendance of an alien may be processed in the Visa Register, the Register of Residence and Work Permits and in the database of aliens staying or having stayed in Estonia illegally.

§ 284. Recovery of costs of participation in proceeding

(1) The costs of the search, detention or compelled attendance of an alien may be recovered from an alien and a person or an institution that has the obligations of a sponsor (hereinafter referred to as ‘sponsor’) but not more than 6,400 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

(1[1]) The costs provided for in subsection 1 of this section may be claimed from the employer who has enabled employment in Estonia of an alien who is staying in the state illegally, except in the case when the employer has performed the obligations provided for in of the provisions specified in § 285 and subsections 1 and 4 of § 286 of this Act and the employer was not aware that the document of an alien proving the right of employment or the right of stay is falsified.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(2) The costs of the search, detention or compelled attendance of an alien may be recovered pursuant to the procedure provided for in the Code of Enforcement Procedure.

(3) In order to compensate for the costs, an administrative authority shall issue a precept to an alien or his or her sponsor to Estonia to compensate for the costs of the search, detention and compelled attendance of an alien.

(4) A person shall have 90 days for voluntary compliance with the precept.

(5) The precept shall include a warning of compulsory enforcement of the precept pursuant to the procedure provided for in the Code of Enforcement Procedure.

(6) The procedure for the search, detention and compelled attendance of an alien, the list of the costs of the search, detention and compelled attendance of an alien and the procedure for calculation and recovery of the costs shall be established by a regulation of the minister in charge of the policy sector.

§ 285. Notification obligation of employer

(1) An employer is required to notify the Police and Border Guard Board of the commencement of employment by an alien for the employer, of a failure to conclude a contract forming a basis for work relations with the alien who has registered short-term employment, of a failure of an alien to commence employment, of any change in the conditions of employment determined in the temporary residence permit for employment, of the premature termination of the contract forming the basis for work relations and of the actual termination of employment of an alien.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(1[1]) If the short-term employment of an alien has been registered on the basis of subsection 10 of § 106 of this Act and the accommodation of the alien is ensured by or through the employer, the employer is required to notify the Police and Border Guard Board of the change of the location and conditions of the accommodation of the alien.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

(2) [Repealed – RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(2[1]) The employer has no notification obligation specified in subsection 1 of this section concerning the data which the employer has registered in the employment register.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(2[2]) The employer has no notification obligation specified in subsection 1 of this section if the alien is employed in Estonia on the basis of § 105 of this Act.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(3) The research and development institution is required to immediately notify the Police and Border Guard Board of the termination of the hosting contract concluded with an alien.

§ 286. Employer's obligation regarding employment in Estonia of alien

[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

(1) An employer is required to verify that an alien who is employed by the employer would have a legal basis for the stay and employment in Estonia.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(1[1]) A user undertaking is required to verify that an alien employed by the undertaking has a legal basis for the stay and employment in Estonia and to ensure that the alien is employed in Estonia on the legal basis issued for that purpose and in accordance with a contract or other agreement entered into between the employer and the user undertaking.
[RT I, 10.07.2020, 4 – entry into force 20.07.2020]

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

[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

(3) An employer is required to terminate the contract with an alien who lacks a legal basis for the stay or employment in Estonia unless otherwise provided for by this Act..
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

(4) An employer is required to preserve during the employment of an alien and within ten years after termination of the employment of an alien the copies of the data and documents that prove the existence of the legal basis for employment in Estonia of an alien during recruitment and employment.
[RT I, 30.06.2011, 1 – entry into force 01.07.2011]

(5) A list of the data and documents necessary for fulfilment of the preservation obligation specified in subsection 4 of this section shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 30.06.2011, 1 – entry into force 20.07.2011]

(6) If the actual activities of an alien are not in compliance with the legal basis and purpose for employment in Estonia granted to the alien or arising from the law, the employer, user undertaking, host entity and alien are required observe the legal bases to which the activities of the alien correspond.
[RT I, 10.07.2020, 4 – entry into force 20.07.2020]

§ 286[1]. Obligations of employer in case of employment of alien staying illegally in state

(1) An employer who enabled employment in Estonia of an alien who is staying in the state illegally is required to pay the total remuneration unpaid to the alien, including the taxes and payments withheld from the wages and salaries under the law and, where necessary, the expenses which are related to the sending of the remuneration to the alien who has returned or been removed. Upon recovery of the remuneration and taxes and payments withdrawn from remuneration it is presumed that the alien was employed by the employer for at least three months unless otherwise proved by the employer or employee.

(2) If an alien does not bear the procedural costs or the expenses of the compulsory execution of the obligation to leave, including the keeping of a person to be expelled in the detention centre or police house of detention, the employer who enabled the employment in Estonia to an alien who was staying in the state illegally, is required to compensate for the specified costs but not more than in the amount of 32,000 euros.

(3) The costs related to the compulsory execution of the obligation to leave of an alien provided for in subsection 2 of this section shall not be claimed if the employer has performed the obligations provided for in § 285 and subsections 1 and 4 of § 286 of this Act and the employer was not aware that the document proving the right of employment or the right of stay of an alien was falsified.

(4) If the employer of an alien was a subcontractor who enabled employment in Estonia of an alien, the main contractor may be required to bear solidarily with the employer the expenses related to the compulsory execution of the obligation to leave, the expenses related to unpaid remuneration and payment of remuneration.

(5) The main contractor and the immediate subcontractor thereof and each successive subcontractor with whom the employer has no contractual relations, may be required to bear solidarily the costs provided for in subsection 4 of this section if they knew that the employer enabled employment in Estonia of an alien who was staying illegally in the state.

(6) The responsibility provided for in subsections 4 and 5 of this section shall not be applied if the employer had forwarded to the main contractor a written confirmation before the employee commenced employment that the employer shall perform the obligations provided for in § 285 and subsections 1 and 4 of § 286 of this Act.

(7) The costs related to the compulsory execution of the obligation to leave of an alien shall be calculated and recovered pursuant to the procedure provided for in § 292 of this Act.

(8) An alien who was enabled employment in Estonia by an employer may claim the remuneration pursuant to the procedure provided for in the Labour Dispute Resolution Act.
[RT I, 04.07.2017, 3 – entry into force 01.01.2018]

§ 286[2]. Obligation of employer to pay compensation to seasonal worker employed or having been employed in Estonia for short-term

(1) If the registration of the short-term employment in Estonia of an alien being employed in Estonia for a short term on the basis of subsection 10 of § 106 of this Act is revoked for the reason resulting from the employer or user undertaking on the basis of clauses 1–4 of subsection 1[1] of § 108 of this Act, the employer undertakes to pay compensation to the alien to the extent which is in correspondence with the remuneration which the alien would have had the right to receive until the expiry of the term of the contract.

(2) If the registration of the short-term employment in Estonia of an alien being employed in Estonia for a short term on the basis of subsection 10 of § 106 of this Act is revoked for the reason resulting from the user undertaking on the basis of clauses 1–4 of subsection 11 of § 108 this Act, the user undertaking may be

required to pay jointly and solidarily with the employer to pay compensation to the alien to the extent which is in correspondence with the remuneration which the alien would have had the right to receive until the expiry of the term of the contract.

(3) On the basis of this Act the seasonal worker shall not be paid compensation to the extent which he or she has the tight to receive on the basis of the Employment Contracts Act or the Unemployment Insurance Act, except for the compensation provided for in subsections 4 and 5 of § 100 and subsection 1 of § 109 of the Employment Contracts Act.

(4) An alien who is employed in Estonia for a short-term on the basis of subsection 10 of § 106 of this Act, whose registration of the short-term employment in Estonia is revoked for a reason arising from the employer or user undertaking on the basis of clauses 1–4 of subsection 1^1 of § 108 of this Act, may claim compensation pursuant to the procedure provided in the Code of Civil Procedure.
[RT I, 17.05.2018, 1 – entry into force 23.05.2018]

§ 286^3. Ensuring payment of required remuneration

(1) If an employer fails to perform the obligation to pay the remuneration provided in this Act to an alien, the Police and Border Guard Board issues a precept to the employer to pay the corresponding remuneration.

(2) A precept specified in subsection 1 of this section may be issued retroactively for the entire period of employment when the employer did not pay the required remuneration to the alien.

(3) In the event of failure to pay remuneration for employment by the due term specified in the precept specified in subsection 1 of this section, the right of an alien to stay and work in Estonia expires on the day following that term.

(4) In the case of a failure to comply with the precept by the term specified in subsection 1 of this section, the Police and Border Guard Board may impose a penalty payment of up to 32,000 euros on the employer.

(5) Payment of a non-compliance levy does not grant an employee the right for employment in Estonia.

(6) The provisions of this section are also applied to an undertaking which is acting as an intermediary of temporary agency workers, a user undertaking and the host entity of a posted employee.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

§ 287. Notification obligation of educational institution

An educational institution is required to notify the Police and Border Guard Board of a failure of an alien who has received a temporary residence permit for study and an alien studying in Estonia on the basis of a long-stay visa or residence permit to commence the studies within the prescribed term, of noncompliance with the curriculum to the extent required for holding a residence permit for study, of the exmatriculation from the educational institution, of the discontinuation or disruption of studies or of the entry into the contract of traineeship with an alien or of the discontinuation of the concluded contract of traineeship.
[RT I, 17.05.2018, 1 – entry into force 23.05.2018]

§ 287^1. Notification obligation of agency that entered into hosting agreement

If an alien who has been issued a residence permit for the purpose of employment with scientific purposes intends to carry out part of the research in another member state, the agency that has entered into a hosting agreement shall notify the Police and Border Guard Board thereof.
[RT I, 17.05.2018, 1 – entry into force 23.05.2018]

§ 288. Obligation of accommodation establishment

An alien is accommodated in an accommodation establishment pursuant to the requirements of the Tourism Act. The accommodation establishment is required to submit a visitor’s card with the information on the accommodated alien, at the request of the Police and Border Guard Board or the Estonian Internal Security Service, to an agency that demands information.

§ 289. Obligation of person providing housing for alien

(1) A person who provides housing for an alien or concludes a commercial lease agreement with an alien is required to verify the legal basis for the stay in Estonia of an alien.

(2) This section shall not apply to the provider of accommodation service.

§ 290. Obligations of transporter

(1) A person who transports or whose representative transports an alien to the Estonian border, to the temporary border line or to the transit zone (hereinafter transporter) is required to verify before accepting a foreigner onto their transport vehicle if an alien who is admitted to the means of transport has a legal basis for entry into Estonia or stay in the transit zone and a document necessary for crossing the border.

(2) A transporter who transported or whose representative transported to the Estonian border an alien who, upon arrival at the Estonian border, lacked a legal basis for temporary stay or residence in Estonia or a document necessary for crossing the border, is required to transport an alien who is to be returned from the Estonian border, back to the same place where an alien boarded the means of transport of the transporter, or back to the country of location of an alien.

(3) Upon a failure of an alien to compensate for the costs of the compulsory enforcement of an obligation to leave and of the stay in the detention centre and police detention house relating to an alien, a transporter is required to compensate for the specified costs but not more than 32,000 euros.
[RT I, 03.07.2013, 2 – entry into force 01.10.2013]

§ 291. Obligations of sponsor

(1) A sponsor is required to verify if an alien who has been invited to Estonia by sponsor has a legal basis for the stay in Estonia.

(2) A sponsor is required to host an alien in Estonia, guarantee his or her accommodation and bear the costs of the stay of an alien in Estonia and of his or her departure from Estonia.

(3) If an alien does not bear the proceeding costs or the costs of the compulsory enforcement of the obligation to leave or of the stay in the detention centre or police detention houses, the sponsor is obligated to compensate for the specified costs, but not more than 32,000 euros.
[RT I, 03.07.2013, 2 – entry into force 01.10.2013]

(4) A sponsor is required to certify the compliance with the conditions set with regard to the sponsor.

§ 292. Precept to compensate for costs

(1) In order to compensate for the costs, an administrative authority shall issue a precept to a sponsor or a transporter to compensate for the costs of the stay in Estonia of an alien and for the costs of the departure from Estonia, including compulsory enforcement of the duty to leave of an alien and the proceeding costs.

(2) A sponsor or transporter shall have 90 days for voluntary compliance with the precept.

(3) The precept shall include a warning of compulsory enforcement of the precept pursuant to the procedure provided for in the Code of Enforcement Procedure.

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

(5) If an alien did not have a sponsor in Estonia, the costs of the compulsory enforcement of the obligation to leave may be recovered from an alien pursuant to the procedure provided for in this Chapter, but not more than 32,000 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

(6) The minister in charge of the policy sector shall establish by a regulation a list of the costs of the stay in Estonia and the departure from Estonia of an alien to be collected and the procedure and rates of the costs for calculating the costs to be recovered related to the stay of an alien in the detention centre or the police detention house.
[RT I, 03.07.2013, 2 – entry into force 01.10.2013]

§ 293. Burden of proof

(1) Upon application for a legal basis of the temporary stay, residence and employment in Estonia an alien is required to provide evidence of the facts forming the basis for the issue of a visa, of the facts of the extension of the period of stay and the urgency thereof, of the facts of the registration of short-term employment in Estonia, of the facts of the issue of a temporary residence permit and the extension thereof, of the facts of the issue of a residence permit for a long-term resident and the resumption thereof and of other facts which may be relevant for the legal basis of the temporary stay, residence and employment in Estonia of an alien.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(2) The Ministry of Foreign Affairs, the Police and Border Guard Board, the Estonian Internal Security Service and the Estonian Unemployment Insurance Fund shall have the right to interview an alien, his or her family members and other persons and agencies concerned, and enter into the person’s dwelling or other room or area with the permission of the person in order to verify the facts of the application for, holding, application for

extension and revocation of the legal basis for a temporary stay, residence and employment in Estonia of the alien.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(3) An alien, his or her family member, his or her employer and other person or agency concerned are required, at the request of the Ministry of Foreign Affairs, the Police and Border Guard Board and the Estonian Internal Security Service, to provide evidence of verify the facts of the application for, holding, application for extension and revocation of the legal basis for the temporary stay, residence and employment in Estonia of an alien.
[RT I, 03.01.2017, 1 – entry into force 18.01.2017]

(4) An employer is required to provide the Police and Border Guard Board and the Estonian Internal Security Service officers with immediate access to the workrooms, employees, data and documents pertaining to aliens employed by the employer. The results of the previous checks conducted on the premises of the employer shall be taken into account upon the assessment of the trustworthiness of an employer if the residence permit or registration of the short-term employment is applied for employment with this employer.

(5) If an alien is doing temporary agency work in Estonia, the user undertaking is required to immediately enable the Police and Border Guard Board and the Estonian Internal Security Service access to the working premises, employees, data and documents which are related to the alien employed by that user undertaking. The results of the inspection carried out at the user undertaking shall be taken account of upon evaluation of the trustworthiness of the user undertaking if a residence permit or registration of short-term employment is applied for working as a temporary agency worker at such user undertaking.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(6) An employer, user undertaking, host entity and an alien are required to prove that the actual activities of the alien in Estonia comply with the legal basis and purpose of employment in Estonia if the alien is employed on the basis of subsection $1^2$of § 107, subsection $1^2$of § 178 or subsecrtion 1 or 2 of § 181 of this Act. The Police and Border Guard Board shall have the burden of proof with regard to matters in their possession.
[RT I, 10.07.2020, 4 – entry into force 20.07.2020]

§ 294. Obligations of local government

(1) A local government is required to ensure that the residence permit of an alien who is staying in the territory of a local government would be formalised pursuant to this Act.

(2) A local government is required to notify the Police and Border Guard Board about an alien who is staying and is being employed in the territory of the local government illegally without a legal basis.

§ 295. Fulfilment of notification obligation

(1) The procedure and terms for fulfilment of the notification obligation provided for in this Act and a list of information and documents to be submitted upon notification shall be established by a regulation of the minister in charge of the policy sector.

(2) [Repealed – RT I, 03.01.2017, 1 – entry into force 18.01.2017]

Chapter 6
STATE SUPERVISION

§ 296. State supervision

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(1) The Police and Border Guard Board, Estonian Internal Security Service and the Estonian Unemployment Insurance Fund have, according to their competence, the right to interview an alien, his or her family members and other persons and agencies concerned, and enter, with the permission of a person, a person’s dwelling or other room or area or a territory of a legal entity to perform supervisory functions of the facts regarding the temporary stay, residence and employment in Estonia of an alien and the absence from Estonia of an alien.

(2) An alien, his or her family member, his or her employer and other person or agency concerned are required to cooperate, be subject to the supervisory measures applied to him or her and, at the request of the Police and Border Guard Board and the Estonian Internal Security Service, to verify the facts of the temporary stay, residence and employment in Estonia and of the absence from Estonia of an alien.

(3) The Estonian Unemployment Insurance Fund shall exercise state supervision over the compliance with the requirements provided for in § 177 of this Act upon employment of an alien in Estonia.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 296[1]. Prohibition on economic activities

(1) The Police and Border Guard Board has the right to prohibit the economic activities of a physical or legal person pursuant to the provisions of § 36 of the General Part of the Economic Activities Code Act taking account of the specifications provided in this Act if he or she has systematically:
1) enabled employment of an alien who is staying in Estonia illegally;
2) enabled violation of conditions of employment in Estonia of an alien;
3) paid to an alien for employment in Estonia the remuneration that is lower than the wage rate provided for in this Act or has failed to pay remuneration.

(2) The prohibition on the economic activities established on the basis of this Act may be revoked by the Police and Border Guard Board.

(3) The prohibition on the economic activities established on the basis of this Act shall not be revoked if the person has a punishment in force for the activities provided in clauses 1–3 of subsection 1 of this section.
[RT I, 29.06.2018, 4 – entry into force 15.07.2018]

§ 296[2]. Non-compliance levy for failure to perform obligation related to legal basis for employment in Estonia

(1) If an employer, user undertaking or host entity fails to perform the obligation specified in subsection 1[1] or 6 of § 286 of this Act, the Police and Border Guard Board may apply the provisions of § 28 of the Law Enforcement Act concerning issue of a precept and application of administrative coercive measures.

(2) Upon compulsory enforcement of an obligation specified in subsection 1[1] or 6 of § 286 of this Act, the maximum non-compliance levy is 32,000 euros.

(3) The Police and Border Guard Board may submit an application for notification of a non-compliance levy to a foreign state if the employer has not complied with the claim for payment of the penalty, the compliance with the claim is impossible in Estonia and the time limit for appeal has expired.
[RT I, 10.07.2020, 4 – entry into force 20.07.2020]

§ 297. Special measures of state supervision

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(1) Upon exercise of supervision over the facts of the stay, residence and employment in Estonia of an alien and the absence from Estonia of an alien the Police and Border Guard Board and the Estonian Internal Security Service may apply special measures of state supervision provided for in §§ 30-33 and 45-53 of the Law Enforcement Act, taking account of the specifications provided for in this Act. The Estonian Internal Security Service may apply the provisions on the processing of personal data in the Security Authorities Act for the purpose of exercising state supervision provided for in this Act.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(2) The Estonian Unemployment Insurance Fund may apply special measures of state supervision provided for in §§ 30, 50 and 51 of the Law Enforcement Act upon the exercise of state supervision provided for in this Act on the basis and pursuant to the procedure provided for in the Law Enforcement Act.

(3) The measures provided for in §§ 50 and 51 of the Law Enforcement Act may only be applied in the case when there is a reason to believe that without applying such measures the prevention of the assumed illegal stay and employment in Estonia of an alien is not efficient and other measures have been depleted.

(4) A measure provided for in § 45 of the Law Enforcement Act may only be applied by a police officer.

(5) The Estonian Internal Security Service may apply direct coercion upon exercise of state supervision on the basis of and in the procedure provided for in the Law Enforcement Act.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

Chapter 7
LIABILITY

§ 298. Stay in Estonia of alien without legal basis

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

§ 299. Delivery of alien to transit zone, state border or temporary borderline

(1) The direct delivery by a person providing a transport service, a member of their management board or another representative, to whom the performance of the respective obligation has delegated, of an alien who does not have a legal basis for the stay in Estonia or in the transit zone to the state border of Estonia, transit zone or temporary border line violating the obligations provided in subsection 1 of § 290 of this Act is punishable by a fine of up to 300 fine units.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 6,400 euros per each person delivered.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 300. Enabling employment to alien who is staying in Estonia without legal basis

[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

(1) Enabling employment to an alien who is staying in Estonia without legal basis by an employer, a member of their management board or another representative to whom the performance of the corresponding obligation was delegated if the employer has failed to perform obligations provided in § 285 or subsection 1 or 4 § 286 of this Actis punishable by a fine of up to 300 fine units.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.
[RT I, 29.06.2018, 4 – entry into force 15.07.2018]

§ 301. Violation of conditions of employment of alien in Estonia

(1) Enabling violation of the conditions for employment in Estonia of an alien by an employer, a member of their management board or another representative to whom the performance of the corresponding obligation was delegated including enabling employment of an alien that is not in compliance with the conditions determined on the legal basis is punishable by a fine of up to 300 fine units.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.
[RT I, 29.06.2018, 4 – entry into force 15.07.2018]

§ 302. Payment of remuneration less than wage rate specified in Act

(1) For payment of remuneration to an alien for employment in Estonia lower than the rate of remuneration provided in this Act or non-payment of remuneration by an employer, a member of their management board or another representative to whom the performance of the corresponding obligation was delegated is punishable by a fine of up to 300 fine units.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.
[RT I, 29.06.2018, 4 – entry into force 15.07.2018]

§ 303. Employment of alien who is staying in Estonia without legal basis

[RT I, 23.03.2015, 1 – entry into force 01.01.2016]
The employment in Estonia of an alien who is staying in Estonia without legal basis is punishable by a fine of up to 300 fine units or by detention.
[RT I, 23.03.2015, 1 – entry into force 01.01.2016]

§ 304. Violation of conditions of employment in Estonia of alien

The violation of the conditions of employment in Estonia, including taking employment that is not in compliance with the conditions determined on the legal basis by an alien is punishable by a fine of up to 300 fine units or by detention.

§ 305. Submission of false information or falsified documents

[RT I, 17.12.2015, 3 – entry into force 27.12.2015]

(1) Submission of false information or falsified documents with the purpose of obtaining a legal basis for an alien to stay in the territory of Estonia or a member state of the Schengen Convention by an employer, user undertaking, host entity, educational institution or sponsor, a member of the management board or other

representative of the specified persons to whom the performance of the respective obligation was delegated, or by an alien, is punishable by a fine of up to 300 fine units.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3,200 euros.
[RT I, 17.12.2015, 3 – entry into force 27.12.2015]

§ 306. Failure to perform notification obligation

(1) Failure to comply with the notification obligation provided in this Act by an employer, educational institution or an agency which has entered into a hosting agreement, a member of the management board or other representative of the specified persons to whom the performance of the respective obligation was delegated or by an alien is punishable by a fine of up to 300 fine units.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3,200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 306[1]. Failure to perform obligations of user undertaking and host entity

(1) Failure to comply with the obligation provided in subsection 1[1]or 6 of § 286 of this Act by a user undertaking, member of their management board or other representative thereof to whom the performance of the respective obligation was delegated, or failure by the host entity, member of their management board or other representative thereof to whom the performance of the respective obligation was delegated to execute the obligation provided in subsection 6 of § 286 of this Act is punishable by a fine of up to 300 fine units.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

(2) The same act, if committed by a legal person, -
is punishable by a fine of up to 32,000 euros.
[RT I, 10.07.2020, 4 – entry into force 20.07.2020]

§ 307. Proceeding

The Police and Border Guard Board shall conduct the extra-judicial proceedings concerning the misdemeanours provided for in this Chapter.
[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

Chapter 8
IMPLEMENTATION PROVISIONS

§ 308. Review of requests and applications submitted earlier

The requests and applications submitted before the entry into force of this Act shall be reviewed under the conditions and procedure valid during the submission of the request or application.

§ 308[1]. Transitional provisions related to issue of residence card

(1) An application which is submitted before 1 January 2011 for a temporary residence permit, the extension of a temporary residence permit, a residence permit of a long-term resident, the resumption of a residence permit of a long-term resident, a work permit or the extension of a work permit shall be reviewed under the terms and conditions and in the procedure that were valid upon the lodging of the application.

(2) If an application for a temporary residence permit, the extension of a temporary residence permit, a residence permit of a long-term resident, resumption of a residence permit of a long-term resident, a work permit or extension of a work permit has been submitted before 1 January 2011 but the decision with regard to the application is made later than the specified term, the data of the decision regarding the issue, extension or resumption of the residence permit are entered into the residence card.

(3) If an application for a temporary residence permit, the extension of a temporary residence permit, a residence permit of a long-term resident, the resumption of a residence permit of a long-term resident, a work permit or the extension of a work permit is submitted before 1 January 2011 but the decision regarding the issue, extension or resumption of a residence permit and the issue of a work permit or extension thereof is made later than the specified term, a residence card may be issued without the fingerprint images until 20 May 2012 on the basis of a specified application.

(4) The sticker of a residence permit entered into the travel document of a foreign state before 1 January 2011 shall be valid until the expiry of the period of validity marked on the sticker or until the annulment of the residence permit sticker.

(5) If the decision regarding the transfer of the residence permit data into a travel document of a foreign state has been made before 1 January 2011, the data of the residence permit are entered into the travel document of a foreign state until 20 May 2011 pursuant to the procedure that was valid upon the lodging of an application for the transfer of the data of a residence permit into the travel document of a foreign state.

(6) After 1 January of 2011 the transfer of the residence permit data into a travel document of a foreign state shall be refused pursuant to the procedure that was valid during the submission of an application for the transfer of the data of the residence permit into the travel document of a foreign state.

(7) If an application for the transfer of the data of the residence permit into a travel document of a foreign state has been submitted less than 30 calendar days before 1 January of 2011 but the decision regarding the application for the transfer of the data of the residence permit is made after the specified term, the review of the application for the transfer of the data of the residence permit into the travel document of a foreign state shall be refused.

(8) In the case specified in subsection 7 of this section a person who has paid a state fee for the review of an application for the transfer of the data of the residence permit into a travel document of a foreign state has the right to apply for the refund of the state fee.
[RT I, 09.12.2010, 1 – entry into force 01.01.2011]

§ 309. Time limit for commencement of fingerprinting

(1) The time limit for commencement of fingerprinting of aliens in visa proceedings shall be established by the Government of the Republic.
[RT I, 09.12.2010, 1 – entry into force 01.01.2011]

(2) The capturing of fingerprints of aliens in proceedings of a residence permit and a work permit shall be commenced from 1 January 2011.
[RT I, 09.12.2010, 1 – entry into force 01.01.2011]

§ 309[1]. Requirements set to educational institutions for study on basis of state-recognised curriculum

(1) In addition to the provisions of § 162 of this Act, a temporary residence permit for study may be issued to an alien until 31 December 2011:
1) for study in the master's degree programme if the master's degree curriculum is not recognised by the state but is included in the list of master's degree curricula approved by a decree of the minister in charge of the policy sector on the basis of the results of the competition of master's degree programs marketed internationally and supported from the national budget or
2) for study in the doctorate program if the curriculum of the doctorate studies is not recognised by the state but the research and development field of the doctorate study program is positively evaluated at the university.

(2) In cases specified in subsection 1 of this section a temporary residence permit for study may be extended until the completion of the study that is based on the curriculum taking into account the provisions of this Act.
[RT I 2010, 34, 184 – entry into force 01.10.2010]

§ 309[2]. Specifications of grant or extension of temporary residence permit on basis of sufficient legal income

(1) From 1 July 2012 a temporary residence permit shall not be granted on the basis of the existence of the sufficient legal income.

(2) If an alien has been granted a temporary residence permit in case of a sufficient legal income before 1 July 2012, that residence permit may be extended, applying the conditions of the extension of a temporary residence permit on that basis.
[RT I 29.06.2012, 5 – entry into force 01.07.2012]

§ 309[3]. Specifications of extension and revocation of temporary residence permit for employment and temporary residence permit for enterprise

(1) Upon extension and revocation of a temporary residence permit for employment for the purposes of performing the directing and supervisory functions of a legal person governed by private law and a temporary residence permit for enterprise granted before 1 July 2012, the bases and conditions of the extension and the refusal to extend and revocation of the respective residence permit, which are valid from 1 July 2012, shall be applied.

(2) Upon extension of a temporary residence permit for employment for the purposes of performing the directing and supervisory functions of a legal person governed by private law granted before 1 July 2012, the

requirement of the payment of a fee in accordance with the conditions provided for in § 178 of this Act shall be applied as an additional condition for the extension of a residence permit.

(3) The requirement of the payment of a fee in accordance with the conditions provided for in § 178 of this Act shall not be applied to a temporary residence permit for employment for the purposes of performing the directing and supervisory functions of a legal person governed by private law granted before 1 July 2012 until the extension of the residence permit or the expiry of the period of validity thereof determined as of 1 July 2012.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

§ 309[4]. Calculation of immigration quota in 2012

If the application for a temporary residence permit for employment for the purposes of performing the directing and supervisory functions of a legal person governed by private law or on the basis of the existence of a sufficient legal income has been submitted before 1 July 2012, the rate of the immigration quota established until 1 July 2012 on the basis of subsection 2 of § 114 of this Act shall be applied to such applications.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

§ 309[5]. Alien who received residence permit for long-term resident before 20 May 2013 and who held residence permit granted on basis of Refugees Act or Act on Granting International Protection to Aliens previously

(1) If an alien held a residence permit in Estonia granted on the basis of the Refugees Act or the Act on Granting International Protection to Aliens and he or she received the residence permit for a long-term resident before 20 May 2013, his or her residence permit for a long-term resident shall be deemed to be a residence permit for a long-term resident granted on the basis of subsection 1 of § 231 of this Act from that date.

(2) At the request of an alien he or she shall be issued a residence permit card which proves the grant of a residence permit for a long-term resident as a person who has been previously granted international protection.
[RT I, 02.07.2013, 3 – entry into force 12.07.2013]

§ 309[6]. Work permits issued before 1 September 2013 and submitted applications for work permit

A work permit issued before 1 September 2013 shall cease to have legal effect with regard to the right of an alien for employment in Estonia or the absence thereof from 1 September 2013.
The applications for a work permit submitted before 1 September 2013 and pending shall be dismissed by the Police and Border Guard Board.
[RT I, 02.07.2013, 3 – entry into force 12.07.2013]

§ 309[7]. Specification of application of requirements provided for remuneration

If an application for registration of short-term employment or an application for a temporary residence permit for employment has been submitted before 17 January 2017, the provisions of subsections 1–1[2] of § 107 and subsection 1 of § 178 of this Act may be applied to the remuneration paid.
[RT I, 03.01.2017, 2 – entry into force 17.01.2017]

§ 309[8]. Issue of temporary residence permit to minor child who was born in Estonia

(1) A minor child who was born in Estonia, who is settling or has settled immediately after birth to reside in Estonia with a parent or parents but whose parent has not applied for a temporary residence permit before 1 October 2017, shall be issued a temporary residence permit if the parent has a valid temporary residence permit of Estonia during the birth of the child.

(2) A minor child who was born in Estonia, who is settling or has settled immediately after birth to reside in Estonia with a parent or parents and whose application for temporary residence permit has been submitted but the Police and Border Guard Board has not made a decision with regard to it by 1 October 2017, shall be issued a temporary residence permit if the parent has a valid temporary residence permit of Estonia during the birth of the child.

(3) In the case specified in subsection 2 of this section the Police and Border Guard Board shall dismiss the application for the respective residence permit.

(4) A child under fifteen years of age who is residing in Estonia, to whom a parent has not applied for a temporary residence permit before 1 October 2017, shall be issued a temporary residence permit if his or her parent is holding a temporary residence permit.

(5) In the case of a joint legal custody the parents shall have the right to jointly submit the application to waive the residence permit issued on the basis of subsections 1, 2 and 4 of this section within one year as of the issue of the residence permit.
[RT I, 03.01.2017, 1 – entry into force 01.10.2017]

§ 309[9]. Issue of long-term resident's residence permit to minor child who was born in Estonia

(1) A minor child who was born in Estonia, who is settling or has settled immediately after birth to reside in Estonia with a parent or parents but whose parent has not applied for a temporary residence permit or a long-term resident's residence permit before 1 October 2017, shall be issued a long-term resident's residence permit if the parent has a valid long-term resident's residence permit of Estonia during the birth of the child.

(2) A minor child who was born in Estonia, who is settling or has settled immediately after birth to reside in Estonia with a parent or parents and whose application for temporary residence permit or a long-term resident's residence permit has been submitted but the Police and Border Guard Board has not made a decision with regard to it by 1 October 2017, shall be issued a long-term resident's residence permit if the parent has a valid long-term resident's residence permit of Estonia during the birth of the child.

(3) In the case specified in subsection 2 of this section the Police and Border Guard Board shall dismiss the application for the respective residence permit.

(4) A child under fifteen years of age, to whom a parent has not applied for a long-term resident's residence permit before 1 October 2017, shall be issued a long-term resident's residence permit if his or her parent, for the purposes of settling with whom he or she is issued the residence permit, is holding a long-term resident's residence permit or the parent is issued a long-term resident's residence permit.

(5) In the case of a joint legal custody the parents shall have the right to jointly submit the application to waive the residence permit issued on the basis of subsections 1, 2 and 4 of this section within one year as of the issue of the residence permit.
[RT I, 03.01.2017, 1 – entry into force 01.10.2017]

§ 309[10]. Specification of calculating immigration quota for 2018

If an alien has been issued a temporary residence permit for employment as a top specialist after 1 January 2018 and the immigration quota has been applied with regard to him or her, the specified person shall not be taken account of upon calculating the fulfilment of the immigration quota for 2018.
[RT I, 29.06.2018, 4 – entry into force 15.07.2018]

§ 309[11]. Specification of applying requirement for Estonian language proficiency

The Estonian language proficiency at least at the language proficiency level A is not required from an alien who has been issued a temporary residence permit before 15 July 2018 and who is applying for temporary residence permit for employment.
[RT I, 29.06.2018, 4 – entry into force 15.07.2018]

§ 309[12]. Specification of temporary stay and short-term employment in Estonia of alien

(1) An alien staying in Estonia legally, who was staying in Estonia as at 17 March 2020, may take employment in Estonia for a short term without applying the time limit provided for in subsection 1^3 of § 106 and the remuneration requirement provided for in subsection 1 of § 107 of this Act until 31 July 2020 if the principal area of activity of his or her employer is the letter code of Statistics Estonia of the Classification of the Activities of the Estonian Economy EMTAK A 01, which includes plant production and animal husbandry, hunting and the areas of activities servicing them.

(2) The minister in charge of the policy sector or the Director General of the Police and Border Guard Board authorised by the minister may grant an alien who is staying in Estonia for the purposes specified in subsection 1 of this section a legal basis for the stay in Estonia within the meaning of clause 5 of subsection 1 of § 43 of this Act until 31 August 2020.
[RT I, 06.05.2020, 1 – entry into force 07.05.2020]

§ 309[13]. Processing of biometric data taken before 1 July 2022

(1) Photographs, facial images and fingerprint images entered in the computerized database of the visa register, database of registration of short-term employment in Estonia and the residence permits and work permits register shall be entered in the ABIS database not later than on 30 June 2022.

(2) Photographs, facial images and fingerprint images entered in the computerized database of the visa register, database of registration of short-term employment in Estonia and the residence permits and work permits register may be stored simultaneously with the data stored in the ABIS database, but not for longer than by 30 June 2025.

(3) After the creation of the ABIS database until the final date for implementation of the transitional provisions of the ABIS database, photographs, facial images and fingerprint images may be processed in the computerized database of the visa register, database of registration of short-term employment in Estonia and the residence permits and work permits register.

§ 309[14]. Specification of provision of legal basis for arrival in Estonia and temporary stay in Estonia

(1) Due to the military conflict in Ukraine, the following persons who do not have another legal basis for temporary stay, have the legal basis for entry into and temporary stay in Estonia, as of 24 February 2022, within the meaning of clause 5 of subsection 1 of § 43 of this Act:
1) a person with regard to whom temporary protection may be applied in the case of a mass influx of displaced persons pursuant to Council Directive 2001/55 / EC on minimum standards for granting temporary protection and on measures to counterbalance Member States' efforts upon receiving such persons and bear the consequences thereof (OJ L 212, 07.08.2001, pp. 12-23) and pursuant to an implementing decision of the Council of the European Union until a residence permit is obtained, and
2) a citizen of Ukraine who stayed in Estonia before 24 February 2022.

(2) The legal basis specified in subsection 1 of this section for entry into and temporary stay in Estonia is valid until the temporary protection specified in clause 1 of subsection 1 is applied.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

§ 309[15]. Specification of employment for persons specified in § 309[14]of this Act

(1) If a person has been granted a legal basis to enter into and stay in the state on the basis of § 309[14]of this Act, the provisions of §§ 106–111[1]do not apply to their employment.

(2) An employer is required to pay remuneration to a person specified in subsection 1 of this section which is at least equal to the average annual gross monthly salary of Estonia of the area of activity in which employment is commenced, last published by Statistics Estonia, and the coefficient of 0.8 multiplied. The calculation of the average gross monthly salary of an area of activity is based on the letter code of the Estonian Classification of Economic Activities EMTAK.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

§ 309[16]. Specification of provision of labor market services to persons specified in § 309[14]of this Act

A person who has been granted a legal basis for a temporary stay in Estonia on the basis of § 309[14]of this Act and who is not employed may be registered as a jobseeker pursuant to the procedure provided in the Labor Market Services and Benefits Act and the specified person may be provided labor market services specified in clauses 1, 2 and 4 of subsection 1 of § 9 of the same Act.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

§ 309[17]. Specification of application of subsection 2[3]of § 137 of this Act

Due to the military conflict in Ukraine subsection 2[3]of § 137 of this Act is not applied to citizens of Ukraine as of 24 February 2022.
[RT I, 14.05.2022, 1 – entry into force 24.05.2022]

§ 310.–§ 316.[Omitted from this text]

§ 317. Entry into force of Act

(1) This Act shall enter into force on 1 October 2010.

(2) Clause 1 of § 310, § 311, § 311, clauses 3–9 of § 312 and § 315 of this Act shall enter into force on 5 April 2010.

(3) Clause 1 of § 310 of this Act shall enter into force in the general order.

[1]Regulation (EC) No 767/2008 of the European Parliament and of the Council concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218,13.08.2008, pp.60-81); Regulation (EC) No 810/2009 of the European Parliament and of the Council establishing a Community Code on Visas (Visa Code) (OJ L 243, 15.09.2009, pp.1-58); 2008/633/JHA; Council Decision concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences. (OJ L 218, 13.08.2008, p.129); Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 81, 21.03.2001, pp.1-7); Directive 2009/52/EC of the European Parliament and of the Council providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30.6.2009, pp. 24–32); Directive 2014/36/EU of the European Parliament and of the Council on the conditions of entry and stay of

third-country nationals for the purpose of employment as seasonal workers (OJ L 94, 28.03.2014, pp. 375-390); Directive 2014/66/EU of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (OJ L 157, 27.5.2014, pp. 1–22). [RT I, 03.01.2017, 2 – entry into force 17.01.2017] Directive 2016/801/EU of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ L 132, 21.05.2016, pp.21–57). Council Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (OJ L 155, 18.06.2009, pp.17-29) [RT I, 29.06.2018, 4 – entry into force 15.07.2018]]