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Obligation to Leave and Prohibition on Entry Act[1]

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17.01.2001	RT I 2001, 16, 68	16.02.2001
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26.01.2006	RT I 2006, 7, 42	04.02.2006
17.05.2006	RT I 2006, 26, 191	01.08.2006
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		2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, p. 24 - 26).
12.05.2010	RT I 2010, 26, 129	05.10.2010
11.11.2010	RT I, 29.11.2010, 2	24.12.2010, partially01.01.2011
27.01.2011	RT I, 23.02.2011, 3	01.01.2012
17.02.2011	RT I, 21.03.2011, 2	01.01.2012 Repealed [RT I, 29.06.2012, 2]
08.12.2011	RT I, 22.12.2011, 3	23.12.2011 Repealed [RT I, 29.06.2012, 2]
06.06.2012	RT I, 29.06.2012, 2	09.07.2012, partially01.01.2013
28.03.2013	RT I, 18.04.2013, 2	28.04.2013
12.06.2013	RT I, 03.07.2013, 2	01.10.2013 The word „expulsion centre“ shall be replaced by the word „detention centre“ throughout the Act.
05.12.2013	RT I, 21.12.2013, 1	22.12.2013
12.02.2014	RT I, 26.02.2014, 2	01.10.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014, partially23.03.2014

Chapter 1
GENERAL PROVISIONS

§ 1. Scope of application of Act

(1) This Act provides the bases and procedure for the application to aliens of the obligation to leave Estonia and the prohibition on entry into Estonia and the regime for the passage of an alien through Estonia.
[RT I 2006, 50, 377 - entry into force 14.12.2006]

(1^1) This Act applies to the citizens of the Member States of the European Union, citizens of the member states of the European Economic Area or the Swiss Confederation and their family members to the extent provided for in the Citizen of the European Union Act, taking account of the specifications provided for in the Citizen of the European Union Act.

(2) The provisions of the Administrative Procedure Act apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act. The provisions of the Administrative Procedure Act do not apply to proceedings of application of a prohibition on entry.

(3) The provisions of this act apply taking account of the specifications provided for in an international agreement binding to the Republic of Estonia.
[RT I 2007, 62, 394 - entry into force 30.03.2008]

§ 1^1. Alien

An alien for the purposes of this act is a person who is not an Estonian citizen.
[RT I 2006, 26, 191 - entry into force 01.08.2006]

§ 1^2. Unaccompanied minor alien

(1) An unaccompanied minor alien is an alien under 18 years of age who arrives or has arrived in Estonia without a parent or a guardian or another responsible adult or who loses a parent, guardian or another responsible adult during the stay in Estonia.

(2) It is assumed that a parent, guardian or another responsible adult staying in Estonia together with the minor has a right of custody. At the request of the Police and Border Guard Board or the Estonian Security Police a parent, guardian or another responsible adult is required to prove the existence of the right of custody.

(3) A minor specified in subsection (1) of this section to whom a guardian has been appointed by the court in Estonia is not deemed to be an unaccompanied minor alien.
[RT I, 18.04.2013, 1 - entry into force 29.04.2013]

§ 1^3. Representation of unaccompanied minor and adult alien with restricted active legal capacity

(1) An unaccompanied minor may not perform the procedural acts arising from this Act without a legal representative unless otherwise provided for in this Act.

(2) The provisions of the Family Law Act shall be applied to the representation of an unaccompanied minor and adult alien with restricted active legal capacity, taking account of the specifications provided for in this section.

(3) An unaccompanied minor may be represented by a natural or legal person specified in subsection (4) of this section, who is reliable and has the knowledge and skills needed for representing an unaccompanied minor.

(4) The Police and Border Guard Board may enter into a contract with a natural or legal person on the representation of the unaccompanied minor in the proceedings provided for in this Act.
[RT I, 18.04.2013, 1 - entry into force 28.04.2013]

§ 2. Legal bases for aliens to stay in Estonia

(1) A legal basis must exist for an alien to stay in Estonia. Aliens are prohibited to stay in Estonia without a legal basis.

(2) The legal bases for an alien to stay in Estonia (hereinafter bases for stay) are provided for in the Aliens Act.

(3) The legal bases for the citizens of the Member States of the European Union, citizens of the member states of the European Economic Area or the Swiss Confederation and their family members of their stay and residence in Estonia (hereinafter bases for stay) are provided for in the Citizen of the European Union Act.
[RT I 2007, 62, 394 191 - entry into force 01.08.2006]

§ 3. Obligation to leave

(1) Obligation to leave is the obligation of an alien to leave Estonia that arises directly from law or from administrative legislation passed on the basis of law.

(2) An alien is required to leave Estonia if expressly provided by law if his or her basis for stay expires and is not extended and if he or she has no other basis for stay.

(3) An alien who is required to leave Estonia pursuant to law shall leave Estonia within the period of validity of his or her basis for stay.

§ 4. Precept

(1) A precept is an administrative act that imposes on an alien staying in Estonia without any basis for stay an obligation to leave Estonia or to legalise his or her stay in Estonia in the cases and pursuant to the procedure provided for in this Act.
(2) An alien is required to comply with a precept within the shortest possible period.

§ 5. Expulsion

Expulsion is the enforcement of an obligation to leave in the cases and pursuant to the procedure provided by law.

§ 6. Prohibition on entry

Prohibition on entry is a preventive measure, the aim of which is to prevent undesirable aliens from entering Estonia and staying in Estonia.

§ 6^1. Migration official

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

§ 6^2. General provisions of the procedure

The proceedings provided for in this act apply the provisions of §§ 13-15, 18, 19, 21-28, 30-40, 42, 270, 271 and 281-284 of the Aliens Act.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

§ 6^3. State supervision
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(1) The Police and Border Guard Board and the Estonian Internal Security Service shall exercise supervision over the compliance with the requirements of this Act and legislation established on the basis thereof.

(2) The Estonian Internal Security Service shall exercise state supervision pursuant to subsection (1) of this Act upon performance of functions arising from the Security Authorities Act for prevention of crime.

(3) The Police and Border Guard Board and the Estonian Internal Security Service may apply special measures provided for in the Law Enforcement Act for exercise of state supervision provided for in this Act, taking account of the specifications provided for in this Act.

(4) The special measures of state supervision provided for in §§ 50 and 51 of the Law Enforcement Act may only be applied in the case there is a reason to believe that without applying such measures the compliance with the obligation to leave of an alien is not efficient.

(5) 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]

§ 6[4]. Monitoring expulsion of alien

(1) The purpose of monitoring the expulsion of an alien is to observe the compliance of the exercise of expulsion of an alien with the procedural requirements and provide opinions and recommendations on the exercise of the expulsion to the Ministry of the Interior.

(2) For the purposes set out in subsection 1 of this section the Ministry of the Interior, the Police and Border Guard Board or the Security Police shall conclude an agreement with an agency or a legal person governed by private law.

(3) An agency or a legal person governed by private law that is exercising the monitoring of expulsion of an alien shall be reliable and have the knowledge and skills required for assessment of the legality of the removal arrangements of an alien.

(4) The agreement specified in subsection 2 of this section shall grant an agency or a person performing monitoring of expulsion operations the right to process the personal data and other relevant data of an alien for the purpose of assessment and to the extent required.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

§ 6[5]. Involvement of legal persons governed by private law

(1) The Ministry of the Interior, the Police and Border Guard Board or the Security Police may involve a legal person governed by private law to assist in the compliance with the obligation to leave from Estonia of an alien.

(2) In order to involve a legal person governed by private law the Ministry of the Interior or the Police and Border Guard Board shall enter into a civil law contract with the legal person governed by private law, specifying the functions, rights, obligations and responsibility of the legal person.

(3) The contract referred to in subsection 2 of this section shall grant the legal person governed by private law the right to process the personal information and other relevant information concerning an alien for the purpose and to the extent specified in the contract.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

§ 6[6]. Provision of legal aid

(1) An alien has the right to receive legal aid for contestation of the decision to apply a precept to leave, expulsion or prohibition on entry.

(2) Legal aid referred to in subsection 1 of this section shall be guaranteed in accordance with the State Legal Aid Act.

(3) If the Ministry of the Interior or the Police and Border Guard Board has concluded an agreement with the legal person governed by private law for provision of legal aid, the applicant shall be guaranteed legal aid in accordance with the agreement and the State Legal Aid Act shall not be applied with regard to him or her.

(4) For the purposes of subsection 1 of this section an alien shall not be provided legal aid for contestation of the decision to apply a precept to leave, expulsion or prohibition on entry if:
1) an alien has arrived in Estonia illegally, crossing the external border of a member state of the Schengen Convention illegally;
2) a prohibition on entry is applied with regard to an alien without the issue of a precept to leave;
3) a decision to refuse permission into the country specified in subsection 28 [2](1) of this Act has been made with regard to an alien or;
4) an alien who is conditionally released or released on parole before the prescribed time has no residence permit or the right of residence.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

§ 6[7]. Protection of vulnerable persons

The administrative authority that is conducting the procedural acts in the proceedings provided for in this Act is required to take into account 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.
[RT I, 18.04.2013, 1 - entry into force 29.04.2013]

Chapter 2
PRECEPT

§ 7. Precept to leave

(1) A precept to leave Estonia (hereinafter precept to leave) shall be issued to an alien who is staying in Estonia without a basis for stay.

(2) By the precept to leave it is established that the alien is staying in Estonia illegally, an obligation to leave Estonia is imposed on the alien, the term for voluntary compliance with the obligation to leave is determined, a warning is made with regard to the alien about application of the enforcement penalty in case of a failure to comply with the precept to leave, a warning is made about the enforcement execution of the obligation to leave and in case of necessity the prohibition on entry is applied with regard to the alien.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(3) In order to ensure compliance with the obligation to leave surveillance measures may be applied by the precept to leave.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(4) The amount of the penalty payment required shall be indicated in a warning to impose penalty payment on the alien included in the precept to leave.
[RT I, 29.11.2010, 2 - entry into force 01.01.2011]

§ 7[1]. Justification of precept to leave

(1) A precept to leave is justified.

(2) The justification of the precept to leave shall only reveal the legal basis but not the factual basis, related circumstances or relevant considerations if:
1) this is necessary to ensure public order or national security;
2) this is necessary for the prevention, investigation and detection of crime and bringing it to justice;
3) a precept to leave is imposed on an alien who has arrived in Estonia illegally;
4) a prohibition on entry applies to an alien;
5) a decision to refuse admission into the country provided for in subsection 28 [2](1) of this Act has been made with regard to an alien;
6) a precept to entry is imposed at the border check point to an alien leaving Estonia whose permitted period of stay on the territory of a member state of the Schengen Convention has expired.
7) an alien who is conditionally sentenced or released on parole before the prescribed time has no residence permit or the right of residence
8) there is doubt that the alien may escape or in any other manner evade compliance with the precept to leave;
9) an alien has been refused the residence permit or the granting of international protection because the application for residence permit or the granting of international protection is obviously unjustified or;
10) in the proceedings of the issue of the residence permit or granting international protection the alien has submitted false information or falsified documents about the circumstances relevant in the proceedings.

(3) In the cases indicated in subsection 2 of this section an alien is issued a standard precept to leave.

(4) A list of the information submitted in the precept to leave and the format for the precept to leave shall be established by a regulation of the Minister of the Interior.

(5) The Police and Border Guard Board shall prepare a fact sheet about the contents of the precept to leave indicated in subsection 2 of this section in at least five languages that are most widely known by the aliens who have arrived in Estonia illegally.

(6) The Police and Border Guard Board shall publish the fact sheet indicated in subsection 5 of this section on its web page.

(7) The directive of the Director General of the Police and Border Guard Board shall establish a list of languages used for preparing the fact sheet indicated in subsection 5 of this section.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

§ 7[2]. Establishment of term for compliance with precept to leave

(1) The term for voluntary compliance with the obligation to leave is the term assigned by the precept to leave by expiry of which an alien is required to leave Estonia.

(2) The term for voluntary compliance with the obligation to leave is not assigned by the precept to leave and the enforcement of the obligation to leave shall be carried out immediately if:
1) this is necessary to ensure public order an national security
2) this is necessary for the prevention, investigation and detection of crime and bringing it to justice;
3) a precept to leave is imposed on an alien who has arrived in Estonia illegally;
4) a prohibition on entry applies to an alien;
5) a decision to refuse admission into the country provided for in subsection 28[2](1) of this Act has been made with regard to an alien;
6) a precept to entry is imposed at the border check point to an alien leaving Estonia whose permitted period of stay on the territory of a member state of the Schengen Convention has expired.
7) an alien who is conditionally released or released on parole before prescribed time has no residence permit or the right of residence;
8) there is doubt that the alien may escape or in any other manner evade compliance with the precept to leave;
9) an alien has been refused the issue of the residence permit or the granting of international protection because the application for residence permit or the granting of international protection is obviously unjustified or;
10) in the proceedings of the issue of the residence permit or granting international protection the alien has submitted false information or falsified documents about the circumstances relevant in the proceedings.

(3) If the immediate enforcement of the precept to leave is manifestly unreasonable or manifestly disproportionate for an alien, the term for voluntary compliance may be assigned in the precept to leave if:
1) an alien is refused the issue of the residence permit or granting of international protection because the application for residence permit or international protection is manifestly unjustified or
2) an alien has submitted false information or falsified documents about the circumstances relevant in the proceedings concerning the issue of a residence permit or the granting of international protection.

(4) The term from 7 to 30 days shall be assigned for voluntary compliance with the obligation to leave by the precept to leave.

(5) The term for voluntary compliance with the obligation to leave stipulated in the precept to leave may be extended by up to 30 days at a time if the compliance with the obligation to leave turns out to be too disproportionately burdensome for an alien within the term stipulated in the precept to leave, taking account of:
1) the duration of the stay in Estonia of an alien;
2) impact on a child attending school;
3) family and social relationships of an alien in Estonia and
4) other relevant circumstances.

(6) If a term for voluntary leave has been assigned by the precept to leave, the term for voluntary leave may be shortened and the obligation to leave enforced before the expiry of the term for voluntary leave if:
1) there is doubt that the alien may escape or evade compliance with the precept to leave;
2) an alien has been refused the issue of a residence permit or granting international protection because the application for residence permit or international protection is manifestly unjustified;
3) an alien has submitted false information or falsified documents about the circumstances relevant in the proceedings concerning the issue of a residence permit or international protection or
4) an alien poses a danger for public order or national security.

(7) Challenge of a decision to extend the term for voluntary leave or to refuse to extend or shorten the term for voluntary leave assigned by the precept to leave, or contestation of the prohibition on entry or the amendment of the period of its validity imposed by the precept to leave shall not postpone the term for enforcement of the obligation to leave of an alien and shall not grant to an alien a legal basis for the stay in Estonia.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

§ 7[3]. Enforcement of precept to leave

(1) Upon expiry of the term for obligation to leave as assigned in the precept to leave the obligation to leave may be enforced with regard to an alien at any time.

(2) The obligation to leave regarding an alien shall be subject to enforcement by means of the detention and expulsion of him or her from Estonia.

(3) Upon enforcement of the obligation to leave of an alien the administrative authority that is arranging the enforcement prepares the minutes of the proceedings of the enforcement act.

(4) The format of the minutes of the enforcement act indicated in subsection 3 of this section and the list of the information to be submitted shall be established by the regulation of the Minister of the Interior.

(5) The minutes of the enforcement acts shall not be prepared if a term for voluntary leave has not been established pursuant to subsection 7 ^{2}(2) of this Act or the term for voluntary leave established for an alien has been shortened on the basis of subsection 7 ^{2}(6) of this Act.

(6) The minutes of the enforcement act cannot be contested by an alien in the administrative court.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

§ 7^{4}. Assignment of period of validity of prohibition on entry applied in precept to leave and non-application of prohibition on entry in precept to leave

(1) In the precept to leave the prohibition on entry shall be applied with regard to an alien for three years as of the date of compliance with the precept to leave.

(2) If the term for application of the prohibition on entry provided in subsection 1 of this section is disproportionate taking account of all the relevant circumstances, the prohibition on entry may be applied in the precept to leave for a shorter term or leave it unapplied.

(3) If the prohibition on entry is applied for three years in the precept to leave, only the legal basis of the prohibition on entry is expressed in the justification of the application, whereas the actual basis or the related circumstances and the relevant considerations shall not be disclosed.

(4) If a prohibition on entry is applied for a shorter period than three years in the precept to leave or the prohibition on entry is left unapplied, the application of the prohibition on entry shall be justified.

(5) If an alien is issued a standard precept to leave or he or she poses a danger to public order or national security, the prohibition on entry shall be applied with regard to an alien for the period of five years by the precept to leave, except in the case if the alien has a valid prohibition on entry for a longer period than five years as of the date of the issue of a precept to leave.

(6) An alien who is leaving Estonia and whose authorised duration of stay on the territory of a Member State of the Schengen Convention has expired and who has been issued a precept to leave at the border checkpoint shall be applied the prohibition on entry in the precept to leave for the period of three years, except in the case if the alien has a valid prohibition on entry for a longer period than three years as of the date of issue of the precept to leave.

(7) If an alien is issued a standard precept to leave or the alien poses a danger to public order or national security, only the legal basis is disclosed in the recitals, whereas the factual basis, related circumstances and relevant considerations shall not be disclosed.

(8) The application of a prohibition on entry shall be applied to an alien by the order of the Minister of the Interior or a higher official of the Ministry of the Interior authorised by the Minister pursuant to the provisions of chapter 5 of this Act if the prohibition on entry is not applied in the precept to leave.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

§ 7^{5}. Amendment of duration of stay of prohibition on entry

The provisions of chapter 5 of this Act apply with regard to revocation of the prohibition on entry, amendment or suspension of the period of duration applied in the precept to leave.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

§ 7^{6}. Specifications to issue of precept to leave

(1) This Act applies to the citizens of the Member States of the European Union, citizens of the member states of the European Economic Area and the Swiss Confederation and their family members by the issue of the precept to leave and compliance with the obligation to leave, taking account of the specifications provided for in the Citizen of the European Union Act.

(2) A victim or witness in criminal offences concerning trafficking in human beings who has been issued a temporary residence permit pursuant to Council Directive 2004/81/EC, the prohibition on entry is applied only if the alien poses a danger to public order of national security.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

§ 8. [Repealed - RT I, 29.11.2010, 2 - entry into force 24.12.2010]

§ 9. Precept to legalise

(1) A precept imposing an obligation to apply for a residence permit pursuant to the established procedure in order to legalise the stay in Estonia (hereinafter precept to legalise) shall be issued to an alien who is staying in Estonia without a basis of stay and who:
1) [Repealed - RT I 2003, 4, 21 - entry into force 01.03.2003]
2) is of Estonian origin;
3) settled in Estonia before 1 July 1990 and has not left Estonia to reside in another country and whose continued stay in Estonia does not damage the interests of the Estonian state.

(2) A precept to legalise shall include a warning to impose penalty payment on the alien upon failure to comply with the precept. The amount of penalty payment shall be indicated in the warning. The upper limit of penalty payment is 640 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

(3) A precept to legalise shall also be deemed complied with if the alien leaves Estonia.

(4) A precept to legalise shall not be issued to an alien specified in subsection (1) of this section whose residence permit or an application for the extension thereof is being processed until a decision is made in respect of his or her residence permit or the application for the extension thereof.

(5) A precept to legalise need not be issued to an alien who leaves Estonia within seven days as of the expiry of the basis of stay.

(6) A precept to leave shall be issued to an alien specified in clause (1) 3) of this section if it is necessary to ensure the protection of public order, national security, public health or moral standards, or to prevent a criminal offence, or if an alien is refused the issue of or extension of a residence permit, or a residence permit is revoked. A precept to leave shall be issued to an alien specified in clause (1) 2) of this section if it is necessary to protect national security or to prevent an offence.
[RT I 2004, 53, 369 - entry into force 07.08.2004]

§ 10. Ensuring compliance with precept

(1) In order to ensure compliance with a precept, the Police and Border Guard Board may, by a precept or a decision, require an alien to comply with surveillance measures and to make a penalty payment.
[RT I 2009, 62, 405 - entry into force 01.01.2010]

(2) Surveillance measures are:
1) residing in a determined place of residence;
2) appearing for registration at the Police and Border Guard Board at prescribed intervals;
[RT I 2009, 62, 405 - entry into force 01.01.2010]
3) appearing at the Police and Border Guard Board to clarify circumstances ensuring compliance with a precept;
[RT I 2009, 62, 405 - entry into force 01.01.2010]
4) notifying the Police and Border Guard Board of the changes of residence of the alien and of his or her prolonged absence from the place of residence;
[RT I 2009, 62, 405 - entry into force 01.01.2010]
5) notifying the Police and Border Guard Board of the changes in the alien's marital status.
[RT I 2009, 62, 405 - entry into force 01.01.2010]
6) depositing of a travel document of a foreign country or an identity document of an alien at the Police and Border Guard Board or the Security Police
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(3) A police officer or an official of the Police and Border Guard Board has the right to check whether an alien is residing in the determined place of residence.
[RT I 2009, 62, 405 - entry into force 01.01.2010]

(3^1) in case of the deposit of the travel document of a foreign country and an identity document of a person the institution receiving the document for deposit shall issue a certificate about receipt of documents for deposit.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(3^2) The Minister of the Interior may establish by a regulation the standard format of the certificate to be issued to a person in case of a deposit of the travel document of a foreign country and the personal identification document of a person..
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(4) Penalty payment shall be imposed after the ninetieth day as of the date of issue of a precept.

(5) Penalty payment shall be imposed pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act unless otherwise provided for by this Act. Penalty payment may be applied again after the ninetieth day as of the date of the previous enforcement order issued to impose penalty payment.

(6) [Repealed - RT I 2009, 62, 405 - entry into force 01.01.2010]

§ 11. Procedure for issue of precept

(1) A precept shall be issued by the Police and Border Guard Board or the Estonian Security Police.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(2) [Repealed - RT I 2002, 61, 375 - entry into force 01.08.2002]

(3) [Repealed - RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(3^1) If the issue or extension of a residence permit or the right of residence is refused to an alien or the residence permit of an alien is revoked, a precept to leave may be respectively issued by the decision to refuse to issue or extend the residence permit or the right of residence, to revoke or terminate the residence permit, unless a valid precept to leave has been issued to the alien.

(3^2) [Repealed - RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(4) [Repealed - RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(5) [Repealed - RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(6) [Repealed - RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(7) In the case specified in subsection (3^1) of this section, a precept is deemed delivered to an alien upon communication of a decision to refuse to issue or extend the residence permit or the right of residence or to revoke the residence permit or terminate the right of residence.

(8) The Police and Border Guard Board or the Security Police shall, if possible and in accordance with the standard format established by the Minister of the Interior, enter a notation concerning the issue of a precept in the travel document of an alien that the alien uses to cross the border.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(9) Upon making a decision specified in subsection 10 (1) of this Act, the provisions of subsections (1)-(6) of this section apply.

§ 12. Issue of precept to minors

(1) If an alien to whom a precept is issued is accompanied in Estonia by an alien who is minor or with restricted active legal capacity and who has no basis for stay in Estonia, an obligation to organise compliance with the precept also with respect to an alien who is minor or person with restricted active legal capacity shall be imposed by the same precept on the parent, guardian or other adult person responsible for the minor.

(2) A parent, guardian or another adult responsible person who is staying in Estonia together with a minor alien or adult alien with restricted active legal capacity is assumed to have the right of custody. At the request of the Police and Border Guard Board or the Security Police a parent, guardian or another responsible adult person is required to certify the existence of the right of custody.

(3) A precept is issued to an unaccompanied minor alien if:
1) upon the issue of the precept the representation of the unaccompanied minor alien is ensured and his or her interests have been taken into account;
2) the unaccompanied minor alien is sent back to his or her family member or appointed guardian or to the reception centre of the receiving state.

(4) The guardian shall organize compliance with the precept with respect to an unaccompanied minor and adult alien with restricted active legal capacity.

(5) An unaccompanied minor alien shall be provided a substitute home service by the Social Insurance Board during his or her stay in Estonia, which includes at least the services provided for in subsection 32 (1) of the Act on Granting International Protection to Aliens.
[RT I, 21.12.2013, 1 - entry into force 22.12.2013]

§ 12[1]. Assessment of a minor's age

(1) If a reasonable doubt arises at the Police and Border Guard Board or the Security Police about he correctness of the data submitted about the age of an alien, medical examination may be carried out to determine the age of the alien with the consent of the alien or his or her representative.

(2) If the alien refuses medical examination to determine the age, the Police and Border Guard Board or the Security Police shall deem the alien to be an adult, except in the case if the person is manifestly minor.

(3) The Police and Border Guard Board or the Security Police shall notify the alien about the medical examinations indicated in subsection (1) of this section, the manner of performing them and the consequences if the alien refuses medical examination.

(4) The Police and Border Guard Board or the Security Police shall decide on treating an alien as minor.

(5) The decision on determining the age can only be contested together with an administrative act or performed proceeding during which the decision on determining the age was made.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

§ 13. Validity and contestation of precept

(1) A precept shall be valid as of the date of communication of the precept until the obligation imposed on an alien by the precept is performed or until basis for stay in Estonia is obtained.

(2) The Police and Border Guard Board or the Security Police shall declare a precept invalid if basis for the issue of the precept ceases to exist.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(3) An appeal against issue of a precept, a decision to issue a precept to ensure compliance with a precept or decision to amend the prohibition on entry or the term of its validity applied by the precept may be filed by an alien with an administrative court pursuant to the procedure provided for in the Code of Administrative Court Procedure within ten days as of the date of notification of the precept or decision.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

§ 13[1]. [Omitted - RT I 2001, 58, 352]

Chapter 3
EXPULSION FROM AND PASSAGE VIA ESTONIA

[RT I 2006, 50, 377 - entry into force 14.12.2006]

§ 14. Bases for expulsion

(1) An alien shall be expelled from Estonia upon expiry of the term for enforcement execution of a precept to leave.

(2) An alien with regard to whom a decision has been made by a Member State of the Schengen Convention on imposing an obligation to leave the country and this decision is valid and the term for voluntary leaving from the country has expired, shall be expelled from Estonian without issuing a precept to leave.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(3) [Repealed - RT I, 29.11.2010, 2 - entry into force 24.12.2010].

(3[1]) [Repealed - RT I, 29.11.2010, 2 - entry into force 24.12.2010].

(3[2]) [Repealed - RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(3[3]) [Repealed - RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(4) Expulsion shall not be applied if:
1) a precept is annulled or declared invalid or it has expired;
2) expulsion is no longer possible;
3) expulsion is prohibited pursuant to this Act.
4) [Repealed - RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(5) Expulsion shall be suspended:
1) if a court suspends enforcement execution of a precept to leave;
2) [Repealed - RT I, 29.11.2010, 2 - entry into force 24.12.2010]

3) on the proposal of the Prosecutor's Office for the reflection period indicated in § 205 of the Aliens Act. The Prosecutor's Office or an investigative body on the order of the Prosecutor's Office shall notify a person of the opportunities and conditions for suspension of the expulsion of the person.
[RT I, 18.04.2013, 2 - entry into force 28.04.2013]
4) upon the decision of the Police and Border Guard Board if the temporary stay in Estonia of an alien is justified due to humanitarian considerations or 'force majeure'.
[RT I, 18.04.2013, 2 - entry into force 28.04.2013]

§ 14[1]. Receipt of documents for deposit

(1) The travel document and identity document of an alien who is staying in Estonia without a basis for stay may be received for deposit by the Police and Border Guard Board or the Security Police in order to ensure the performance of the obligation to leave,.
[RT I 2009, 62, 405 - entry into force 01.01.2010]

(2) The provisions of the Identity Documents Act apply to receipt of documents for deposit.
[RT I 2004, 53, 369 - entry into force 07.08.2004]

§ 15. Expulsion order

(1) Upon existence of a basis for expulsion provided for in this Act, the Police and Border Guard Board or the Security Police shall detain the alien and organise the alien's departure from Estonia.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(2) The Security Police that is arranging the expulsion shall transmit to the Police and Border Guard Board the information about the alien with regard to whom the expulsion is applied.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(3) [Repealed - RT I 2003, 4, 21 - entry into force 01.03.2003]

(4) [Repealed - RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(5) [Repealed - RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(6) The Minister of the Interior shall establish by the regulation the list of the information and the procedure for transmitting the data provided for in subsection (2) of this section.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

§ 15[1]. Detention of person

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

§ 16. Contestation of expulsion

(1) Expulsion may be contested pursuant to the procedure provided for in the Code of Administrative Court Procedure. The contestation of expulsion shall not postpone expulsion for the time of judicial proceedings.

(2) After expiry of the term for contestation of a precept for the enforcement execution of which expulsion is applied, expulsion cannot be contested based on the unlawfulness of the precept.

§ 17. Admitting country

(1) A person to be expelled shall be expelled to the state from which he or she arrived in Estonia, to the country of his or her nationality or to his or her country of habitual residence, or to a third state with the consent of the third state unless otherwise provided for in the legislation of the European Union or an international agreement.. If there is more than one option, the reasoned preference of the person to be expelled shall be the primary consideration, if such preference does not significantly impede enforcement of the expulsion.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(2) [Repealed - RT I 2003, 13, 65 - entry into force 24.12.2010]

(3) A person to be expelled who has a legal basis for the residence or temporary stay in a Member State of the Schengen Convention shall be expelled to this state.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

§ 17[1]. Prohibition on expulsion

(1) An alien may not be expelled to a state to which expulsion may result in consequences specified in Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms or Article 3 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or the application of death penalty.

(2) The expulsion of an alien shall comply with Articles 32 and 33 of the United Nations Convention relating to the Status of Refugees (together with the Protocol relating to the Status of Refugees of 31 January 1967)
[RT I 2003, 13, 65 - entry into force 01.05.2003]

§ 18. Term for expulsion

(1) Expulsion shall be completed within forty-eight hours after the alien is detained.

(2) [Repealed - RT I 2004, 53, 369 - entry into force 07.08.2004]

(3) A person to be expelled who is a suspect, an accused or an accused at trial in a criminal matter shall be expelled within forty-eight hours after completion of the proceedings or the entry into force of a court judgment. In the case of an appeal against a court judgment, a person to be expelled shall be expelled within forty-eight hours after the return of the appeal or the entry into force of a judgment of a higher court. Until the completion of the proceedings or the making of a judgment, the preventive measures provided for in the Code of Criminal Procedure shall be applied with regard to a person to be expelled, or the person to be expelled shall be placed in a detention centre on the basis of a judgment of an administrative court judge.

(4) If a person to be expelled is being punished by detention or imprisonment, or if an alien who is detained or imprisoned is to be expelled, expulsion shall be completed within forty-eight hours after the detention or imprisonment has been served.
[RT I 2006, 7, 42 - entry into force 04.02.2006]

§ 19. Detention and transportation to border checkpoint of person to be expelled

(1) Until the completion of expulsion, aliens shall be detained for the terms provided for in § 18 of this Act in the offices of the police authorities, police detention houses or detention centres without application of the provisions of Chapters 4 and 4 [1].
[RT I 2009, 62, 405 - entry into force 01.01.2010]

(2) An administrative court judge may extend the terms provided for in § 18 of this Act by up to three days and grant permission for the detention of an alien during such term.

(2[1]) The travel document and the identity document of a person to be expelled shall be received for deposit for the time of detention of the person.

(3) The procedure for transportation to a border checkpoint of persons to be expelled and the competence of the governmental authorities enforcing expulsion in the performance of activities provided for in this Act shall be established by the Minister of the Interior.

(4) In order to guarantee expulsion, an official of the Police and Border Guard Board or the Security Police may enter a notation concerning expulsion in the travel document of an alien. The format of such notation shall be established by the Minister of the Interior.
[RT I 2009, 62, 405 - entry into force 01.01.2010]

§ 19[1]. Security check and examination of person to be expelled upon detention
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(1) Upon detention of a person to be expelled, a security check of the person to be expelled is performed and his or her personal effects and, if necessary, also the person shall be examined.

(2) Documents, money, valuables and prohibited articles found in the course of a security check or examination shall be taken for deposit for the time of detention.

(3) Prohibited articles are items and substances which are not allowed in commerce and which may present a risk to the person to be expelled himself or herself or to other persons, or items and substances the holding of which is not permitted by the internal rules of the office of the police authority, police detention house or detention centre.

(4) Items and substances which are not allowed in commerce shall be handled pursuant to the procedure provided by law.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 19[2]. Application of direct coercion

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

(1) Upon detention of a person to be expelled and convoying such person to the border, the Police and Border Guard Board and the Estonian Internal Security Service may use physical force and special equipment and service weapons specified in § 26^1 of this Act on the basis of and in the procedure provided for in the Law Enforcement Act.

(2) Gas weapons may only be used if the person to be expelled fails to obey the lawful orders of the Police and Border Guard Board and the Estonian Internal Security Service or offers resistance or if there is good reason to believe that the person may escape, cause damage to another person or to himself or herself, and other measures have been exhausted and the use of gas weapon is absolutely necessary.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 20. Expulsion activities at border checkpoint

(1) A notation with regard to crossing the border shall be entered in the travel document of a person to be expelled at a border checkpoint, and the alien shall be sent to a foreign state or handed over to a representative of the admitting country.

(2) A border representative of the Republic of Estonia, a border representative of the admitting country, an official of the Ministry of Foreign Affairs and a representative of the admitting country may be present when expulsion activities are performed at a border checkpoint.

(3) A person to be expelled who is suspected or convicted of a criminal offence shall be handed over at a border checkpoint at the request of a foreign state and pursuant to the procedure provided for in an international agreement.

§ 20^1. European Union travel document of uniform format

(1) A person to be expelled lacking a valid travel document to cross the state border may be issued a European Union travel document of uniform format for expulsion (hereinafter expulsion document) recognised by the admitting country.
[RT I 2006, 50, 377 - entry into force 14.12.2006]

(2) The expulsion document shall be issued to an alien without standard application for single exit from Estonia and entry into the admitting country.
[RT I 2006, 50, 377 - entry into force 14.12.2006]

(3) The expulsion document shall be issued by the Police and Border Guard Board. [RT I 2009, 62, 405 - entry into force 01.01.2010]

(4) The procedure for issue of an expulsion document shall be established by the Minister of the Interior.
[RT I 2006, 50, 377 - entry into force 14.12.2006]

§ 21. Expulsion of unaccompanied minor

(1) An unaccompanied minor may be expelled if the custody of a minor is arranged and the protection of the rights and interests of the minor are ensured in the admitting country.

(2) Expulsion of an unaccompanied minor is arranged in coordination with the competent state agencies of the admitting country and in case of necessity with the competent state agencies in the transit country.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

§ 22. Readmission of person to be expelled

If the admitting country refuses to admit a person to be expelled or if other circumstances impeding the completion of expulsion become evident during the transportation to a border checkpoint of the person to be expelled or at the border checkpoint, the person to be expelled shall be detained by way of administrative procedure until the completion of his or her expulsion or until he or she is placed in a detention centre, but the person to be expelled shall not be detained for longer than forty-eight hours.
[RT I 2003, 4, 21 - entry into force 01.03.2003]

§ 22[1]. [Repealed - RT I 2003, 4, 21 - entry into force 01.03.2003]

§ 22[2]. Expulsion by air

Direct flights are used for expulsion by air. If it is impossible to use a direct flight, the transit through the airport open for international flights of a Member State of the European Union may be applied for expulsion by air (hereinafter transit).
[RT I 2006, 50, 377 - entry into force 14.12.2006]

§ 22[3]. Request for and approval of transit

(1) The administrative agency conducting the expulsion shall submit a written request for escorted or unescorted transit by air to the competent agency of the country of location of the airport (hereinafter request).

(2) The request shall be submitted no later than 48 hours before commencement of the transit. In justified cases the request may be submitted no later than 24 hours before commencement of the transit.

(3) Transit by air shall not be commenced without the permission. Where no reply is provided by the requested Member State within 48 hours as of submission of the request, the transit operation may be commenced, notifying the requested Member State.

(4) A governmental authority that organises expulsion shall take all the necessary assistance measures to ensure that the transit operation takes place in the shortest possible time. The transit operation shall take place at a maximum within 24 hours.

(5) The application form shall be established by the regulation of the Minister of the Interior .
[RT I 2006, 50, 377 - entry into force 14.12.2006]

§ 22[4]. Application for and grant of permission for transit via Estonia

(1) At the request of the competent authority of the Member State of the European Union the permission may be granted for transit by air through Estonia of the person to be expelled (hereinafter transit via Estonia).

(2) For the purpose of transit via Estonia the competent authority of a Member State of the European Union (hereinafter the requesting state) shall submit a standard format application to an agency within the area of government of the Ministry of the Interior, authorised by the Minister of the Interior (hereinafter competent authority).

(3) The competent authority shall decide on the grant of permission for transit via Estonia within 48 hours as of receipt of the request. In justified cases the time limit may be extended by up to 48 hours. The requesting authority shall be immediately notified of the extension of the time limit.

(4) Before granting the permission for transit via Estonia the competent authority is required to coordinate the grant of permission with the authorities within the area of government of the Ministry of the Interior. The permission for transit via Estonia shall not be granted if at least one of the assigned authorities does not approve of the permission.

(5) The competent authority shall immediately notify the requesting authority about the grant of permission for transit via Estonia.

(6) The Ministry of the Interior shall establish by a regulation the competent authority for granting the permission for transit via Estonia, the procedure for approval of the permission and the authorities under the government of the Ministry of the Interior who shall give approval for transit via Estonia.
[RT I 2006, 50, 377 - entry into force 14.12.2006]

§ 22[5]. Refusal to grant permission for transit via Estonia

(1) The transit via Estonia by air authorisation may be refused if:
1) the person to be expelled is charged with criminal offences pursuant to the legislation of Estonia or is wanted for the carrying out of a sentence,
2) the transit through the transit country or admission by the country of destination is not feasible,
3) if the transit requires a change of airport on the territory of Estonia,
4) the requested assistance is not feasible for practical reasons at the particular moment during the receipt of the request or,
5) the person to be expelled poses a danger to public order, national security, international relations or other people's life or health.

(2) In the case provided for in clause (1) 4) of this section the competent authority shall notify the requesting authority immediately of the date when the permission may be granted for transit via Estonia if there is no other basis for refusal to grant permission provided for in subsection (1) of this section.

(3) The competent authority may revoke the permission granted for transit via Estonia if a basis becomes evident for refusal to grant permission provided for in subsection (1) of this section.

(4) The competent authority shall notify the requesting authority immediately about the refusal to grant permission for transit via Estonia or repeal of the permission granted and the reason for the refusal to grant permission or repeal the granted permission.
[RT I 2006, 50, 377 - entry into force 14.12.2006]

§ 22[6]. Transit via Estonia

(1) The transit operation via Estonia shall take place at a maximum within 24 hours.

(2) In cases where, despite the assistance measures applied pursuant to subsection (3) of this section, the transit operations cannot be completed, the competent authority may, upon request by and in consultation with the requesting authority, take all the necessary assistance measures to continue the transit operation. In such cases, the time limit for transit may be extended by 48 hours.

(3) During transit via Estonia the competent authority shall apply if necessary the following assistance measures:
1) reception of the person to be expelled at the aircraft and escorting him or her within the confines of the transit airport, in particular to his or her connecting flight,
2) providing emergency medical care to the person to be expelled and to his or her escort;
3) providing sustenance for the person to be expelled and for his or her escort;
4) reception, keeping and forwarding to the captain of the plane the travel documents of the person to be expelled in the case of unescorted transit;
5) in cases of unescorted transit informing the requesting authority of the place and time of departure of the person to be expelled from the territory of Estonia and
6) informing the requesting authority if any serious incidents took place during the transit of the person to be expelled that endangered the transit.
4) The costs of the assistance measures provided according to clauses (3) 2) and 3) of this section shall be borne by the requesting authority.
The costs provided in clauses (3) 1) and 4)-6) of this section shall also be borne by the requesting authority to the extent that they are actual and quantifiable.

(5) The list of the costs of the assistance measures of the transit via Estonia, the rates of the costs to be borne by the requesting authority and the procedure for recovery of the costs shall be established by the Minister of the Interior.

(6) In order to ensure the transit operation via Estonia:
1) the person to be expelled may be placed to the office room of the competent authority and
2) physical force and self-defence equipment may be used against the person to be expelled to prevent or end any attempt by the person to be expelled to resist during the transit.
[RT I 2006, 50, 377 - entry into force 14.12.2006]

§ 22[7]. Return of person to be expelled from Estonia to country requesting transit

(1) The person to be expelled shall be returned to the country requesting transit via Estonia and the requesting country shall undertake to readmit the person to be expelled forthwith if:
1) the transit by air authorisation was refused or revoked pursuant to the basis provided for in subsection 22 [5](1) of this Act,
2) the person to be expelled entered the territory of Estonia without permission during the transit;
3) expulsion of the person to be expelled to another transit country or to the country of destination or boarding of the connecting flight was unsuccessful or,
4) transit by air is not possible for another reason.

(2) The costs of the return of the person to be expelled shall be borne by the requesting authority.
(3) The list of costs of the return of the person to be expelled, the rates of the costs to be borne and the procedure for recovery of the expenses shall be established by the regulation of the Minister of the Interior.
[RT I 2006, 50, 377 - entry into force 14.12.2006]

§ 22[8]. Escort during expulsion by air and transit via Estonia

(1) Expulsion by air and transit via Estonia of a person to be expelled may be carried out escorted or unescorted.

(2) For the purposes of this Act an escort is a representative of the requesting country responsible for:
1) expulsion of the person to be expelled;

2) keeping and delivery of the travel document of the person to be expelled to the country of destination and
3) transfer of the person to be expelled to the representative of the competent authority of the country of destination.

(3) During the transit the escort shall present at the request of the transit country an identity document and the authorisation of the transit or a notification provided for in subsection 22 ^{3}(3) of this Act.

(4) It is forbidden for an escort to carry a weapon and wear a uniform.

(5) During the transit the escort has the right to use against the person to be expelled physical force and self-defence or special equipment corresponding to the threat pursuant to the legislation of the transit country if the person to be expelled fails to obey the lawful orders of the escort or offers resistance, or if there is good reason to believe that the person may escape or cause damage to other persons or to himself or herself or property.
[RT I 2006, 50, 377 - entry into force 14.12.2006]

Chapter 4
DETENTION IN DETENTION CENTRE

§ 23. Placement in detention centre

(1) If it is not possible to complete expulsion within the term provided for in this Act, the person to be expelled shall, at the request of the governmental authority which applied for or which is enforcing the expulsion of the alien and on the basis of a judgment of an administrative court judge, be placed in a detention centre until his or her expulsion, but for not longer than two months.
[RT I 2006, 31, 235 - entry into force 01.09.2006]

(1^{1}) A person to be expelled who is to be placed in a detention centre may be detained in a police detention house for up to thirty days instead of the detention centre. The conditions of execution of detention specified in the Imprisonment Act apply to detention in police detention houses.

(2) [Repealed - RT I 2001, 58, 352 - entry into force 12.07.2001]

(3) [Repealed - RT I 2001, 58, 352 - entry into force 12.07.2001]

(4) If detention of the person to be expelled in the detention centre or police detention house is not possible for security or health protection considerations or any other reason or is substantially jeopardised, the person to be expelled may be accommodated under surveillance outside detention centre by the decision of the head of the detention centre.
[RT I 2010, 3, 4 - entry into force 25.01.2010]

§ 24. Release from detention centre

(1) If enforcement of the expulsion of an alien who is staying in the detention centre becomes possible, the alien shall be released from the detention centre and shall be expelled at the request of the governmental authority enforcing the expulsion pursuant to the procedure provided for in this Act.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(1^{1}) The person to be expelled shall be released from the detention centre or the police detention house or the surveillance of his or her accommodation outside detention centre shall be terminated if the expulsion operation has not been completed within 18 months as of the date of taking the decision on placing the alien into the detention centre. The period of the proceedings of the application for international protection submitted by the alien shall not be included into the term of the expulsion at the detention centre of an alien.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(1^{2}) The decision on releasing the person to be expelled shall be made by the head of the detention centre.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(2) If a person to be expelled is taken into custody as a suspect or an accused in a criminal matter, he or she shall be released from the detention centre on the basis of the ruling to take him or her into custody.

(3) If a precept is annulled or declared invalid or a decision is made to grant an alien the basis for stay, the alien shall be released from the detention centre on the basis of the decision to annul the precept or to declare it invalid or to grant the basis for stay.

(4) The Police and Border Guard Board shall immediately notify the alien and the detention centre of the annulment of a precept or the declaration of a precept invalid or the grant of basis for stay in Estonia.
[RT I 2009, 62, 405 - entry into force 01.01.2010]

(5) The release from the detention centre shall not grant an alien a legal basis for the stay in Estonia and his or her stay in Estonia is illegal if he or she has no legal basis for the stay in Estonia provided for in the Aliens Act, the Act on Granting International Protection to Aliens or the Citizen of the European Union Act.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

§ 25. Extension of term for detention in detention centre

If it is impossible to enforce expulsion within the term of detention in the detention centre, an administrative court shall, at the request of a competent official of the Police and Border Guard Board, extend the term of detention in the detention centre of a person to be expelled by up to two months at a time until expulsion is enforced or until the alien is released pursuant to subsections 24 (1^{1}), (2) or (3) of this Act.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

§ 26. Making of judgment

(1) Judgments concerning the detention of persons to be expelled and extension of the term of detention shall be made by an administrative court pursuant to the provisions of the Code of Administrative Court Procedure on giving permission for administrative proceedings.
[RT I, 23.02.2011, 3 - entry into force 01.01.2012]

(2) [Repealed - RT I, 23.02.2011, 3 - entry into force 01.01.2012]

Chapter 4^{1}
DETENTION CENTRE

[RT I 2003, 4, 21 - entry into force 01.03.2003]

§ 26^{1}. Detention centre

(1) Detention centres are structural units of the Police and Border Guard Board the function which is to enforce the judgments on the detention of persons to be expelled.
[RT I 2009, 62, 405 - entry into force 01.01.2010]

(2) The detention centre is a guarded enclosed territory which is marked by clearly visible signs and which enables constant supervision of persons to be expelled.

(3) Supervision of persons to be expelled shall be organised such that detention of the persons to be expelled, compliance with the internal rules of the detention centre and security in the detention centre are ensured.

(4) The officials of the Police and Border Guard Board shall exercise supervision over persons to be expelled by visual and electronic surveillance.
[RT I 2009, 62, 405 - entry into force 01.01.2010]

(5) Persons to be expelled shall not leave the detention centre without supervision and without the permission of the head of the detention centre.

§ 26^{2}. Reception into detention centre

(1) A person to be expelled shall be received into the detention centre on the basis of a transcript of the judgment of an administrative court and an identity document or, in the absence thereof, an identification document.

(2) Upon reception into the detention centre, an agency which detained the alien shall transfer the information and documents concerning the person to be expelled which are in the possession of the agency to the detention centre.

(3) Upon arrival in the detention centre, the security check shall be performed of a person to be expelled and his or her movables shall be examined..
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(4) A person to be expelled who has been placed in the detention centre shall be photographed and fingerprinted, unless this has been done beforehand in the course of proceedings relating to expulsion.

(5) Upon reception into the detention centre, the cash, documents and personal effects which a person to be expelled has with him or her and the holding of which is not permitted in the detention centre shall be deposited with the detention centre.

(6) Upon reception of a person to be expelled into the detention centre, the personal file of the person to be expelled shall be opened which includes the documents and information which are the basis for placement of the person to be expelled in the detention centre, documents and information transferred to the detention centre by the agency which detained the alien, signaletic photographs, a fingerprint card and other documents and information provided for in the internal rules.

(7) Upon arrival in the detention centre, the rights and obligations of a person to be expelled shall be explained to him or her in a language which he or she understands and, at the request of the person to be expelled, legal aid and language services shall be organised for him or her at his or her expense.

(8) A person to be expelled shall be given written information concerning legislation regulating the enforcement of his or her expulsion, the internal rules of the detention centre and the submission of complaints.

§ 26[3]. Temporary absence from detention centre

A person to be expelled may stay outside the detention centre under supervision and with the permission of the head of the detention centre if this is unavoidably necessary.
[RT I 2004, 53, 369 - entry into force 07.08.2004]

§ 26[4]. Obligation of persons to be expelled to co-operate

(1) A person to be expelled is required to co-operate in the organisation of expulsion, among other:
1) to provide governmental authorities enforcing expulsion with oral and written information and explanations;
2) to submit all information and documents and other evidence in his or her possession which are relevant to the proceedings relating to expulsion;
3) to co-operate in the obtainment of the documents necessary for expulsion;
4) to co-operate in the collection of information needed for identification of his or her person, and for verification purposes.

(2) The obligation to co-operate specified in subsection (1) of this section also extends to the representative of the person to be expelled in the proceedings relating to expulsion.

§ 26[5]. Accommodation of persons to be expelled

(1) The detention centre has a residential building with rooms for the accommodation of persons to be expelled.

(2) Male and female persons to be expelled shall be accommodated in separate rooms.

(3) If possible, family members shall be accommodated together.

(4) A minor shall be accommodated separately from adult persons to be expelled except if this is evidently in conflict with the interests of the minor.

(5) According to an order of the head of the detention centre for reasons of security and in order to ensure compliance with the internal rules of the detention centre, a person to be expelled may be accommodated separately from the persons to be expelled specified in subsections (2)-(4) of this section.

(6) Rooms for the accommodation of persons to be expelled shall be in conformity with the requirements of construction technology, health and hygiene. The rooms of persons to be expelled shall have windows to ensure suitable lighting of the rooms.

§ 26[6]. Conditions for detention in detention centre

(1) Persons to be expelled are permitted to move about in the residential building of the detention centre in the rooms prescribed by the internal rules from the time of rising until the time of retiring. Persons to be expelled may enter other rooms and move about within the territory of the detention centre in the cases and at the time prescribed by the internal rules of the detention centre. From the time of retiring until the time of waking, persons to be expelled are required to stay in the rooms prescribed for them, which, if necessary, are locked.

(2) Persons to be expelled shall wear personal clothing. If a person to be expelled lacks suitable clothing, the detention centre shall provide the person to be expelled with clothing without charge. Persons to be expelled are required to wear a name tag attached to their clothing.

(3) A person to be expelled is required to clean, keep in order and regularly change his or her clothing.

(4) Persons to be expelled are provided with an opportunity to satisfy their religious needs if the detention centre has possibilities therefor and this is not in conflict with the provisions of the internal rules.

§ 26[7]. Provision of food for persons to be expelled

(1) The provision of food for persons to be expelled shall be organised in conformity with the general dietary habits of the population of Estonia with a view to meet the food requirement necessary for survival.

(2) Food shall be provided on a regular basis and it shall be such as to meet the requirements of food hygiene.

(3) The provision of food for minors shall be organised taking into consideration the needs resulting from their age.

(4) As far as possible, persons to be expelled are permitted to observe the dietary habits of their religion at their expense.

(5) The person who ensures the provision of medical care in the detention centre shall supervise the preparation of the menu of the detention centre and the provision of food at the detention centre.

§ 26[8]. Health of persons to be expelled

(1) Persons to be expelled must take care of their personal hygiene. At least once a week and upon reception into the detention centre, persons to be expelled shall be provided with an opportunity to use a sauna, bath or shower. Once a month, hairdressing and barber's services shall be provided for persons to be expelled.

(2) On the command of the head of the detention centre, coercion may be imposed to ensure compliance with hygiene requirements if a person to be expelled fails to take care of his or her personal hygiene to a necessary extent and this has brought about actual danger to his or her health or to the health of other persons to be expelled. The imposition of coercion shall not endanger the life or health of a person to be expelled.

(3) Toiletries shall be provided for a person to be expelled by the detention centre if the person to be expelled does not have these or funds to acquire these.

§ 26[9]. Provision of medical care to persons to be expelled

(1) A person to be expelled shall be ensured access to medical examination and necessary health services.
[RT I, 03.07.2013, 2 - entry into force 01.10.2013]

(2) The detention centre shall have permanent treatment facilities for the supervision of the state of health of persons to be expelled.

(3) Health services in detention centres are provided by persons with family physician's qualifications pursuant to the provisions regulating the provision of specialised outpatient care.

(4) Persons specified in subsection (3) of this section are required to supervise the state of health of persons to be expelled on a constant basis and place them in treatment in the Central Hospital of Prisons if the state of health of the persons does not allow their detention in the detention centre or expulsion from Estonia.

(5) The in-patient treatment of persons to be expelled placed in the detention centre shall be conducted under supervision in the Central Hospital of Prisons.

(6) The medical expenses of emergency services and treatment of persons to be expelled provided by the persons specified in subsection (3) of this section in the General Hospital of Prisons shall be paid from the state budget.
[RT I 2004, 53, 369 - entry into force 07.08.2004]

(7) The extent and procedure of funding from the state budget of the medical examination of a person to be expelled and necessary health services provided to him or her shall be established by a regulation of the Minister of Social Affairs.
[RT I, 03.07.2013, 2 - entry into force 01.10.2013]

§ 26[10]. Visiting of persons to be expelled

(1) Visits by the following are allowed for persons to be expelled:
1) consular officers of the country of nationality;
2) legal counsels;
3) ministers of religion with regard to whose reputation the head of the detention centre has no reasoned doubts;
4) representatives of competent state authorities, international or non-governmental organisations.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(2) With the permission of the head of the detention centre, a person to be expelled may be allowed to receive short-term supervised visits of personal, legal or commercial interest from persons not specified in subsection (1) of this section in matters which the person to be expelled cannot conduct through third persons, unless the visits impede enforcement of the expulsion. Persons to be expelled are permitted to receive visits only from persons with regard to whose reputation and motives the head of the detention centre has no reasoned doubts.

(3) The Police and Border Guard Board shall have the right to perform the security check of a person who is permitted to visit a person to be expelled, and examine the movables of the visitor. It is prohibited to review the content of the written material brought along by the legal defence counsel. Items the holding of which is prohibited in the detention centre shall be temporarily deposited for the duration of the visit.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(4) Persons to be expelled shall be visited pursuant to the procedure, at the times and in rooms prescribed by the internal rules of the detention centre. The duration of visits specified in subsection (2) of this section shall be determined by the head of the detention centre and shall not exceed three hours.

(5) Persons to be expelled shall be visited in the presence of the Police and Border Guard Board. Visits from the legal defence counsel or a minister of religion are allowed within sight but not within hearing distance.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(6) The officials of the detention centre have the right to process the identity data of the person who is requesting visit in order to check the trustworthiness of the person requesting a visit to the person to be expelled.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(7) Visiting a person to be expelled is not allowed if:
1) the activities of the person requesting a visit have been directed or are directed against the Republic of Estonia or its security;
2) the person requesting a visit is connected with an organisation or movement that ignores public order with its activities;
3) the person requesting a visit has been punished for an intentionally committed criminal or another offence and the data concerning the punishment have not been expunged from the punishment register;
4) the person requesting a visit has provided incorrect information or a falsified document upon request for a visit;
5) there is good reason to doubt the trustworthiness of the person requesting a visit;
6) a visit to a person to be expelled may have an impact on the efficiency of expulsion or
7) there are other good reasons.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(8) In case of circumstance specified in subsection (7) of this section the visiting may be allowed as an exception if the person to be expelled has a reason concerning private life or other compelling reason for the visit.
[RT I, 03.07.2013, 2 - entry into force 01.10.2013]

§ 26[11]. Correspondence and use of means of communication by persons to be expelled

(1) Persons to be expelled have the right of correspondence and the use of telephone and other public communication channels if relevant technical conditions exist in the detention centre. Correspondence and the use of telephone and other public communication channels shall be effected pursuant to the procedure provided for in the internal rules of the detention centre.

(2) Letters sent to a person to be expelled shall be opened by the Police and Border Guard Board in the presence of the person to be expelled and any items the holding of which in the detention centre is prohibited by the internal rules of the detention centre shall be confiscated.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(3) The content of the correspondence of a person to be expelled and of messages forwarded by telephone and other public communication channels may be examined only with the permission of a court on the bases of and in the procedure provided in the Code of Criminal Procedure.
[RT I, 29.06.2012, 2 - entry into force 01.01.2013]

(4) The head of the detention centre may restrict the correspondence and use of telephone and other means of communication of persons to be expelled if this may violate the internal rules of the detention centre or impede enforcement of the expulsion.

(5) The correspondence of persons to be expelled with state agencies, legal defence counsels, ministers of religion and consular officers of the country of nationality shall not be restricted.

(6) Costs related to correspondence and the use of telephone and other public means of communication shall be borne by the person to be expelled. For correspondence with Estonian state agencies, legal defence counsels, ministers of religion and consular officers of the country of nationality, a person to be expelled shall be provided with stationery and postal charges shall be covered if the person to be expelled does not have funds therefor.

§ 26[12]. Acquisition of items

(1) Persons to be expelled may, by the mediation of the detention centre, buy foodstuffs, toiletries and other items the holding of which is permitted in the detention centre, in an amount and pursuant to the procedure provided for in the internal rules of the detention centre.

(2) A person to be expelled is permitted to receive packages. The Police and Border Guard Board shall examine the content of the package in the presence of the recipient of the package before it is handed over.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(2[1]) It is prohibited to receive food and medicinal products in a package.

(3) The Police and Border Guard Board is required to seize items contained in a package the holding of which is prohibited in the detention centre and not hand over such items to the person to be expelled.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(4) Seized items, except those that cannot be deposited, shall be deposited until release of the person to be expelled from the detention centre.

(5) Seized items that cannot be deposited shall be destroyed pursuant to the procedure prescribed by the internal rules.

(6) Seized items may be returned to the sender of the package at the expense of the person to be expelled or the sender of the package.
[RT I 2004, 53, 369 - entry into force 07.08.2004]

§ 26[13]. Duties of persons to be expelled

(1) Persons to be expelled are required to comply with the internal rules of the detention centre.

(2) Upon violation of the internal rules, which endangers other persons to be expelled or other persons or otherwise endangers the security of the detention centre, the security measures provided for in § 26 [15]of this Act may be applied.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(3) Persons to be expelled are required:
1) to follow the lawful orders given by the Police and Border Guard Board;
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]
2) not to prevent the Police and Border Guard Board from performing their duties;
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]
3) to allow the performance of acts provided for in this Chapter;
4) not to disturb other persons in the detention centre;
5) to promptly inform the Police and Border Guard Board of all circumstances which may endanger the security of the detention centre or violate internal rules thereof, or endanger the life or health of the person to be expelled or other persons;
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]
6) handle the things entrusted to the person to be expelled rationally and keep in order and clean the dwelling and non-work rooms which the person to be expelled uses.

(4) A person to be expelled is required to bear the costs of expulsion, including transportation costs borne in connection with the expulsion.

(4[1]) If the person to be expelled specified in subsection 14 (3 [3]) of this Act has no sufficient finances to bear the costs of his or her expulsion from Estonia, in the case of mutual recognition of expulsion decisions the costs related to expulsion shall be recovered from the state that has made the expulsion decision pursuant to the Council Directive 2004/ 191/ EC, setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals (OJ L 60, 27.02.2004, pp.55 - 57).
[RT I 2007, 62, 394 - entry into force 30.03.2008]

§ 26[14]. Examination
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(1) In order to detect items that are not permitted, a migration official is, in the case of doubt, required to search a person to be expelled, his or her personal effects, the dwelling and non-work rooms, other rooms and the

territory of the detention centre. An official of the same sex as the person to be expelled shall conduct the search of the person to be expelled.
[RT I 2009, 62, 405 - entry into force 01.01.2010]

(2) Items not permitted that are found in the course of a search shall be deposited or destroyed.

(3) Documents and cash found in the course of examination shall be deposited and returned to the person to be expelled when he or she is released from the detention centre.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 26[15]. Security measures

(1) Security measures are imposed with regard to a person to be expelled who violates the obligations provided for in this Act or the internal rules of the detention centre, fails to take care of his or her personal hygiene to a necessary extent and this has brought about actual danger to the health of the person to be expelled or to the health of other persons, wilfully damages his or her health or the property of the detention centre or is likely to attempt suicide or escape, and to a person to be expelled who acts in a violent manner towards other persons and with regard to a person to be expelled who has failed to undergo health check during the admission to the detention centre in order to survey his or her health condition.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(2) The following security measures are permitted:
1) restriction of the freedom of movement and communication of a person to be expelled;
2) prohibition to use personal effects;
3) commission of a person to be expelled in an isolated locked room;
4) use of special equipment provided for in clauses 7811), 3) and 4) of the Law Enforcement Act.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(3) Application of security measures shall be terminated if the need ceases to exist.

(4) Upon imposition of security measures, a person to be expelled shall be allowed, at his or her request, to be in the open air for at least one hour daily.

(4[1]) Security measures may also be applied upon convoying a person to be expelled outside the detention centre.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(5) The head of the detention centre shall decide on application of security measures. In case of urgency, a higher official currently present shall decide on the application of security measures and inform the head of the detention centre thereof at the earliest opportunity.
[RT I 2009, 62, 405 - entry into force 01.01.2010]

(6) For the prevention of emergencies, mass disorders and external attacks and for the apprehension of escaped persons to be expelled, a defence plan which is confirmed by the Director General of the Police and Border Guard Board in coordination with the Ministry of the Interior shall be developed in the detention centre.
[RT I 2009, 62, 405 - entry into force 01.01.2010]

§ 26[16]. Use of means of restraint
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 26[17]. Special equipment and service weapons
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(1) The Police and Border Guard Board may use firearms or special equipment only as a measure of last resort when all the remaining measures are exhausted to prevent the escape of a person to be expelled, to apprehend an escaped person to be expelled, to neutralise a person to be expelled who is armed or equipped with any other dangerous object or other person staying at the detention centre, to prevent attack or the intrusion of bystanders into the detention centre.

(2) Special equipment of the detention centre includes:
1) handcuffs;
2) bonds;
3) a service dog;
4) a restraint jacket.

(3) Service weapons of the detention centre are:
1) a truncheon from rubber or any other material out of cut-and thrust weapons;
2) a gas weapon;
3) a firearm.

(4) It is prohibited to use firearms against women and minors, except in the case a person to be expelled initiates armed resistance and in the case of attacks against an official of the Police and Border Guard Board or other people.

(5) In the case of mass disorders, the Minister of the Interior or, in the case of urgency, a higher official of the Police and Border Guard Board currently present shall order the use of firearms and special equipment, immediately notifying the Minister of the Interior and the Director General of the Police and Border Guard Board thereof.

(6) The list of positions in the detention centre where the right to carry firearms in the detention centre is prescribed shall be established by the Director General of the Police and Border Guard Board.

(7) The list of self-defence equipment of the detention centre and the requirements for the self-defence equipment shall be established by the Minister of the Interior by a regulation.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 26[18]. Acts upon release from detention centre

(1) In the cases provided for in § 24 of this Act, a person to be expelled shall be released from the detention centre on the basis of an order of the head of the detention centre.

(2) Upon release from the detention centre, the items and documents deposited in the detention centre shall be returned to the person to be expelled.

(3) In the case of expulsion, documents and items that may endanger the security of the person to be expelled or officials enforcing expulsion shall be returned to the person to be expelled at a border checkpoint.

(4) The items and documents of a person to be expelled who is taken into custody shall be handed over to an official who took the person to be expelled into custody.

(5) In exceptional cases, the head of the detention centre has the right to decide to pay a single benefit not exceeding the applicable subsistence limit established on the basis of the minimum consumption expenditure may be paid to a person to be expelled upon his or her release form the detention centre if the person lacks financial means. After the person to be expelled is released from the detention centre, the amount of such benefit may be collected, pursuant to the provisions of the Aliens Act, from the person to be expelled or the person who invited him or her to Estonia.
[RT I 2004, 53, 369 - entry into force 07.08.2004]

§ 26[19]. Management and liability of detention centre

(1) The work of the detention centre is directed by the head of the detention centre.
[RT I 2004, 53, 369 - entry into force 07.08.2004]

(2) The head of the detention centre shall be liable for compliance with the obligations and the internal rules provided for in this Chapter and for ensuring security in the detention centre. [RT I 2004, 53, 369 - entry into force 07.08.2004]

(3) An official of the Police and Border Guard Board shall not disclose any facts which become known to him or her in connection with the performance of his or her duties to persons outside the service, including facts pertaining to the personal relationships of persons to be expelled. The duty to maintain professional secrecy has an unspecified term.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(4) An official of the Police and Border Guard Board is required to immediately inform the head of the detention centre or, in his or her absence, a higher official currently present, of violation of the internal rules and of other facts which may affect enforcement of the expulsion or security in the detention centre.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(5) The head of the detention centre has the right to officially certify the authenticity of a signature of a person to be expelled.
[RT I 2004, 53, 369 - entry into force 07.08.2004]

§ 26[20]. Performance of functions of detention centre

(1) The Police and Border Guard Board may transfer the performance of functions of the detention centre and of officials of the detention centre on the basis of a contract under public law. The functions of the head of the detention centre shall not be transferred.

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

(2) A person who has assumed the obligation to perform the functions of the detention centre on the basis of a contract under public law is required to ensure detention of the persons to be expelled, compliance with the internal rules and security in the detention centre in compliance with the requirements.

(3) Adult Estonian citizens with active legal capacity whose level of Estonian language proficiency is at least at level B2 (intermediate) or an equal level may be used upon performance of functions specified in subsection (2) of this section, which are transferred on the basis of a contract under public law. Persons who are serving a sentence for a criminal offence or data concerning those whose punishment has not been expunged from the punishment register shall not be used.
[RT I 2009, 4, 26 - entry into force 26.01.2009]

(4) Functions transferred on the basis of a contract under public law shall bring about the rights, obligations and liability provided for in this Act.

(5) Upon performance of functions transferred on the basis of a contract under public law, a person who has assumed the obligations and the employees thereof shall be held liable by way of civil, criminal or administrative procedure on the same basis as an official of the Police and Border guard Board.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(6) The employees of a person who has assumed the obligation to perform the functions transferred on the basis of a contract under public law are required to follow the lawful commands given by the head of the detention centre.
[RT I 2009, 62, 405 - entry into force 01.01.2010]

(7) The Director General of the Police and Border Guard Board or a person authorised by him shall exercise supervision over performance of the functions transferred on the basis of a contract under public law.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 26[21]. Internal procedure rules of detention centre

(1) The internal procedure rules of the detention centre shall be established by a regulation of the Minister of the Interior.

(2) The internal procedure rules of the detention centre shall at least provide for the following:
1) the procedure for moving about in the territory and buildings of the detention centre;
2) the procedure for the exercise of supervision in the detention centre;
3) the procedure for the supervision of a person to be expelled temporarily staying outside the detention centre;
4) the list of personal effects which a person to be expelled may hold in the detention centre;
5) the procedure for admission for deposit of personal effects, cash and identity documents;
6) the procedure for the examination of the personal file of a person to be expelled by the person to be expelled;
7) the procedure for the preservation of personal files of a person to be expelled;
8) the procedure for the submission of complaints.

(3) It is prohibited to hold items in the detention centre that may endanger the life or health of a person himself or herself or other persons or the security of the detention centre.
[RT I, 03.07.2013, 2 - entry into force 01.10.2013]

§ 26[22]. Uniform of official
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

An official of the Police and Border Guard Board, who performs the functions arising from this Act, may be provided with a uniform the description of which and procedure for wearing thereof as well as the description of distinguishing marks and the procedure for wearing thereof shall be established by a regulation of the Minister of the Interior.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 26[23]. Medical examination and vaccination of official
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(1) Medical examinations and, where needed, vaccination against infectious diseases shall be provided free of charge to an official of the Police and Border Guard Board.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(2) The conditions and procedure for medical examinations and vaccination shall be established by a regulation of the Minister of the Interior.
[RT I 2004, 53, 369 - entry into force 01.01.2005]

Chapter 5

PROHIBITION ON ENTRY

§ 27. Specification of application of prohibition on entry

The provisions of Chapter 5 of this Act apply to the extent that does not conflict with the provisions of Chapter 2. The provisions of Chapter 5 do not apply to the procedure of establishment of the prohibition on entry applied in the precept to leave and the establishment of the period of validity of the prohibition on entry.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

§ 27[1]. Period of validity of prohibition on entry

(1) A prohibition on entry shall be temporary or permanent. A temporary prohibition on entry may have a period of validity of up to ten years.

(2) The period of validity of a prohibition on entry is a period of time calculated in years or months, within which the legal consequences provided for in § 28 of this Act apply to an alien.

(3) The period of validity of a prohibition on entry shall commence on the date on which the order to apply the prohibition on entry is made, unless a later date is prescribed in the order for the start of the period of validity of the prohibition on entry.

(4) The period of validity of a prohibition on entry shall end upon the expiry thereof or upon revocation of the prohibition on entry.
[RT I 2002, 61, 375 - entry into force 01.08.2002]

§ 28. Legal consequences of prohibition on entry

(1) An alien with regard to whom a prohibition on entry applies shall not be granted permission to enter Estonia at a border checkpoint.

(2) An alien with regard to whom a prohibition on entry applies shall not be granted a basis for stay and his or her basis for stay shall not be extended within the period of validity of the prohibition on entry.

(3) An alien on whom a prohibition on entry is imposed is not permitted to stay in Estonia and the stay of such alien in Estonia is illegal regardless of the existence of a basis for stay.

(3[1]) Upon imposition of a prohibition on entry with regard to an alien, the alien's residence permit or visa shall be revoked or the right of residence of an alien shall be terminated.
[RT I 2006, 26, 191 - entry into force 01.08.2006]

(3[2]) An alien with regard to whom a prohibition on entry applies shall be detained by an official of the Police and Border Guard Board or an officer of the Security Police and the expulsion of him or her from Estonia shall be organised without delay.
[RT I 2009, 62, 405 - entry into force 01.01.2010]

(4) A prohibition on entry does not deprive an alien of the right to apply for asylum in Estonia.
[RT I 2007, 62, 394 - entry into force 30.03.2008]

§ 28[1]. Failure, without imposition of prohibition on entry, to allow aliens to enter Estonia

(1) Failure, without imposition of prohibition on entry, to allow aliens to enter Estonia is permitted if:
1) a circumstance which constitutes the basis for imposition of a prohibition to entry exist with regard the alien;
2) the alien has committed an offence in Estonia;
3) the alien has failed to pay a fine imposed on the alien for an offence committed in Estonia;
4) the alien has failed to pay for the expenses for expulsion;
5) there is reason to believe that the arrival of the alien to Estonia may pose a threat to national security, public safety or public order;
6) there is reason to believe that the purpose of the alien's arrival to Estonia does not correspond to the purpose of arrival claimed by the alien;
7) there is reason to believe that the alien does not intend to leave Estonia after his or her basis for stay expires.
8) the decision on expulsion made on the basis of Article 3 of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals (OJ L 149, 2.06.2001, pp.34-36) applies with regard to an alien that is not revoked nor suspended by the state making the decision.
[RT I 2007, 62, 394 - entry into force 30.03.2008]

(2) Subsection (1) of this section does not apply to aliens who hold a residence permit or who are citizens of the Member States of the European Union, citizens of the member states of the European Economic Area or the Swiss Confederation and their family members.
[RT I 2006, 26, 191 - entry into force 01.08.2006]

§ 28[2]. Formalities and justification of failure to allow aliens to enter Estonia at external border
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(1) With regard to aliens who are not citizens of the Member States of the European Union, citizens of the member states of the European Economic Area or the Swiss Confederation and their family members who accompany or join them, upon failure to admit to enter the country a form shall be completed pursuant to Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code. [OJ L 105, 13.04.2006, pp.1-32).

(2) Refusal to grant permission to an alien to enter the country shall be justified in writing to the Citizens of the Member States of the European Union, citizens of the member states of the European Economic Area or the Swiss Confederation and their family members who accompany or join them for the purposes of the Citizen of the European Union Act in written form. Refusal to grant permission to enter the country for considerations of public order, national security or concerning the public health shall not be justified in more detail if this is in conflict with the security considerations of Estonia or another Member State of the European Union.

(3) An alien who has not been granted permission to enter Estonia may file an action with the administrative court in the procedure provided for in the Administrative Procedure Code.

(4) Filing an action referred to in subsection (3) of this section shall not be a basis for granting permission to an alien to enter Estonia.
[RT I 2007, 68, 420 - entry into force 30.03.2008]

§ 29. Bases for application of prohibition on entry

(1) A prohibition on entry may be applied with regard to an alien if:
1) there is good reason to believe that his or her stay in Estonia may endanger the security of the Republic of Estonia, or public order, public safety, moral standards or the health of other persons;
2) there is information or good reason to believe that he or she belongs to a criminal organisation, that he or she is connected with the illegal handling or illicit trafficking of narcotics, psychotropic substances or the illegal conveyance of persons across the border or a temporary control line, that he or she is a member of a terrorist organisation or has committed an act of terrorism, or there is good reason to believe that that he or she may commit a terrorist crime or he or she is involved in financing or supporting a terrorist crime or money laundering;
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]
3) he or she is or has been employed by an intelligence or security service of a foreign state, or there is good reason to believe that he or she is or has been employed by an intelligence or security service of a foreign state;
4) he or she has received or there is good reason to believe that he or she has received special training in landing operations or in diversion or sabotage activities, or other special training, and if the knowledge and skills acquired in the process of such training can be directly applied in the formation or training of illegal armed units;
5) he or she incites or there is good reason to believe that he or she incites racial, religious or political hatred in Estonia or a foreign state;
6) he or she has been punished or there is good reason to believe that he or she has been punished for a serious crime against humanity or for a war crime, regardless of whether the criminal record has expired or been expunged, and regardless of the expungement of data concerning punishment from the punishment register;
7) he or she has been punished for an intentionally committed criminal offence or for another offence in Estonia or a foreign state, and if the criminal record has neither expired nor been expunged or if data concerning the punishment have not been expunged from the punishment register;
8) the alien has violated legislation regulating the stay of aliens in Estonia or the crossing of the state border by aliens;
9) the alien has provided incorrect information or a falsified document upon application for a legal basis to stay in Estonia or extension thereof, for Estonian citizenship, asylum or an identity document;
10) the alien has unperformed obligations to the Estonian state, a governmental authority or local government.

(2) A permanent prohibition on entry may be applied in the cases provided for in clauses (1) 1)-6) of this section.

(3) If it is impossible for the family of an alien to live together outside Estonia or if the resettlement of the family in a foreign state would involve difficulties on a disproportionate scale in comparison with the need to establish a prohibition on entry, a prohibition on entry with regard to the alien may be applied only in the cases provided for in clauses (1) 1)-6) of this section.

(4) The following persons living legally in Estonia together with an alien in the same family shall be deemed to be the family members of the alien:
1) spouse;

2) minor child;
3) parent if the alien is a minor.

(5) If the bases for application of a prohibition on entry provided for in subsection (1) of this section become evident during the proceedings for the grant or extension of a basis for stay, the grant or extension of the basis for stay shall be refused and a prohibition on entry shall be applied with regard to the alien.
[RT I 2004, 53, 369 - entry into force 07.08.2004]

§ 29[1]. Specifications to application to prohibition on entry

(1) A prohibition on entry may be applied with regard to the citizens of the Member States of the European Union, citizens of the member states of the European Economic Area or the Swiss Confederation and their family members if there is reason to believe that the stay in Estonian of the indicated person may pose a danger to the national security and public order of the Republic of Estonia or to the health of other persons, being infected with the disease as defined by the World Health Organisation.

(2) With regard to a person referred to in subsection (1) of this section the prohibition on entry shall not be applied for the reason that he or she poses a danger to public order if the said person has been living in Estonia permanently for ten consecutive years on the basis of the right of residence or if he or she is minor and the prohibition on entry is not justified in the interests of the minor.

(3) With regard to a person specified in subsection (1) of this section the prohibition on entry shall not be applied for the reason that he or she poses a danger to the health of other persons, being infected with the disease as defined by the World Health Organisation, if the said person has stayed in Estonia for longer than three months.

(4) If the circumstances related to the citizens of the Member States of the European Union, citizens of the member states of the European Economic Area or the Swiss Confederation and their family members who live in Estonia on the basis of the right of residence require the expulsion of the said person from Estonia without delay, prohibition on entry shall be applied with regard to the said person.
[RT I 2006, 26, 191 - entry into force 01.08.2006]

§ 30. Non-application of prohibition on entry

Prohibition on entry shall not be applied:
1) with regard to an alien less than 13 years of age;
2) with regard to an alien who is of Estonian origin;
with regard to an alien whose application for asylum in Estonia has been accepted for hearing or with regard to an alien who has been granted asylum in Estonia.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

§ 30[1]. Specifications to application of prohibition on entry

(1) Upon application of a prohibition on entry and on the basis thereof, revocation of the basis for stay or termination of the right of residence, the alien need not be granted a possibility to provide his or her opinion and objections.

(2) Upon application of a prohibition on entry and revocation of the residence permit or termination of the right of residence of an alien who stays in Estonia on the basis of a residence permit or the right of residence and has a registered residence, the alien shall be granted a possibility to provide his or her objections.

(3) Application of prohibition on entry need not be substantiated.

(4) Application of a prohibition on entry with regard to an alien who, at the time of application of the prohibition on entry, is staying in Estonia on the basis of a residence permit or the right of residence shall be substantiated to the extent that does not conflict with the need to protect national security.
[RT I 2006, 26, 191 - entry into force 01.08.2006]

§ 31. Order to apply prohibition on entry

(1) The application of a prohibition on entry shall be ordered by the Minister of the Interior or a higher official of the Minister of the Interior authorised by the Minister without undue delay.

(2) [Repealed - RT I 2004, 53, 369 - entry into force 07.08.2004]

(3) Upon an order to apply a prohibition on entry and the determination of the period of validity of a prohibition on entry, all of the following circumstances shall be taken into account:

1) the duration of the alien's legal stay in Estonia;
2) the age of the alien;
3) the condition of health of the alien
4) personal, economic and other ties which the alien has with Estonia and which are deserving of protection;
5) the consequences of the application of the prohibition on entry for the family members of the alien;
6) the social and cultural integration of the alien;
7) the connections of an alien to the country of origin;
8) the circumstances which are the basis for application of a prohibition on entry;
8^1) holding a residence permit or the right of residence of a Member State of the European Union, a member state of the European Economic Area or the Swiss Confederation;
[RT I 2007, 62, 394 - entry into force 30.03.2008]
9) other relevant considerations.

(4) [Repealed - RT I 2002, 61, 375 - entry into force 01.08.2002]

(5) [Repealed - RT I 2002, 61, 375 - entry into force 01.08.2002]

§ 31^1. Proposal to apply prohibition on entry

(1) A governmental authority or a state agency administered by a governmental authority may make a proposal to the Minister of the Interior to order application of prohibition on entry.

(2) The proposal specified in subsection (1) of this section shall contain the basis and reason for application of prohibition on entry and the circumstances set forth in subsection 31 (3) of this Act. Where possible, documents in proof of the circumstances shall be appended to the proposal.
[RT I 2004, 53, 369 - entry into force 07.08.2004]

§ 31^2. Fingerprinting and taking DNA samples

(1) The Police and Border Guard Board or the Security Police may conduct fingerprinting and taking DNA tests with regard to an alien with regard to whom the prohibition on entry has been applied unless it is possible to identify the person otherwise.
[RT I 2009, 62, 405 - entry into force 01.01.2010]

(2) Coercion may be applied with regard to an alien who refuses to enable fingerprinting or taking DNA samples.

(3) Processing the data collected in course of fingerprinting shall be entered into the register of fingerprints and the data received as a result of taking DNA samples shall be entered into the National DNA Register.
[RT I 2005, 71, 548 - entry into force 01.03.2006]

§ 32. Amendment of period of validity of prohibition on entry

(1) The Minister of the Interior, or a higher official of the Ministry of the Interior authorised by the Minister shall revoke the prohibition on entry or shorten the period of validity of the prohibition on entry at the justified request of the alien or on the justified proposal of a governmental authority or a state agency administered by a governmental authority or at the request of the competent authority of a member state of the Schengen Convention, except Estonia, if the circumstances forming the basis for application of the prohibition on entry have changed or ceased to exist, or for humanitarian reasons if this does not pose a threat on national security or public order.
[RT I 2007, 62, 394 - entry into force 30.03.2008]

(1^1) Upon revocation of the prohibition on entry at the request of the competent authority of a member state of the Schengen Convention, except Estonia, in the case specified in subsection (1) of this section, the data about prohibition on entry shall be deleted from the Schengen information system. By the order of the Minister of the Interior or a higher official of the Ministry of the Interior authorised by the Minister the prohibition may be maintained only in the national register of prohibitions on entry.
[RT I 2007, 62, 394 - entry into force 30.03.2008]

(2) If additional bases for the application of a prohibition on entry provided for in subsection 29 (1) of this Act become evident with regard to an alien, the Minister of the Interior or a higher official of the Ministry of the Interior authorised by the Minister may extend the period of validity of the prohibition on entry, or replace a temporary prohibition on entry with a permanent prohibition on entry at the proposal of a governmental authority or a state agency administered by a governmental authority. The provisions of subsection 31 (3) of this Act apply with regard to extension of the period of validity or with regard to replacement of a temporary prohibition on entry with a permanent prohibition on entry.
[RT I 2004, 53, 369 - entry into force 07.08.2004]

§ 32[1]. Suspension of period of validity of prohibition on entry

The Minister of the Interior or a higher official of the Ministry of the Interior authorised by the Minister may suspend the period of validity of a prohibition on entry at the proposal of a governmental authority, state agency administered by a governmental authority or a court or at the justified request of the alien, if the alien's arrival and short-term stay in Estonia is unavoidably necessary.
[RT I 2007, 62, 394 - entry into force 30.03.2008]

§ 33. Register of prohibitions on entry and Schengen information system

(1) The National Register of Prohibitions on Entry shall be maintained pursuant to the procedure established by the Government of the Republic concerning aliens with regard to whom prohibitions on entry apply.

(2) Upon application, amendment of the period of validity and the suspension of the prohibition on entry with regard to an alien, the prohibition on entry shall be entered into the database of prohibitions on entry and the data of the prohibition on entry shall be communicated to the Schengen information system pursuant to the Schengen Convention.

(3) The data of the prohibition on entry shall not be communicated to the Schengen information system if:
1) the prohibition on entry applies with regard to the citizen of a Member State of the European Union, citizens of the member states of the European Economic Area or the Swiss Confederation;
2) the validity of the prohibition on entry with regard to an alien shall be restricted to the territory of the Republic of Estonia by the order of the Minister of the Interior or a higher official of the Ministry of the Interior authorised by the Minister.

(4) Upon revocation of the prohibition on entry the data about the prohibition on entry shall be deleted from the Schengen information system.

(5) Administrative agencies may use the Register of Prohibitions on Entry and its archives and data in the Schengen information system for the performance of the duties assigned to the agencies by law.

(6) The data entered into the Register of the Prohibitions on Entry and the data entered into the Schengen Information System pursuant to the Schengen Convention have a legal meaning to the alien for issue, extension and revocation of the legal basis for entry into, stay in and departure from the state.
[RT I 2007, 62, 394 - entry into force 30.03.2008]

§ 33[1]. Prohibition on entry arising from law or court judgment

(1) The prohibition on entry arising from law or a court judgment shall be applied by entry of information in the State Register of Prohibitions on Entry.
[RT I 2007, 62, 394 - entry into force 30.03.2008]

(2) The prohibition on entry arising from law or a court judgment has the legal consequences provided for in § 28 of this Act.

(3) The prohibition on entry arising from law applies to an alien who has been expelled from Estonia for ten years as of the date of expulsion unless otherwise provide by this Act.
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(4) In the case of the arrival in and stay in Estonia, or the prohibition on transit via Estonia of a subject of the international sanction prescribed in the legislation of the Government of the Republic pursuant to § 7 or subsection 8 (1) of the International Sanctions Act, the prohibition on entry arising from law shall be applied to the persons specified in the legislation of the European Union or the relevant legislation of the Government of the Republic with the term of validity determined thereby.
[RT I 2010, 26, 129 - entry into force 05.10.2010]

§ 33[2]. Communication of application of prohibition on entry, amendment of term of validity of prohibition on entry, revocation of prohibition on entry and suspension of prohibition on entry

(1) The application of a prohibition on entry and its term of validity, amendment of the term of validity of a prohibition on entry, revocation of a prohibition on entry or suspension of a prohibition on entry shall be deemed to be communicated to an alien after the relevant information has been published on the website of the Minister of the Interior.

(2) If the name, time of birth or a personal identification code and citizenship of the alien concerned is known, such information shall be published on the website.

(3) The application of a prohibition on entry, amendment of the term of validity of a prohibition on entry, revocation of a prohibition on entry and suspension of a prohibition on entry shall be communicated to the alien in writing at the initiative of the alien.
[RT I 2004, 53, 369 - entry into force 07.08.2004]

§ 33[3]. Contestation of application of prohibition on entry and amendment of term of validity of prohibition on entry

(1) Application of a prohibition on entry or amendment of the term of validity of a prohibition on entry may be contested pursuant to the procedure provided in the Code of Administrative Court Procedure within thirty days after communication thereof.

(2) Contestation of application of a prohibition on entry or amendment of the term of validity of a prohibition on entry does not postpone expulsion for the time of the court proceedings.

(3) After expiry of the term for contestation of application of a prohibition on entry, expulsion, refusal to grant or extend a basis for stay, or revocation of a basis for stay cannot be contested based on the unlawfulness of the application of prohibition on entry.
[RT I 2004, 53, 369 - entry into force 07.08.2004]

§ 33[4]. Disclosure of information related to application of prohibition on entry

(1) Information not specified in subsection 33[2](1) of this Act related to the application of prohibition on entry is not public.

(2) The Minister of the Interior may classify information specified in subsection 33[2](1) of this Act as information intended for internal use if this is necessary in order to guarantee public order, public security or national security.
[RT I 2004, 53, 369 - entry into force 07.08.2004]

§ 33[5]. Schengen prohibition on entry

(1) The Schengen prohibition on entry is a prohibition on entry applied by a member state of the Schengen Convention and entered into the Schengen Information System pursuant to the Schengen Convention.

(2) The Schengen prohibition on entry shall not deprive the alien of the right to apply for international protection in Estonia.

(3) In order to amend the period of validity of the Schengen prohibition on entry the alien is required to turn to a member state of the Schengen Convention applying the prohibition on entry.
[RT I 2007, 62, 394 - entry into force 30.03.2008]

§ 33[6]. Processing personal data

The personal data entered in the Register of the Prohibitions on Entry and into the Schengen Information System pursuant to the Schengen Convention may be processed for the performance of the duties assigned to the governmental agencies by law or the legal acts on the basis of law.
[RT I 2007, 62, 394 - entry into force 30.03.2008]

§ 33[7]. Getting personal details

The personal data received from a foreign state or international organisation may be processed for performance of duties arising from international agreement, legislation of the European Union or other legislation.
[RT I 2007, 62, 394 - entry into force 30.03.2008]

§ 33[8]. Processing of personal data

In the proceedings of the review of the legality of the stay, residence and employment in Estonia and the compliance with the obligation to leave Estonia of an alien the processing of personal data applies the provisions of the Aliens Act.
[RT I 2010, 3, 4 - entry into force 01.10.2010]

§ 33[9]. [Repealed - RT I, 29.11.2010, 2 - entry into force 24.12.2010]

§ 33[10]. [Repealed - RT I, 29.11.2010, 2 - entry into force 24.12.2010]

§ 33[11]. Fingerprinting of alien staying in Estonian illegally

(1) The Police and Border Guard Board or the Security Police may take fingerprints of an alien of at least 14 years of age staying in Estonia illegally pursuant to the Council Regulation No 2725/ 2000 (OJ L 316, 15.12.2000, pp. 1- 5). The data collected in fingerprinting may be transferred for review to the central unit of the Eurodac System pursuant to the Council Regulation No 407/ 2002 (OJ L 62, 5.03.2002, pp. 1- 5). Council Regulation (EC) No 2715/2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention (OJ L 316, 15.12.2000, pp. 1-10; Council Regulation (EC) No 407/2002 laying down certain rules to implement Regulation (EC) No 2725/2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention (OJ L 62, 5.03.2002, pp. 1-5).
[RT I, 29.11.2010, 2 - entry into force 24.12.2010]

(2) The Police and Border Guard Board or the Security Police may take fingerprints of an alien under 14 years of age who is staying in Estonia illegally unless it is possible to identify the person otherwise.

(3) The decision to take fingerprints from an alien under 14 years of age must in particular take account of the rights and interests of the said person.

(4) With regard to an alien who refuses to enable taking fingerprints, coercion may be applied with the use of the means of restraint.

(5) The data collected by fingerprinting shall be entered into the National Register of Fingerprints.

(6) The procedure for the transfer of the data colleted by fingerprinting to the national register of fingerprints shall be established by the Minister of the Interior.
[RT I 2010, 3, 4 - entry into force 01.10.2010]

§ 33[12]. Taking DNA samples of alien staying in Estonia illegally

(1) The Police and Border Guard Board or the Security Police may take a DNA sample of an alien who is staying in Estonia illegally unless it is possible to identify the person otherwise.

(2) The decision to take fingerprints from a minor must in particular take account of the rights and interests of the said person.

(3) With regard to an alien who refuses to enable taking a DNA sample coercion may be applied with the use of the means of restraint.

(4) The data collected by taking DNA samples shall be entered into the National DNA Register.
[RT I 2010, 3, 4 - entry into force 01.10.2010]

§ 33[13]. Processing of data of aliens staying or having stayed in Estonia illegally

The data of administrative acts issued and the operations performed in the course of proceedings related to the stay in Estonia of aliens who are staying or have stayed illegally in Estonia and the compliance with the obligation to leave from Estonia shall be processed in the database of aliens who are staying or have stayed in Estonia illegally.
[RT I 2010, 3, 4 - entry into force 01.10.2010]

§ 33[14]. Database of aliens staying or having stayed in Estonia illegally

(1) The database of aliens who are staying or have stayed in Estonia illegally is a database established by the Minister of the Interior. The statute for maintaining the database shall be established by the Minister of the Interior.

(2) The purpose of maintaining the database is to ensure public order and national security by processing the data about the illegal stay in Estonia of aliens and their compliance with the obligation to leave from Estonia.

(3) The data of administrative acts issued and the operations performed in the course of proceedings related to the stay in Estonia of aliens who are staying or have stayed illegally in Estonia and to their compliance with the obligation to leave from Estonia shall be processed in the course of performing the tasks provided for in the

European Union legislation, international agreement, by law and a regulation in order to fulfil the purpose of maintaining the database.

(4) In relations under private and public law the information of the database may be used as a basis for the information about the issued administrative acts and the operations performed in the proceedings referred to in subsection (3) of this section regarding the illegal stay of an alien in Estonia and his or her compliance with the obligation to leave from Estonia.

(5) The information processed in the database is not public.
[RT I 2010, 3, 4 - entry into force 01.10.2010]

Chapter 6
IMPLEMENTING PROVISIONS

§ 34. Application of prohibition on entry to alien whose entry into Estonia was prevented prior to entry into force of this Act

A prohibition on entry with regard to an alien whose entry into Estonia was prevented prior to the entry into force of this Act applies in accordance with Chapter 5 of this Act.

§ 34[1]. [Repealed - RT I 2004, 53, 369 - entry into force 07.08.2004]

§ 34[2]. Implementation of penalty payment

Penalty payment prescribed in this Act is implemented as of 1 January 2002.

§ 35.–§ 36.[Omitted from this text]

§ 37. Entry into force of Act

This Act enters into force on 1 April 1999.

[1] Council Directive 2003/110/ EC on assistance in cases of transit for the purposes of removal by air (OJ L 321, 6.12.2003 pp. 26-31, Council Directive 2004/ 81/ EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (OJ L 261, 06.08.2004, pp. 19-23) [RT I 2007, 9, 44 - entry into force 01.02.2007] Council Regulation (EC) No 2725/2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention (OJ L 316, 15.12.2000, pp. 1-10; Council Regulation (EC) No 407/2002 laying down certain rules to implement Regulation (EC) No 2725/2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention (OJ L 62, 5.03.2002, pp. 1-5). [RT I 2010, 3, 4 - entry into force 01.10.2010]