

Issuer:	Riigikogu
Type:	Act
In force from:	01.09.2025
In force until:	31.12.2027
Translation published:	08.09.2025

Citizen of the European Union Act¹

Passed 17.05.2006
RT I 2006, 26, 191
Entry into force 01.08.2006

Amended by the following acts

Passed	Published	Entry into force
26.11.2009	RT I 2009, 62, 405	01.01.2010, the words "Citizenship and Migration Board" are replaced with the words "Police and Border Guard Board" throughout the Act.
09.12.2009	RT I 2010, 3, 4	05.04.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011 enters into force on the day determined by the decision of the Council of the European Union concerning repeal of the derogation established in respect of the Republic of Estonia on the basis of Article 140 (2) of the Treaty on the Functioning of the European Union, Decision No. 2010/416/EU of the Council of the European Union (OJ L 196, 28.07.2010, pp. 24–26).
10.06.2010	RT I 2010, 41, 241	01.08.2010
25.11.2010	RT I, 09.12.2010, 1	01.01.2011
08.12.2011	RT I, 29.12.2011, 1	01.01.2012
12.02.2014	RT I, 26.02.2014, 2	01.10.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, official titles of ministers replaced in accordance with section 4 of § 107 ³ of the Government of the Republic Act
19.11.2014	RT I, 13.12.2014, 1	01.01.2016, amended date of entry into force 01.07.2016 [RT I, 17.12.2015, 1]
11.02.2015	RT I, 12.03.2015, 1	01.01.2016
18.02.2015	RT I, 23.03.2015, 1	02.04.2015, in part 01.08.2015 and 01.01.2016
18.02.2015	RT I, 23.03.2015, 5	01.07.2015
25.11.2015	RT I, 17.12.2015, 1	20.12.2015
26.11.2015	RT I, 17.12.2015, 3	27.12.2015
14.12.2016	RT I, 03.01.2017, 1	18.01.2017, in part 01.10.2017
13.04.2017	RT I, 26.04.2017, 6	06.05.2017
25.10.2017	RT I, 17.11.2017, 1	01.01.2019
20.02.2019	RT I, 13.03.2019, 2	15.03.2019
21.02.2019	RT I, 19.03.2019, 9	01.02.2020, in part 01.01.2021
15.02.2023	RT I, 07.03.2023, 5	01.01.2024
20.06.2023	RT I, 06.07.2023, 6	01.01.2024

Chapter 1

GENERAL PROVISIONS

§ 1. Scope of regulation and application of Act

(1) This Act governs the principal aspects of entry to and residence in Estonia of citizens of the European Union and their family members and provides the grounds for imposing the obligation to leave Estonia and the prohibition of entry to Estonia on citizens of the European Union and their family members.
[RT I, 26.02.2014, 2 - entry into force 01.10.2014]

(1¹) The provisions of the Obligation to Leave and Prohibition of Entry Act concerning imposition of the obligation to leave and the prohibition of entry on aliens apply to citizens of the European Union and their family members without prejudice to the special rules established in this Act or an international agreement.
[RT I, 26.02.2014, 2 - entry into force 01.10.2014]

(2) In the absence of contrary provision herein, this Act applies to citizens of the member states of the European Union and of the European Economic Area who are not Estonian citizens and to citizens of the Swiss Confederation (hereinafter, *citizens of the European Union*) and their family members.
[RT I, 26.04.2017, 6 - entry into force 06.05.2017]

(2¹) This Act applies to any citizen of the United Kingdom (hereinafter, also *citizen of the European Union*) who holds, or acquires, by 31 March 2021, the right of residence in Estonia, subject to the special rules provided in § 14¹, in subsection 4 of § 41 and in subsection 1¹ of § 43 of this Act.
[RT I, 19.03.2019, 9 - entry into force 01.02.2020]

(2²) This Act applies to family members of the citizens of the United Kingdom referred to in subsection 2¹ of this section, subject to the special rules provided in subsection 11 of § 48 of this Act.
[RT I, 19.03.2019, 9 - entry into force 01.02.2020]

(3) This Act does not apply to citizens of the European Union whose stay in Estonia is based on the National Defence Act, or to their family members.
[RT I, 12.03.2015, 1 - entry into force 01.01.2016]

(4) The administrative procedures provided in this Act are subject to the provisions of the Administrative Procedure Act without prejudice to the special rules established in this Act.

(4¹) Unless this Act provides otherwise, a minor of at least 15 years of age may independently perform any proceeding provided for in this Act, or independently participate in any proceedings.
[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

(5) When applying Subchapters 1 and 2 of Chapter 2 of the Aliens Act to family members of citizens of the European Union without prejudice to the special rules provided in this Act.
[RT I, 23.03.2015, 1 - entry into force 01.01.2016]

(5¹) The provisions concerning the processing, transmission and collection of personal data and of biometric data as well as concerning limitation of the rights of the data subject in §§ 277–272 and 279³ of the Aliens Act apply to family members of citizens of the European Union.
[RT I, 13.03.2019, 2 - entry into force 15.03.2019]

(6) The provisions of the Aliens Act concerning the sponsors of aliens in Estonia apply to citizens of the European Union.
[RT I, 23.03.2015, 1 - entry into force 01.01.2016]

§ 2. Legal basis for entry, residence and employment in Estonia

(1) The right of entry is the legal basis for entry to and stay in Estonia of citizens of the European Union and their family members.

(2) The right of residence is the legal basis for residence in Estonia of citizens of the European Union and their family members.

(3) A family member is prohibited from residing in Estonia if they do not enjoy a right of residence in Estonia.

(4) A family member must have a right of residence in order to be employed or operate as a sole proprietor in Estonia.

(5) The identity of the citizen of the European Union or the family member is ascertained or verified on the basis of an identity document or, in the absence of such a document, of other documentary evidence.
[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

(6) When this is requested by another member state of the European Union, Estonia readmits any person who holds its citizenship even if a dispute is pending concerning the citizenship of that person.
[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

§ 3. Family member of a citizen of the European Union

(1) For the purposes of this Act, ‘family member of a citizen of the European Union’ (hereinafter, *family member*) means a person who is not a citizen of the European Union or a citizen of Estonia and who is:

1) the spouse of a citizen of the European Union (hereinafter the *spouse*) or the registered partner of a citizen of the European Union (hereinafter the *registered partner*),

[RT I, 06.07.2023, 6 - entry into force 01.01.2024]

2) A direct issue under 21 years of age or a dependent adult direct issue of a citizen of the European Union, their spouse or registered partner or (hereinafter the *dependent child*),

[RT I, 06.07.2023, 6 - entry into force 01.01.2024]

3) a dependant direct relative in ascending line of a citizen of the European Union, their spouse or registered partner (hereinafter the *dependent parent*); or

[RT I, 06.07.2023, 6 - entry into force 01.01.2024]

4) a person not covered by clauses 1–3 of this subsection who, in the country of origin of the citizen of the European Union, is a dependent of the citizen of the European Union or is a member of their household, or who is permanently unable to cope independently due to health reasons, and with respect to whom it is necessary that the citizen of the European Union personally care for them.

[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

(2) For the purposes of this Act, ‘dependent’ means a person who resides together with the citizen of the European Union in a shared household and has no personal income.

(3) For the purposes of this Act, ‘member of the household’ means:

1) a person specified in subsection 4 of § 24 of the Official Statistics Act who resides with the citizen of the European Union in a shared household and has an independent income;

2) a person who has a proven permanent and factual registered partnership with a citizen of the European Union.

[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

§ 4. Newborn child

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

§ 5. Permanent residence in Estonia

(1) For the purposes of this Act, ‘permanent residence in Estonia of a citizen of the European Union or their family member’ means a stay in Estonia on the basis of the right of residence.

[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]

§ 6. Employment and employer

(1) For the purposes of this Act, ‘employment’ means the provision of services on the basis of a contract of employment or a contract for services for which remuneration is received.

(2) For the purposes of this Act, ‘employer’ means a person or agency who has concluded the contract of employment or contract for services, or who has a service relationship with the person.

Chapter 2 RIGHT OF STAY IN ESTONIA

Subchapter 1

Right of stay in Estonia of the citizen of the European Union

§ 7. Right of stay in Estonia of the citizen of the European Union

(1) The citizen of the European Union has the right to stay in Estonia on the basis of a valid travel document or identity document.

(2) Not later than three months after their date of entry into Estonia, the citizen of the European Union must register their residence following the procedure provided in the Population Register Act.

§ 8. Limitations on the right of stay of the citizen of the European Union

(1) Limitations may be imposed on the right of stay in Estonia of a citizen of the European Union where there are justified grounds to believe that they pose a threat to public order, national security or population's health. [RT I, 02.01.2025, 3 – entry into force 01.09.2025]

(2) [Repealed –RT I, 17.12.2015, 3 - entry into force 27.12.2015]

(3) The decision concerning the imposition of limitations on the right of stay is made by the Police and Border Guard Board or by the Estonian Internal Security Service. [RT I, 17.12.2015, 3 - entry into force 27.12.2015]

§ 9. Issue of enforcement order to leave Estonia upon limitation of the right of stay of the citizen of the European Union

[Repealed –RT I, 17.12.2015, 3 - entry into force 27.12.2015]

Subchapter 2 Right of stay of family members

§ 10. Right of stay of a family member

(1) A family member has the right to stay in Estonia together with the citizen of the European Union if the family member has a valid travel document and a visa. [RT I 2010, 3, 4 - entry into force 05.04.2010]

(2) The family member who has another lawful basis for their stay in Estonia in accordance with the Aliens Act is not required to have a visa. [RT I 2010, 3, 4 - entry into force 05.04.2010]

(2¹) The family member may be issued a visa provided:

- 1) they have a valid travel document,
- 2) it is proved that they travel with a citizen of the European Union or will join the citizen of the European Union and

3) their status as a family member of the citizen of the European Union is proved.

[RT I 2010, 3, 4 - entry into force 05.04.2010]

(2²) The family member is not required to have a medical expense insurance policy. [RT I 2010, 3, 4 - entry into force 05.04.2010]

(2³) The family member has the right to stay in Estonia during the 90 days following the day on which their right of residence in Estonia expired, provided their right of residence expired on account of the lapsing of the corresponding time-limit.

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

(3) The family member may not stay in Estonia if they do not possess a right of stay or another legal basis for staying in Estonia.

(4) The family member who is staying in Estonia on the basis of the right of stay must, within a period of three months after the date of entry into Estonia, apply for a temporary right of residence, or leave Estonia before the expiration of this period if they have not submitted the application for a temporary right of residence.

(5) The stay in Estonia of a family member who has applied for a temporary right of residence is legal until the processing of their application has been concluded.

(6) The family member who is staying in Estonia on the basis of the right of stay may not be employed or operate as a sole proprietor in Estonia.

§ 10¹. Refusal to issue a visa to a family member

(1) A family member may be refused a short-entry visa or an airport transit visa on the grounds specified in the Visa Code.

(2) The family member is refused a long-entry visa if at least one of the following grounds applies:

- 1) the individual lacks a valid travel document;
 - 2) the travel document of the individual is forged or contains falsified entries;
 - 3) the Republic of Estonia has issued a Prohibition of Entry to Estonia in respect of the individual, and
 - 4) the person may pose a threat to public order, national security, international relations or population's health.
- [RT I, 02.01.2025, 3 – entry into force 01.09.2025]

(3) Reasons are provided for any refusal to issue a visa to a family member and these reasons and the related facts are communicated to the family member to the extent that this is not contrary to the needs of maintaining public policy or ensuring national security of any member state of the European Union.

[RT I 2010, 3, 4 - entry into force 05.04.2010]

§ 11. Limitation of the right of stay of a family member

(1) Limitations may be imposed on a family member's right of stay in Estonia where there are justified grounds to believe that the family member poses a threat to public order or national security or population's health.

[RT I, 02.01.2025, 3 – entry into force 01.09.2025]

(2) [Repealed –RT I, 17.12.2015, 3 - entry into force 27.12.2015]

(3) The decision concerning limitations of the right to stay in Estonia is made by the Police and Border Guard Board or the Estonian Internal Security Service.

[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

§ 11¹. Annulment and revocation of visas issued to family members

(1) A short-entry visa or airport transit visa issued to a family member is annulled or revoked on the grounds specified in the Visa Code.

(2) A long-entry visa issued to a family member is annulled or revoked if at least one of the following grounds applies:

- 1) the individual lacks a valid travel document;
 - 2) the travel document of the individual is forged or contains falsified entries;
 - 3) the Republic of Estonia has issued a Prohibition of Entry to Estonia with respect of the individual, and
 - 4) the person may pose a threat to public order, national security, international relations or population's health.
- [RT I, 02.01.2025, 3 – entry into force 01.09.2025]

(3) Reasons are given for the annulment or revocation of any visa issued to a family member and these reasons and the related facts are communicated to the family member to the extent that this is not contrary to the needs of maintaining public policy or ensuring national security of any member state of the European Union.

(4) The family member may, following the procedure specified in the Administrative Procedure Act and within 30 days from the day of notification of the decision, apply to administrative court to set aside the annulment or revocation of their visa.

[RT I 2010, 3, 4 - entry into force 05.04.2010]

§ 12. Issue of enforcement order to leave Estonia upon limitation of the family member's right of stay or in the case of the family member's stay in Estonia without a lawful basis

[Repealed –RT I, 17.12.2015, 3 - entry into force 27.12.2015]

Chapter 3 TEMPORARY RIGHT OF RESIDENCE

Subchapter 1

Temporary right of residence of a citizen of the European Union

§ 13. Temporary right of residence of a citizen of the European Union

(1) A citizen of the European Union acquires a temporary right of residence in Estonia for five years when they register their residence following the procedure provided in the Population Register Act.

(1¹) The citizen of the European Union's minor child who is born in Estonia or takes up residence in Estonia acquires a temporary right of residence if the child's parent enjoys a temporary right of residence, regardless of whether or not the child is a citizen of the European Union.

[RT I, 03.01.2017, 1 - entry into force 01.10.2017]

(2) After five years, the term of temporary right of residence is extended for another five years if the residence of the citizen of the European Union continues to be registered in Estonia and the right of residence of the citizen of the European Union has not expired or has not been terminated.

(2¹) The temporary right of residence of the citizen of the European Union's minor child is extended when the temporary right of residence of the citizen of the European Union is extended.

[RT I, 03.01.2017, 1 - entry into force 01.10.2017]

(3) At the time of registration of the residence, a corresponding certificate is issued to the citizen of the European Union if they so desire.

§ 14. Application for an Estonian identity card

(1) The citizen of the European Union who has acquired a temporary right of residence in Estonia must apply for an Estonian identity card within one month after registration of their residence in Estonia following the procedure provided in the Identity Documents Act.

(2) The Estonian identity card constitutes evidence of the temporary right of residence of the citizen of the European Union.

§ 14¹. Application for a residence permit card

(1) A residence permit card is the document which constitutes evidence of the temporary right of residence of a citizen of the United Kingdom.

(2) A citizen of the United Kingdom must apply for a residence permit card within one month after the day of registration of their place of residence in Estonia pursuant to the procedure provided for in the Identity Documents Act.

[RT I, 19.03.2019, 9 - entry into force 01.01.2021]

§ 15. Expiration of the temporary right of residence of the citizen of the European Union

(1) The temporary right of residence of the citizen of the European Union expires:

- 1) when they have no registered residence in Estonia;
- 2) when they acquire a permanent right of residence;
- 3) when they are granted Estonian citizenship or when Estonian citizenship is restored to them;
- 4) when they lose their European Union citizenship, or
- 5) when they die or are declared dead in absentia.

(2) When the temporary right of residence of the citizen of the European Union expires, the Police and Border Guard Board revokes the Estonian identity card issued to them.

§ 16. Termination of the temporary right of residence of the citizen of the European Union

(1) The temporary right of residence of a citizen of the European Union is terminated where there are justified grounds to believe that they pose a threat to public order, national security or population's health.

[RT I, 02.01.2025, 3 – entry into force 01.09.2025]

(2) The temporary right of residence of the citizen of the European Union in Estonia is terminated by decision of the Police and Border Guard Board.

(3) When the temporary right of residence of the citizen of the European Union is terminated, the Police and Border Guard Board revokes the Estonian identity card issued to them.

(4) When the temporary right of residence of the citizen of the European Union is terminated, the citizen ceases to be a data subject of the population register of Estonia.

[RT I, 17.11.2017, 1 - entry into force 01.01.2019]

§ 17. Issue of enforcement order to leave Estonia upon termination of the temporary right of residence of a citizen of the European Union

[Repealed –RT I, 17.12.2015, 3 - entry into force 27.12.2015]

Subchapter 2

Family members' temporary right of residence

§ 18. Family members' temporary right of residence

(1) A family member is granted a temporary right of residence in Estonia if they meet the preconditions established for the grant of a temporary right of residence.

(2) The family member is granted a temporary right of residence by determination of the Police and Border Guard Board.

(3) The term of the family member's temporary right of residence is extended if the family member continues to meet the preconditions for the grant of a temporary right of residence.

§ 19. Term of a temporary right of residence

(1) The family member is granted a temporary right of residence for up to five years but not for longer than the period during which the citizen of the European Union resides in Estonia.

(2) The temporary right of residence of a family member is extended for the period during which the citizen of the European Union resides in Estonia but not for longer than for five consecutive years at a time.

§ 20. Conditions for the grant of a temporary right of residence

(1) The Police and Border Guard Board grants a temporary right of residence to the family member provided that:

1) the citizen of the European Union with whom the family member wishes to take up residence is employed or operates as a sole proprietor in Estonia;

2) the citizen of the European Union with whom the person wishes to reside has sufficient financial resources to maintain themselves and their family members and has a health insurance policy that ensures payment of the medical expenses arising from their illness or injury during their stay in Estonia, or the person is insured in accordance with the rules provided in the Health Insurance Act, or

[RT I, 17.04.2025, 2 - entry into force 27.04.2025]

3) the citizen of the European Union with whom the person wishes to reside is studying in Estonia and has sufficient financial resources to support themselves and their family members and has a health insurance contract that ensures the payment of medical expenses arising from their illness or injury during their stay in Estonia, or the person is an insured in accordance with the rules provided in the Health Insurance Act

[RT I, 17.04.2025, 2 - entry into force 27.04.2025]

(2) The citizen of the European Union's minor child who is born in Estonia or takes up residence in Estonia acquires a temporary right of residence if the child's parent has a temporary right of residence.

[RT I, 03.01.2017, 1 - entry into force 01.10.2017]

(3) 'Studying in Estonia' means studying at a basic school, upper secondary school, vocational school, institution of vocational higher education or university, participating in preparatory or continuing education courses organized at any of the abovementioned educational institutions, doing research at an Estonian university or institution of vocational higher education, or holding a traineeship arranged in Estonia by an international student organisation.

§ 21. Special requirements regarding grants of temporary right of residence

The citizen of the European Union who enjoys a temporary right of residence in Estonia is deemed continuously employed in Estonia or continuously operating in Estonia as a sole proprietor:

1) during the citizen's temporary incapacity for work, when they are temporarily unable to work due to an illness or accident;

2) during the time the citizen is registered as unemployed, provided they have been registered as unemployed in accordance with the rules provided in the Labour Market Measures Act after having been employed in Estonia for more than one year;

[RT I, 07.03.2023, 5 - entry into force 01.01.2024]

3) within six months after registration as unemployed where the person has been registered as unemployed in accordance with the rules provided in the Labour Market Measures Act after the person has terminated a contract of employment of less than one year or lost employment during the first twelve months, or

[RT I, 07.03.2023, 5 - entry into force 01.01.2024]

4) during periods of continuing education if the citizen is not unemployed and the course relates to their previous employment or activity.

[RT I, 23.03.2015, 5 - entry into force 01.07.2015]

§ 22. Conditions for the grant of a temporary right of residence

(1) The Police and Border Guard Board grants a temporary right of residence to a family member provided all of the following conditions are fulfilled:

1) the citizen of the European Union with whom the person wishes to reside meets the conditions provided in clauses 1, 2 or 3 of subsection 1 of § 20 of this Act;

2) the citizen of the European Union with whom the person wishes to reside enjoys the right of residence in Estonia;

3) the applicant for temporary right of residence fulfils the definition of family member as provided in § 3 of this Act;

4) none of the grounds for refusing to grant a temporary right of residence applies to the family member.

(2) In the case specified in clause 3 of subsection 1 of § 20 of this Act, a temporary right of residence is granted only to the spouse, registered partner and a dependent child.

[RT I, 06.07.2023, 6 - entry into force 01.01.2024]

(3) The family member's minor child who is born in Estonia or takes up residence in Estonia acquires a temporary right of residence for the term of the temporary right of residence of the parent.

[RT I, 03.01.2017, 1 - entry into force 01.10.2017]

§ 23. Obligation to register residence

The family member who has been granted a temporary right of residence by the Police and Border Guard Board must register their residence in Estonia following the procedure provided in the Population Register Act within one month following the date of the grant of temporary right of residence.

§ 24. Application for a temporary right of residence

(1) In order to acquire a temporary right of residence, the family member must submit the corresponding application to the Police and Border Guard Board or a foreign mission of the Republic of Estonia who transmits the application for processing to the Police and Border Guard Board.

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

(1¹) In the case mentioned in subsection 3 of § 22 of this Act, no application is required in order to acquire a temporary right of residence.

[RT I, 03.01.2017, 1 - entry into force 01.10.2017]

(2) In order to submit the application for a temporary right of residence, the family member is required to appear before a foreign mission of the Republic of Estonia or before the Police and Border Guard Board.

(3) The family member who has entered Estonia must submit the application for a temporary right of residence to the Police and Border Guard Board within three months following the date of their entry into Estonia.

(4) For the time of processing of the application for a temporary right of residence, the Police and Border Guard Board issues a certificate to the family member who has entered Estonia which states that the family member's application for temporary right of residence is being processed by the Police and Border Guard Board.

§ 25. Document constituting evidence of the family member's temporary right of residence

(1) The Police and Border Guard Board issues a residence permit card to the family member who has been granted a temporary right of residence in Estonia; the residence permit card constitutes evidence of the family member's temporary right of residence.

[RT I, 09.12.2010, 1 - entry into force 01.01.2011]

(2) [Repealed –RT I, 09.12.2010, 1 - entry into force 01.01.2011]

§ 26. Refusal to grant a temporary right of residence

(1) The Police and Border Guard Board refuses to grant a temporary right of residence to the family member if:

1) the citizen of the European Union with whom the family member wishes to reside does not fulfil the conditions provided in § 20 of this Act;

2) the citizen of the European Union with whom the family member wishes to reside has no right of residence in Estonia;

3) the individual who has applied for a temporary right of residence does not meet the definition of family member provided in § 3 of this Act;

4) where there are justified grounds to believe that the family member poses a threat to public order, national security or population's health; or

[RT I, 02.01.2025, 3 – entry into force 01.09.2025]

5) the family member or the citizen of the European Union with whom the family member wishes to reside has abused the rights established in this Act or has resorted to deceit in order to make it possible for the family member to obtain a temporary right of residence in Estonia.

(2) The Police and Border Guard Board refuses to grant a temporary right of residence to a newborn child of the family member if the child is not a citizen of the European Union and does not fulfil the definition of family member provided in § 3 of this Act, unless the parent enjoys a temporary right of residence in Estonia.

(3) Among others, the following are considered as deceit or abuse of rights as mentioned in clause 5 of subsection 1 of this section:

1) contracting a fictitious marriage or registering a fictitious cohabitation;

[RT I, 06.07.2023, 6 - entry into force 01.01.2024]

2) for a citizen of the European Union, claiming a temporary right of residence in Estonia for the purpose of obtaining a temporary right of residence in Estonia for a family member;

3) submitting forged documents or

4) submitting false information.

§ 27. Issue of enforcement order to leave Estonia upon refusal to grant temporary right of residence

[Repealed – RT I, 17.12.2015, 3 - entry into force 27.12.2015]

§ 28. Conditions for extension of the temporary right of residence

(1) The Police and Border Guard Board extends the temporary right of residence of the family member provided all of the following conditions are fulfilled:

1) the citizen of the European Union named in the decision granting the temporary right of residence as the individual with whom the family member is to reside meets the conditions provided in § 20 of this Act;

2) the citizen of the European Union named in the decision granting the temporary right of residence as the individual with whom the family member is to reside continues to enjoy the right of residence in Estonia;

3) the family member continues to enjoy a temporary right of residence in Estonia;

4) the individual applying for extension of the temporary right of residence fulfils the definition of family member provided in § 3 of this Act;

5) the residence of the family member in Estonia has been registered following the procedure provided in the Population Register Act;

6) none of the grounds for refusing to extend the temporary right of residence applies to the family member.

(2) The temporary right of residence of the family member's minor child is extended by the term of the parent's temporary right of residence when the Police and Border Guard Board extends the parent's temporary right of residence.

[RT I, 03.01.2017, 1 - entry into force 01.10.2017]

§ 29. Application for extension of the temporary right of residence

[RT I, 09.12.2010, 1 - entry into force 01.01.2011]

(1) The family member must submit the application for extension of their right of residence to the Police and Border Guard Board not later than one month prior to expiration of the temporary right of residence, or leave Estonia within two months from the date of expiration of the temporary right of residence.

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

(1¹) In the case mentioned in subsection 2 of § 28 of this Act, no application is required in order for the temporary right of residence to be extended.

[RT I, 03.01.2017, 1 - entry into force 01.10.2017]

(2) The time-limit for submission of the application for extension of the temporary right of residence provided in subsection 1 of this section will not be reinstated if the temporary right of residence has expired.

(2¹) In order to submit the application for extension of their temporary right of residence, the family member is required to appear before the Police and Border Guard Board, except in the cases specified in § 277 of the Aliens Act and when less than two years have elapsed from the last fingerprinting performed as part of the procedure of issuing a residence permit, work permit, right of residence, extension of a right of residence or an identity card, and the fingerprints taken allow the person to be identified and conform to the requirements established under subsection 6 of § 15 of the Identity Documents Act or under clauses 4 and 5 of subsection 1 of § 224, or clauses 7 and 8 of subsection 2 of § 250 of the Aliens Act.

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

(3) When extending the temporary right of residence, the Police and Border Guard Board issues to the family member a residence permit card which constitutes evidence of the family member's temporary right of residence.

[RT I, 09.12.2010, 1 - entry into force 01.01.2011]

§ 30. Issue of enforcement order to leave Estonia when a temporary right of residence is not extended

[Repealed –RT I, 17.12.2015, 3 - entry into force 27.12.2015]

§ 31. Refusal to extend the temporary right of residence

(1) The Police and Border Guard Board refuses to extend the temporary right of residence of the family member if:

1) the citizen of the European Union named in the decision granting the temporary right of residence as the individual with whom the family member is to reside does not enjoy a right of residence in Estonia;

2) there are justified grounds to believe that the family member poses a threat to public order, national security or population's health; or

[RT I, 02.01.2025, 3 – entry into force 01.09.2025]

3) the family member, or the citizen of the European Union named in the decision granting the temporary right of residence as the individual with whom the family member is to reside, has abused the rights provided in this Act or has resorted to deceit in order to make it possible for the family member to obtain a temporary right of residence in Estonia.

(2) The Police and Border Guard Board may refuse to extend the temporary right of residence of the family member if:

1) the citizen of the European Union named in the decision granting temporary right of residence as the individual with whom the family member is to reside does not meet the conditions provided in § 20 of this Act;

2) the individual applying for an extension of the temporary right of residence no longer fulfils the definition of family member provided in § 3 of this Act,

3) the family member does not reside in Estonia.

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

(3) The Police and Border Guard Board refuses to extend the temporary right of residence of the family member's newborn child who is not a citizen of the European Union and who does not fulfil the definition of family member provided in § 3 of this Act if the parent's temporary right of residence is not extended or if the parent does not enjoy a temporary right of residence in Estonia.

§ 32. Issue of enforcement order to leave Estonia upon refusal to extend the temporary right of residence

[Repealed –RT I, 17.12.2015, 3 - entry into force 27.12.2015]

§ 33. Expiration of the family member's temporary right of residence

(1) The family member's temporary right of residence expires:

1) when the term of the temporary right of residence expires;

2) when the family member acquires a permanent right of residence;

3) when the family member acquires Estonian citizenship or the citizenship of another member state of the European Union, or when such citizenship is restored to them;

4) when the citizen of the European Union named in the decision granting the temporary right of residence as the individual with whom the family member is to reside has no right of residence in Estonia;

5) if the individual concerned no longer fulfils the definition of family member provided in § 3 of this Act, or

6) when the individual concerned dies or is declared dead in absentia.

(2) When the family member's temporary right of residence expires, the Police and Border Guard Board revokes the residence permit card issued to them.

[RT I, 09.12.2010, 1 - entry into force 01.01.2011]

§ 34. Termination of the family member's temporary right of residence

(1) The family member's temporary right of residence in Estonia is terminated:

1) on the basis of the corresponding application by the family member;

2) where there are justified grounds to believe that the family member poses a threat to public order, national security or population's health; or

[RT I, 02.01.2025, 3 – entry into force 01.09.2025]

3) the family member or the citizen of the European Union named in the decision granting the temporary right of residence as the individual with whom the family member is to reside has abused the rights provided in this Act or has resorted to deceit in order to make it possible for the family member to obtain a temporary right of residence in Estonia.

(2) The family member's temporary right of residence in Estonia may be terminated if:

1) the citizen of the European Union named in the decision granting the temporary right of residence as the individual with whom the family member is to reside does not meet the conditions provided in § 20 of this Act, or

2) the family member does not reside in Estonia.

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

(3) A family member's temporary right of residence in Estonia is terminated by decision of the Police and Border Guard Board.

(4) When the family member's temporary right of residence is terminated, the Police and Border Guard Board revokes the residence permit card issued to them.

[RT I, 09.12.2010, 1 - entry into force 01.01.2011]

§ 35. Obligation to leave Estonia and issue of enforcement order to leave Estonia upon expiration or termination of the temporary right of residence

[Repealed –RT I, 17.12.2015, 3 - entry into force 27.12.2015]

Subchapter 3

Special rules regarding expiration of the family member's temporary right of residence

§ 36. The family member's temporary right of residence in the case of death or departure from Estonia of the citizen of the European Union

[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

(1) When the citizen of the European Union dies, the temporary right of residence of their family members expires unless the family member has resided in Estonia on the basis of a temporary right of residence for at least a year before the death of the citizen of the European Union, and:

- 1) they are employed or operates in Estonia as a sole proprietor;
- 2) they have sufficient financial means to provide for themselves and for their family members, and they are insured following the procedure provided in the Health Insurance Act, or
- 3) they are a family member of an individual described in clause 1 or 2 of this subsection.

(2) When the citizen of the European Union dies, their family members are entitled to obtain a permanent right of residence on the grounds specified in subsection 3 of § 45 of this Act.

(3) When the citizen of the European Union dies or leaves Estonia, any child of that citizen who resides and studies in Estonia and is enrolled in an educational institution of Estonia, and the parent raising that child, have temporary right of residence in Estonia until the conclusion of the studies.

[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

(4) When the citizen of the European Union dies, the temporary right of residence of their family members may be suspended or terminated or an extension of their temporary right of residence may be refused on standard grounds without prejudice to the special rules set forth in this section.

§ 37. Family members' temporary right of residence in the case of termination or expiration of the temporary right of residence in Estonia of the citizen of European Union

(1) In the case of expiration of the temporary right of residence in Estonia of the citizen of the European Union on the basis of clause 1 of subsection 1 of § 15 of this Act, or in the case of termination of the temporary right of residence in Estonia of the citizen of the European Union on the basis of subsection 1 of § 16 of this Act, any child of that citizen who resides in Estonia and who is enrolled in an educational institution for the purpose of studying and the parent raising that child enjoy a temporary right of residence in Estonia until the child completes their studies.

(2) When the temporary right of residence of the citizen of the European Union expires or is terminated, the temporary right of residence of their family members may be suspended or terminated or the extension of their temporary right of residence may be refused on standard grounds without prejudice to the provisions set forth in this section.

§ 38. Family member's temporary right of residence in case of divorce, termination of registered partnership contract or annulment of marriage or registered partnership contract

[RT I, 06.07.2023, 6 - entry into force 01.01.2024]

(1) In the case of divorce, termination of registered partnership contract or annulment of marriage or registered partnership contract, the temporary right of residence of the spouse, or registered partner in Estonia expires, except where:

- 1) the marriage or registered partnership lasted for at least three years before the initiation of divorce, registered partnership or marriage annulment proceedings, including one year during the period when the temporary right of residence was exercised in Estonia;

- 2) according to a judgment or an agreement, the specified spouse or registered partner has legal custody of a child of a citizen of the European Union;
- 3) according to a judgment or an agreement, the specified spouse or registered partner has the right of access to a minor child, provided the access has to take place in Estonia in accordance with the judgment; or
- 4) enabling of the exercise of the temporary right of residence is justified by special circumstances, for example the fact that the specified spouse or registered partner has become a victim of domestic violence during marriage or registered partnership.

(2) In addition to the requirements provided in subsection 1 of this section, the spouse or registered partner must:

- 1) be employed or operate in Estonia as a sole proprietor, or
- 2) have sufficient funds to support themselves and their family members, and be insured in accordance with the rules provided in the Health Insurance Act.

(3) In the case of a divorce, termination of a registered partnership contract or annulment of a marriage or registered partnership contract, the temporary right of residence of a dependent child or dependent parent of the spouse or registered partner does not expire where the spouse or registered partner complies with the requirements provided in subsections 1 and 2 of this section.

(4) In the case of a divorce termination of registered partnership contract or annulment of marriage or registered partnership contract, the temporary right of residence of a family member may be restricted or terminated or the extension of their temporary right of residence may be refused on general grounds without prejudice to the special rules set forth in this section.

[RT I, 06.07.2023, 6 - entry into force 01.01.2024]

§ 39. Conformity to conditions in the case of special requirements concerning family members' temporary right of residence

The family member's temporary right of residence may be terminated if, during the term of the temporary right of residence, the family member does not meet the conditions provided in this Subchapter.

Chapter 4 PERMANENT RIGHT OF RESIDENCE

Subchapter 1 Permanent right of residence of citizens of the European Union

§ 40. Permanent right of residence of citizens of the European Union

(1) Any citizen of the European Union who has resided in Estonia for a period of five consecutive years on the basis of a temporary right of residence is entitled to obtain a permanent right of residence.

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

(2) The citizen of the European Union is entitled to obtain a permanent right of residence before the expiration of the term specified in subsection 1 of this section if they:

1) has, by the date of termination of their employment or operation as a sole proprietor, attained the age of retirement or has terminated their work in order to assume early retirement and has been employed or has operated as a sole proprietor in Estonia for at least the last twelve months and has resided in Estonia on the basis of the temporary right of residence at least for the last three consecutive years,

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

2) has continuously stayed in Estonia on the basis of a temporary right of residence at least for the last two consecutive years and has ended their employment or operation as a sole proprietor due to having partial or no work ability,

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

3) resides in Estonia on the basis of a temporary right of residence and has ended their employment due to having partial or no work ability as a result of an occupational injury or occupational disease, or

[RT I, 13.12.2014, 1 - entry into force 01.07.2016 (amended date of entry into force – RT I, 17.12.2015, 1)]

4) resides in Estonia on the basis of a temporary right of residence and has been employed or has operated as a sole proprietor in Estonia at least for three consecutive years and has commenced employment in another member state of the European Union but resides in Estonia and returns to Estonia at least once a week.

(3) The citizen of the European Union's minor child who is born in Estonia or takes up residence in Estonia is granted a permanent right of residence provided the parent has a permanent right of residence.

[RT I, 03.01.2017, 1 - entry into force 01.10.2017]

(3¹) The citizen of the European Union's minor child acquires a permanent right of residence when the parent registers their permanent right of residence.

[RT I, 03.01.2017, 1 - entry into force 01.10.2017]

(4) The citizen of the European Union who enjoys a permanent right of residence is a permanent resident of Estonia.

(5) The period of employment referred to in subsection 2 of this section includes the time during which the citizen of the European Union has been registered as unemployed with the Estonian Unemployment Insurance Fund due to reasons beyond their control, as well as the time during which they were not working or absent from work due to being sick or having suffered an accident, and the time following the termination of their employment contract due to the sickness or accident.

[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

(6) The requirement for the period of residence and employment provided in clause 1 of subsection 2 of this section and the requirement for the period of residence provided in clause 2 of subsection 2 of this section do not apply where the citizen of the European Union is married to or in a registered partnership with an Estonian citizen.

[RT I, 06.07.2023, 6 - entry into force 01.01.2024]

(7) In the case referred to in clause 4 of subsection 2 of this section, the period of work in another member state of the European Union is counted as time stayed in Estonia as regards acquisition of the right referred to in clause 1 or 2 of subsection 2.

[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

§ 41. Registration of permanent right of residence of the citizen of the European Union and the document proving their permanent right of residence

(1) The citizen of the European Union registers their permanent right of residence with the Police and Border Guard Board.

(2) The citizen of the European Union submits the application for registration of their permanent right of residence to the Police and Border Guard Board.

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

(2¹) In the case mentioned in subsections 3 and 3¹ of § 40 of this Act, no application is required in order to obtain a permanent right of residence for the minor child.

[RT I, 03.01.2017, 1 - entry into force 01.10.2017]

(3) The Police and Border Guard Board verifies the presence of a permanent right of residence of the citizen of the European Union and if such a right is present, issues to the citizen of the European Union an Estonian identity card which is the document proving their permanent right of residence.

(4) As an exception to subsection 3 of this section, the document proving the permanent right of residence of a citizen of the United Kingdom is their residence permit card.

[RT I, 19.03.2019, 9 - entry into force 01.01.2021]

§ 42. Expiration of the permanent right of residence of the citizen of the European Union

(1) The permanent right of residence of the citizen of the European Union expires:

- 1) when Estonian citizenship is granted to the citizen or when Estonian citizenship is restored to them;
- 2) when the citizen loses their European Union citizenship, or
- 3) when the citizen dies or is declared dead in absentia.

(2) When the permanent right of residence of the citizen of the European Union expires, the Police and Border Guard Board revokes the Estonian identity card issued to them.

§ 43. Termination of the permanent right of residence of a citizen of the European Union

(1) The permanent right of residence in Estonia of a citizen of the European Union is terminated:

- 1) on the basis of the corresponding application of the citizen of the European Union;
- 2) when the citizen has been away from Estonia for at least two consecutive years, or
- 3) if there is good reason to believe that a substantial threat to public policy or national security or public health is present.

[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

(1¹) As an exception to clause 2 of subsection 1 of this section, the permanent right of residence of a citizen of the United Kingdom provided for in subsection 2¹ of § 1 of this Act is terminated when the citizen has been away from Estonia for at least five years consecutively.

[RT I, 19.03.2019, 9 - entry into force 01.02.2020]

(2) The permanent right of residence in Estonia of the citizen of the European Union is terminated by decision of the Police and Border Guard Board.

(3) When terminating the permanent right of residence of the citizen of the European Union, the Police and Border Guard Board revokes the Estonian identity card issued to them.

§ 44. Issue of enforcement order to leave Estonia upon termination of the temporary right of residence of a citizen of the European Union

[Repealed –RT I, 17.12.2015, 3 - entry into force 27.12.2015]

Subchapter 2

Family member's permanent right of residence

§ 45. Family member's permanent right of residence

(1) The family member who has resided in Estonia for a period of five consecutive years on the basis of a temporary right of residence is entitled to a permanent right of residence.
[RT I, 03.01.2017, 1 - entry into force 18.01.2017]

(2) The family member who enjoys a temporary right of residence in Estonia is entitled to a permanent right of residence simultaneously with the citizen of the European Union if the permanent right of residence of the citizen of the European Union arises on the basis of subsection 2 of § 40 of this Act.

(3) The family member who enjoys a temporary right of residence in Estonia is entitled to a permanent right of residence in the case of the death of the citizen of the European Union having a right of residence in Estonia, if:

- 1) the citizen of the European Union was employed or operated as a sole proprietor in Estonia, and at the time of their death had resided in Estonia on the basis of the right of residence at least for two years, or

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

- 2) the citizen of the European Union was employed or operated as a sole proprietor in Estonia, and their death was caused by an accident at work or an occupational disease.

(4) The family member's minor child who is born in Estonia or takes up residence in Estonia is granted a permanent right of residence provided the parent enjoys a permanent right of residence.
[RT I, 03.01.2017, 1 - entry into force 01.10.2017]

(4¹) The family member's minor child acquires a permanent right of residence when the parent registers their permanent right of residence.
[RT I, 03.01.2017, 1 - entry into force 01.10.2017]

(5) The family member who enjoys a permanent right of residence in Estonia is a permanent resident of Estonia.

(6) A family member is not entitled to a permanent right of residence if their temporary right of residence has expired or has been terminated, or if they have not resided in Estonia for a period of five consecutive years, except in the case provided in subsection 2 of this section.
[RT I, 03.01.2017, 1 - entry into force 18.01.2017]

§ 46. Registration of the family member's permanent right of residence

[RT I, 09.12.2010, 1 - entry into force 01.01.2011]

(1) The family member registers their permanent right of residence with the Police and Border Guard Board.

(2) The family member submits the application for registration of their permanent right of residence to the Police and Border Guard Board at least one month before the expiration of the term of validity of their residence permit card.
[RT I, 03.01.2017, 1 - entry into force 18.01.2017]

(2¹) In order to submit the application for the registration of a permanent right of residence, the family member is required to appear before the Police and Border Guard Board, except in the cases specified in § 277 of the Aliens Act and when less than two years have passed from the last fingerprinting performed as part of the procedure of issuing a residence permit, work permit, right of residence, extension of a right of residence or an identity card, and the fingerprints taken allow the person to be identified and conform to the requirements established under subsection 6 of § 15 of the Identity Documents Act or under clauses 4 and 5 of subsection 1 of § 224, or clauses 7 and 8 of subsection 2 of § 250 of the Aliens Act.
[RT I, 03.01.2017, 1 - entry into force 18.01.2017]

(2²) In the case mentioned in subsections 4 and 4¹ of § 45 of this Act, no application is required in order to obtain a permanent right of residence for the minor child.
[RT I, 03.01.2017, 1 - entry into force 01.10.2017]

(3) The Police and Boarder Guard Board verifies the presence of a permanent right of residence of the family member and if such a right is present, issues to the family member a residence permit card which is the document proving their permanent right of residence.
[RT I, 09.12.2010, 1 - entry into force 01.01.2011]

§ 47. Expiration of the family member's permanent right of residence

(1) The family member's permanent right of residence expires:
1) when the family member acquires Estonian citizenship or the citizenship of another member state of the European Union, or when such citizenship is restored to them, or
2) when the family member dies or is declared dead in absentia.

(2) When the permanent right of residence expires, the Police and Border Guard Board revokes the residence permit card issued to the family member.
[RT I, 09.12.2010, 1 - entry into force 01.01.2011]

§ 48. Termination of the family member's permanent right of residence

(1) A family member's permanent right of residence in Estonia is terminated;
1) on the basis of the corresponding application by the family member;
2) when the family member has been away from Estonia for at least two consecutive years;
3) if there is good reason to believe that the family member poses a threat to public policy or national security or public health.

[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

4) [Repealed –RT I, 17.12.2015, 3 - entry into force 27.12.2015]

(1¹) As an exception to clause 2 of subsection 1 of this section, the permanent right of residence of the family member of a citizen of the United Kingdom provided for in subsection 2¹ of § 1 of this Act is terminated when the family member has been away from Estonia for at least five years consecutively.
[RT I, 19.03.2019, 9 - entry into force 01.02.2020]

(2) A family member's permanent right of residence in Estonia is terminated by determination of the Police and Border Guard Board.

(3) When the permanent right of residence is terminated, the Police and Border Guard Board revokes the residence permit issued to the family member.
[RT I, 09.12.2010, 1 - entry into force 01.01.2011]

§ 49. Obligation to leave and issue of enforcement order to leave Estonia upon termination of the permanent right of residence

[Repealed –RT I, 17.12.2015, 3 - entry into force 27.12.2015]

§ 49¹. Referring the citizen of the European Union or the member of their family to participate in an adaptation programme

(1) The Police and Border Guard Board refers the citizen of the European Union or the member of their family who has acquired a right of residence under this Act or who has been granted such right or whose right of residence has been extended to participate in an adaptation programme.

(2) The adaptation programme for citizens of the European Union or members of their families who have acquired a right of residence under this Act or have been granted such right or whose right of residence has been extended is established by regulation of the minister in charge of the policy sector.

(3) The data of acts related to the adaptation programme are processed in the register of residence and work permits established in accordance with the rules provided in the Aliens Act.

(4) To arrange for the fulfilment of a task provided in the adaptation programme, the minister in charge of the policy sector may, in accordance with the nature of the task, enter into a civil law contract or regulatory contract following the procedure provided in the Administrative Cooperation Act.

[RT I, 23.03.2015, 1 - entry into force 01.08.2015]

Chapter 5 PROCEDURE FOR GRANTING RIGHTS OF RESIDENCE

§ 50. Form of application for a temporary right of residence

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

§ 51. Form of application for registration of a permanent right of residence

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

§ 52. Procedure for granting a right of residence

(1) The minister in charge of the policy sector makes regulations to establish the procedure for applying for, granting and extending temporary rights of residence of family members of citizens of the European Union, and the procedure for applying for registration of permanent rights of residence and termination of rights of residence of citizens of the European Union and their family members, and the list of certificates and documents to be submitted when applying for registration of temporary and permanent rights of residence.

[RT I, 23.03.2015, 1 - entry into force 01.01.2016]

(2) Information concerning acts performed and administrative decisions taken in the course of registration and extension of temporary rights of residence of family members of citizens of the European Union and the registration of permanent rights of residence of citizens of the European Union and their family members and in relation to other procedures concerning the rights of residence are processed in the register of residence and work permits established on the basis of the Aliens Act.

[RT I 2010, 3, 4 - entry into force 05.04.2010]

§ 52¹. Documents constituting evidence of the family member's right of residence

(1) The determination of the period of validity of a residence permit card issued to the family member is based on the provisions of the Identity Documents Act.

(2) The family member's right of residence is formalized by recording, on the residence permit card, the information contained in the decision granting or extending a temporary right of residence or in the decision granting a permanent right of residence.

(3) The family member who applies for a temporary right of residence, an extension of their temporary right of residence or a permanent right of residence is not required to submit the application for the issue of a residence permit card, and they are fingerprinted in the course of the procedure for granting a temporary right of residence, extending the temporary right of residence or granting a permanent right of residence.

(4) The terms and procedure for fingerprinting set out in the Aliens Act and in the regulations enacted on its basis apply to the fingerprinting of family members who apply for a temporary right of residence, for an extension of their temporary right of residence or for a permanent right of residence.

[RT I, 09.12.2010, 1 - entry into force 01.01.2011]

§ 52². State fee

(1) The payment of a state fee is required, in the amount specified in the State Fees Act, for the processing of applications for a temporary right of residence, for an extension of the temporary right of residence and for a permanent right of residence.

(2) If the application is ruled unprocessable, the state fee is not refunded.

[RT I, 09.12.2010, 1 - entry into force 01.01.2011]

Chapter 5¹ **LIMITATIONS ON THE RIGHT OF FREE** **MOVEMENT OF CITIZENS OF THE EUROPEAN** **UNION AND THEIR FAMILY MEMBERS**

[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

§ 52³. Refusal of admission to the national territory

[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

(1) On the external border, the citizen of the European Union or a member their family may be refused entry to the national territory if:

1) they do not possess a document required under § 11¹ of the State Borders Act for the crossing of the national border;

2) they are the subject of a prohibition of entry;

3) they pose a threat to public order, national security or population's health.

[RT I, 02.01.2025, 3 – entry into force 01.09.2025]

(2) Refusals of admission are decided by the Police and Border Guard Board.

(3) In the case referred to in clause 1 of subsection 1 of this section, before the making of the decision to refuse admission, the person concerned is given an opportunity to obtain the necessary documents or to provide evidence of their right of free movement by other means.

(4) When making the decision on the refusal of admission, the provisions of §§ 52⁵–52⁷ of this Act are taken into account.

[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

§ 52⁴. Obligation to leave

[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

(1) A citizen of the European Union or their family member is obligated to leave Estonia when they pose a threat to public order, national security or population's health.

[RT I, 02.01.2025, 3 – entry into force 01.09.2025]

(2) The family member of the citizen of the European Union is obligated to leave Estonia if:

- 1) they have been refused a temporary right of residence or the extension of such right;
- 2) their temporary right of residence has expired and they have not applied for an extension of that right, and the legally allowed period of staying in Estonia provided in subsection 2³ of § 10 of this Act has elapsed;
- 3) their temporary or permanent right of residence has been terminated;
- 4) they have stayed in Estonia for a period exceeding three months starting from the day of entry to Estonia, they have not applied for a temporary right of residence and has no other lawful basis for staying in Estonia.

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

(3) In the cases referred to in subsection 1 and clauses 2 and 3 of subsection 2 of this section, the decision to limit the right of free movement of the citizen of the European Union or the member of their family includes an enforcement order to leave Estonia (below, *enforcement order to leave*) and, if necessary, imposes a prohibition of entry into Estonia for up to ten years.

[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

§ 52⁵. Limitation of the right of stay and of the right of residence

[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

(1) Unless otherwise provided in this Act, limitations may only be imposed on the right of stay or the right of residence enjoyed by a citizen of the European Union or their family member where there are justified grounds to believe that they pose a threat to public order, national security or population's health.

[RT I, 02.01.2025, 3 – entry into force 01.09.2025]

(2) Limitations are not imposed on the right of stay or the right of residence for the mere reason of invalidity of the identity document of the citizen of the European Union or of the family member, of the certificate of registration of their place of residence, or of the identity card or residence permit card issued to them under the Identity Documents Act. Limitations are not imposed on the right of stay or the right of residence for reasons that are merely economic.

(3) When imposing limitations on the right of stay or the right of residence of the citizen of the European Union or the family member, consideration is given to the duration of the individual's lawful stay in Estonia, the individual's age, the condition of their health, the individual's family and financial situation, their social and cultural ties with the Estonian society and the ties with their country of origin.

(4) If the citizen of the European Union or the family member is a minor and their expulsion or the refusal to admit them to the national territory is not justified from the point of view of the interests of the minor, limitations may be imposed on their right of stay or of residence only if there is a threat to national security.

(5) Assessment of the threat referred to in subsection 1 of this section is based on the individual's behaviour and may not be based solely on a prior convicting judgment. Limitations on the right of stay or of residence are not imposed out of considerations of general deterrence.

(6) In order to assess whether the individual poses a threat to public policy, national security or public health, the Police and Border Guard Board may, when deciding on their application for temporary right of residence, within three months starting from the day the application was submitted, demand from the individual's member state of origin or from other member states information concerning the criminal record of that individual or of any member of their family.

(7) The data recorded in the Criminal Record Database concerning the criminal record of the citizen of the European Union or of any member of their family are exchanged with member states of the European Union following the procedure provided in the Criminal Record Database Act.

[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

§ 52⁶. Special rules on limitations of the right of residence

(1) If the citizen of the European Union or member of their family resides in Estonia on the basis of a permanent right of residence, limitations may be imposed on their right of residence only if there is a significant threat to public policy or a threat to national security.

(2) If the citizen of the European Union has resided in Estonia for the last ten consecutive years, limitations may be imposed on their right of residence only if there is a threat to national security.
[RT I, 03.01.2017, 1 - entry into force 18.01.2017]

§ 52⁷. Limitations on right of stay and right of residence on considerations of population's health

[RT I, 02.01.2025, 3 – entry into force 01.09.2025]

(1) In the case of reasonable suspicion that a person is infected with a communicable disease that must be notified to the World Health Organization under subsection 8 of § 21 of the Communicable Diseases Prevention and Control Act as an emergency of international importance endangering the population's health, in order to protect the population's health, the right of stay or residence of a citizen of the European Union or their family member may be restricted until the threat is ascertained, but not for a maximum period of three months from the date of arrival of the person in Estonia. Diseases that manifest themselves after three months have elapsed since the person's arrival in Estonia do not constitute grounds for expulsion.
[RT I, 02.01.2025, 3 – entry into force 01.09.2025]

(2) In order to ascertain that a person is not infected with a communicable disease that must be notified to the World Health Organization under subsection 8 of § 21 of the Communicable Diseases Prevention and Control Act as an emergency of international importance endangering the population's health, a person may be required to undergo a medical examination within three months of the date of arrival in Estonia of the citizen of the European Union and their family member. The medical examination is free of charge for the person.
[RT I, 02.01.2025, 3 – entry into force 01.09.2025]

§ 52⁸. Enforcement order to leave

(1) The enforcement order to leave allows the citizen of the European Union or the member of their family a 30-day period for voluntary compliance that starts to run from the order being served on the individual concerned.

(2) In urgent cases where this is justified, the period that is allowed for voluntary compliance may be shorter than the period provided in subsection 1 of this section, or may be subject to reduction.
[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

§ 52⁹. Compulsory execution of the enforcement order to leave

(1) After the time-limit for voluntary compliance has expired, the enforcement order to leave may be executed in a compulsory manner.

(2) Compulsory execution of the enforcement order to leave that is addressed to the citizen of the European Union or the member of their family takes place by arresting the person in question and expelling them from Estonia.

(3) The arrest and expulsion of the citizen of the European Union or of the member of their family is subject to the provisions of the Obligation to Leave and Prohibition on Entry Act.

(4) The citizen of the European Union or the member of their family subject to the ancillary sentence of expulsion from Estonia entered by the court is expelled from Estonia without an enforcement order to leave being addressed to them.

(5) In the interests of national security, an enforcement order to leave may be executed immediately in a compulsory manner.

(6) Before proceeding to execute an expulsion, the administrative authority in charge of the expulsion assesses whether there are any facts that prevent the expulsion from Estonia of the citizen of the European Union or member of their family.

(7) The citizen of the European Union or member of their family are not expelled from Estonia if this is contrary to the provisions of § 17¹ of the Obligation to Leave and Prohibition on Entry Act.

(8) In the case referred to in subsection 7 of this section, the administrative authority in charge of the expulsion has a right to request the court to invalidate the expulsion.
[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

§ 52¹⁰. Prohibition of entry

(1) A prohibition of entry may be imposed on a citizen of the European Union or their family member only where there are justified grounds to believe that they pose a threat to public order, national security or population's health.

[RT I, 02.01.2025, 3 – entry into force 01.09.2025]

(2) Only the temporary prohibition of entry, for a term of up to 10 years, may be imposed on the citizen of the European Union or a member of their family.

(3) The proceedings on applications to decide the imposition of the prohibition of entry, to vary the term of the prohibition, to suspend the prohibition and to invalidate the prohibition are subject to the provisions of Chapter 5 of the Obligation to Leave and Prohibition on Entry Act. The applications referred to in this subsection are considered within six months starting from the day of their submission.

(4) The submission of the applications referred to in subsection 3 of this section does not create, for the citizen of the European Union or the member of their family, legal grounds for entry to or stay in Estonia.

(5) When making the decision on the imposition of a prohibition of entry, the provisions of §§ 52⁵–52⁷ of this Act are taken into account.

[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

§ 52¹¹. Special rule concerning the statement of factual grounds for administrative decisions

Administrative decisions made under this Act do not state factual grounds insofar as this is contrary to the interests of national security.

[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

§ 52¹². Challenges

(1) Administrative decisions made under this Act may be challenged following the procedure provided in the Code of Administrative Court Procedure.

(2) Challenging the administrative decision does not create, for the citizen of the European Union or the member of their family, legal grounds for entry to or stay in Estonia.

(3) Where the individual concerned has applied to the court to suspend compulsory execution of the enforcement order to leave, compulsory execution of the order is stayed until the making of the decision concerning the order, except where the person's expulsion is the subject of a court order that has become final or where the person's expulsion is required in the interests of national security.

[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

§ 52¹³. Bearing of the costs of leaving Estonia

(1) The citizen of the European Union or member of their family is obligated to bear the costs of their leaving Estonia, including the costs of compulsory execution of the obligation to leave and the costs of detention in a detention centre and arrest house that are incurred on account of their expulsion.

(2) In order to recover the costs provided for in subsection 1 of this section, an enforcement order is addressed to the citizen of the European Union or member of their family, which sets a time-limit for voluntary compliance.

(3) If the enforcement order is not complied with within the time-limit, the administrative authority is authorised to seek compulsory execution of the order following the procedure provided in the Code of Enforcement Procedure.

(4) The minister in charge of the policy sector makes regulations to establish a list of the costs of leaving Estonia, the procedure for their recovery and the cost rates.

[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

Chapter 5² EQUAL TREATMENT

§ 52¹⁴. Equal treatment

(1) Regardless of their citizenship, workers who are citizens of a member state of the European Union or of the European Economic Area must enjoy equal treatment with the citizens of the Republic of Estonia with regard to the following matters, as provided in Articles 1 to 10 of Regulation (EU) No 492/2011 of the European Parliament and of the Council on freedom of movement for workers (OJ L 141, 27.05.2011, pp. 1–12):

- 1) access to employment;
- 2) conditions of employment and work, in particular as regards remuneration, termination of employment, health and safety at work, and, when becoming unemployed, reinstatement or re-employment, and appointment to a position or dismissal;
- 3) access to social and tax advantages;
- 4) membership of trade unions and eligibility for workers' representative bodies;
- 5) access to training;
- 6) access to housing;
- 7) access to education, apprenticeship and vocational training for the children of workers;
- 8) assistance afforded by the employment offices.

(2) The provisions of subsection 1 of this section also apply to officials, without prejudice to special rules provided by law.

[RT I, 26.04.2017, 6 - entry into force 06.05.2017]

§ 52¹⁵. Defence of rights

Workers or officials who are citizens of a member state of the European Union or of the European Economic Area and members of their family who consider that they have suffered or are suffering from unjustified restrictions and obstacles to their right to free movement or who consider themselves wronged by a failure to apply the principle of equal treatment to them, even if the relationship in relation to which the restriction, obstacle or discrimination is alleged to have occurred has ended, may have recourse to any legal remedy on the same grounds and to the same extent as citizens of the Republic of Estonia.

[RT I, 26.04.2017, 6 - entry into force 06.05.2017]

Chapter 6 NOTIFICATION OBLIGATION AND EXERCISE OF SCRUTINY

§ 53. Notification obligation

(1) The citizen of the European Union who enjoys a right of residence in Estonia is required to notify the Police and Border Guard Board of any the following:

- 1) acquisition of a right of residence in another member state of the European Union;
- 2) leaving Estonia for a period longer than 183 days in a year in relation to performing compulsory military service, in connection with pregnancy, childbirth, serious illness, studies, continuing education or posting;

[RT I, 23.03.2015, 5 - entry into force 01.07.2015]

- 3) loss of citizenship of the European Union;
- 4) divorce, termination of registered partnership contract or annulment of marriage or registered partnership contract where this is registered outside Estonia and the spouse or registered partner of the citizen of the European Union enjoys a right of residence in Estonia;

[RT I, 06.07.2023, 6 - entry into force 01.01.2024]

- 5) termination of employment;
- 6) retirement;
- 7) a partial or total incapacity for work.

[RT I, 13.12.2014, 1 - entry into force 01.07.2016 (amended date of entry into force – RT I, 17.12.2015, 1)]

(2) The family member who enjoys a right of residence in Estonia is required to notify the Police and Border Guard Board of any the following:

- 1) acquisition of a right of residence in another member state of the European Union;
- 2) failure to fulfil the definition of family member provided in § 3 of this Act;
- 3) leaving Estonia for a period longer than 183 days in a year in relation to performing compulsory military service, in connection with pregnancy, childbirth, serious illness, studies, continuing education or posting;

[RT I, 23.03.2015, 5 - entry into force 01.07.2015]

- 4) acquisition of the citizenship of the European Union;
- 5) the death of the citizen of the European Union if that death has been registered outside Estonia.

(3) In addition to the information provided in subsection 2 of this section, a spouse or registered partner of a citizen of the European Union must notify the Police and Border Guard Board of divorce, termination of

registered partnership contract or annulment of marriage or registered partnership contract where this was registered outside Estonia.

[RT I, 06.07.2023, 6 - entry into force 01.01.2024]

(4) The citizen of the European Union and any member of their family must comply with the notification obligation specified in subsections 1–3 of this section within three months after the date of the relevant event.

§ 54. Exercise of scrutiny

(1) A family member must provide proof of their fulfilment of the conditions and requirements which serve as the basis for granting the temporary right of residence or an extension thereof.

(2) In the case of justified doubt, the Police and Border Guard Board is authorized to verify whether the citizen of the European Union and any member of their family duly perform the obligations and fulfil the conditions specified in this Act and whether they have abused any rights prescribed by this Act or resorted to deception.
[RT I 2009, 62, 405 - entry into force 01.01.2010]

(3) The citizen of the European Union and any member of their family must cooperate with the Police and Border Guard Board in the clarification of any facts related to the grant of the right of residence or the use of such right, and must present any documents and other evidence in their possession that are relevant for the clarification of the facts related to the grant of the right of residence or the use of such right.

(4) The requirements of the Tourism Act apply to the accommodation of citizens of the European Union in accommodation establishments. At the request of the Police and Border Guard Board or of Estonian Internal Security Service, the accommodation establishment submits the visitor's card showing the data of the accommodated individual to the authority which demanded the information.
[RT I 2009, 62, 405 - entry into force 01.01.2010]

(5) If an employer intends to provide employment to a family member of the citizen of the European Union, they must verify whether the individual concerned possesses a residence permit card.
[RT I, 09.12.2010, 1 - entry into force 01.01.2011]

Chapter 6¹ **STATE SUPERVISION**

[RT I 2009, 62, 405 - entry into force 01.01.2010]

§ 54¹. State supervision

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(1) In the case of justified doubt, the Police and Border Guard Board and the Estonian Internal Security Service may verify whether the stay or residence in Estonia of the citizen of the European Union or of any member of their family is in accordance with the provisions of this Act, as well as whether these persons perform the obligations and fulfil the conditions provided in this Act and whether they have abused the rights granted by this Act or resorted to deception.

(2) In accordance with the provision of subsection 1 of this section and in the course of performing the tasks assigned to it by the Security Authorities Act, the Estonian Internal Security Service exercises state supervision over the circumstances of the stay or residence in Estonia of the citizen of the European Union and of any member of their family in order to prevent the commission of a criminal offence.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 54². Special measures of state supervision

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(1) When exercising supervision in relation to any facts connected to the stay or residence in Estonia of the citizen of the European Union or of any member of their family, the Police and Border Guard Board and the Estonian Internal Security Service may apply the special measures provided in §§ 30–33 and 45–53 of the Law Enforcement Act without prejudice to the special rules established by this Act. In order to exercise the state supervision measures provided in this Act, the Estonian Internal Security Service may apply the provisions of the Security Authorities Act concerning the processing of personal data.
[RT I, 13.03.2019, 2 - entry into force 15.03.2019]

(2) The special measures of state supervision provided in §§ 50 and 51 of the Law Enforcement Act may only be applied if there are justified grounds to believe that without applying these measures it is impossible to

effectively prevent the presumably illegal stay in Estonia of the citizen of the European Union or any member of their family and provided that other measures have been exhausted.

(3) The measure provided in § 45 of the Law Enforcement Act may only be applied by a police official.

(4) When exercising state supervision, the Estonian Internal Security Service may resort to direct coercion on the grounds and following the procedure provided in the Law Enforcement Act.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

Chapter 7 LIABILITY

§ 55. Stay and residence in Estonia without a lawful basis of a family member of a citizen of the European Union

[Repealed – RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 55¹. Stay in Estonia of a citizen of the European Union or a member of their family during the period of validity of the prohibition of entry

The stay in Estonia of a citizen of the European Union or a member of their family, while the citizen of the European Union or the member of their family is the subject of a valid prohibition of entry, is punishable by a fine of up to 300 fine units, or by detention.
[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

§ 56. Employment of a family member of the citizen of the European Union in Estonia without a lawful basis

Any employment of a family member of a citizen of European Union in Estonia without a lawful basis is punishable by a fine of up to 100 fine units or by detention.
[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

§ 57. Making it possible for a family member of a citizen of the European Union to be employed in Estonia without a lawful basis

(1) Making it possible for a family member of a citizen of the European Union to be employed in Estonia without a lawful basis is punishable by a fine of up to 100 fine units.
[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

(2) The same act, when committed by a legal person, is punishable by a fine of up to 1100 euros.
[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

§ 58. Procedure

Extra-judicial proceedings in respect of the misdemeanours created by this Chapter are conducted by the Police and Border Guard Board.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Chapter 8 IMPLEMENTING PROVISIONS

§ 59. Transitional provisions

(1) When this Act enters into force, any citizen of the European Union who holds a temporary residence permit is deemed to have acquired a temporary right of residence. The term of the right of residence is the residence permit's period of validity. The validity of the said temporary right of residence is not affected by the existence of a registered residence in Estonia.

(2) When this Act enters into force, the citizen of the European Union who holds a long-term residence permit is deemed to have acquired a permanent right of residence.

(3) When this Act enters into force, the family member who holds a temporary residence permit is deemed to have acquired a temporary right of residence. The term of the right of residence is the residence permit's period of validity.

(4) Any application for a residence permit submitted before entry into force of this Act is processed under the conditions and in accordance with the provisions in force at the time of submission of the application.

(5) The provisions of subsection 1 of this section apply to the issue of residence permit to the citizen of the European Union in the case specified in subsection 4 of this section, and the data related to the individual's right of residence are recorded on the identity card.

(6) The provisions of subsection 3 of this section apply to the issue of a residence permit to the family member in the case specified in subsection 4 of this section, and the data related to the individual's right of residence are recorded on the identity card.

(7) The period before the entry into force of this Act during which the citizen of the European Union or a member of their family resided in Estonia is deemed part of the eligibility period required for acquiring a permanent right of residence.

§ 59¹. Transitional provisions related to issuing residence permit cards

(1) The family member's application for a temporary right of residence, for extension of the temporary right of residence or for registration of a permanent right of residence submitted before 1 January 2011 are processed under the conditions and in accordance with the provisions in force at the time of submission of the application.

(2) If the family member's application for a temporary right of residence, for extension of the temporary right of residence or for the registration of a permanent right of residence has been submitted before 1 January 2011, and the decision regarding the family member's application for a temporary right of residence, for extension of the temporary right of residence or for the registration of a permanent right of residence is made after that date, the information pertaining to the decision to grant or extend a temporary right of residence, or to register a permanent right of residence is indicated on the residence permit card.

(3) If the family member submits an application for a temporary right of residence, for extension of the temporary right of residence or for registration of a permanent right of residence before 1 January 2011, and the decision regarding the grant of a temporary right of residence, the extension of the temporary right of residence or the registration of a permanent right of residence is made after that date, the residence permit card issued to the family member on the basis of that application is not required to show the fingerprints of the card's holder, provided it is issued before 20 May 2012.

[RT I, 09.12.2010, 1 - entry into force 01.01.2011]

§ 59². Persons who are permanently incapacitated for work

(1) Persons who have been declared permanently incapacitated for work under the National Pension Insurance Act are deemed to meet the requirement of partial or total incapacity for work provided in § 40 of this Act.

(2) Citizens of the European Union who hold a right of residence in Estonia and who have been declared permanently incapacitated for work under the National Pension Insurance Act must notify this to the Police and Border Guard Board following § 53 of this Act.

[RT I, 13.12.2014, 1 - entry into force 01.07.2016 (amended date of entry into force – RT I, 17.12.2015, 1)]

§ 59³. Granting a temporary right of residence to a minor child

(1) The citizen of the European Union's minor child who is born in Estonia or takes up or has taken up residence in Estonia but whose place of residence the parent has not registered before 1 October 2017 following the procedure provided in the Population Register Act acquires a temporary right of residence provided the parent enjoys a temporary right of residence, regardless of whether or not the child is a citizen of the European Union.

(2) To renounce the right of residence acquired under subsection 1 of this section, parents who have joint legal custody have the right jointly to make the corresponding application within one year of the acquisition of the right of residence.

(3) The family member's minor child who is born in Estonia or takes up or has taken up residence in Estonia but whose place of residence the parent has not registered before 1 October 2017 following the procedure provided in the Population Register Act acquires a temporary right of residence provided the parent enjoys a temporary right of residence.

[RT I, 03.01.2017, 1 - entry into force 01.10.2017]

§ 59⁴. Granting a permanent right of residence to a minor child

(1) The citizen of the European Union's minor child who is born in Estonia or takes up or has taken up residence in Estonia but for whom the parent has not applied for a permanent right of residence before 1 October 2017 acquires a permanent right of residence provided the parent enjoys or is granted a permanent right of residence.

(2) The family member's minor child who is born in Estonia or takes up or has taken up residence in Estonia but for whom the parent has not applied for a permanent right of residence before 1 October 2017 is granted a permanent right of residence provided the parent enjoys or is granted a permanent right of residence.
[RT I, 03.01.2017, 1 - entry into force 01.10.2017]

§ 60.–§ 86.[Omitted from this version.]

§ 87. Entry into force of this Act

(1) This Act enters into force on 1 August 2006.

(2) Clause 1 of subsection 2 of § 10 and clause 1 of § 73 of this Act enter into force upon Estonia's full accession to the common visa area of the European Union.

¹Directive 2004/38/EC of the European Parliament and of the Council on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (OJ L 158, 30.04.04, pp. 777–123);

Directive 2014/54/EU of the European Parliament and of the Council on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers (OJ L 128, 30.04.2014, pp. 8–14).

[RT I, 26.04.2017, 6 - entry into force 06.05.2017]