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## Identity Documents Act

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Amended by the following acts

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21.03.2000	RT I 2000, 25, 148	29.03.2000
17.05.2000	RT I 2000, 40, 254	01.08.2000
08.11.2000	RT I 2000, 86, 550	02.12.2000
17.01.2001	RT I 2001, 16, 68	16.02.2001
07.03.2001	RT I 2001, 31, 173	07.04.2001
12.06.2001	RT I 2001, 56, 338	07.07.2001
19.06.2002	RT I 2002, 61, 375	01.08.2002
19.06.2002	RT I 2002, 63, 387	01.09.2002
15.10.2002	RT I 2002, 90, 516	01.12.2002
15.01.2003	RT I 2003, 13, 65	01.05.2003
22.01.2003	RT I 2003, 15, 87	27.02.2003
03.12.2003	RT I 2003, 78, 527	01.01.2004
17.12.2003	RT I 2004, 2, 4	16.01.2004
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14.12.2005	RT I 2006, 2, 3	01.07.2006
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17.05.2006	RT I 2006, 26, 191	01.08.2006
10.05.2006	RT I 2006, 26, 193	01.01.2007
07.06.2006	RT I 2006, 29, 221	28.08.2006, partially
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		Entry into force upon accession of Estonia to the European Union common visa space partially
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07.05.2009	RT I 2009, 27, 166	30.07.2009
26.11.2009	RT I 2009, 62, 405	01.01.2010
21.01.2010	RT I 2010, 7, 28	17.04.2010
25.11.2010	RT I, 09.12.2010, 1	01.01.2011, partially
		01.02.2011 and 01.01.2012
08.12.2011	RT I, 29.12.2011, 1	01.01.2012
05.12.2012	RT I, 19.12.2012, 3	01.01.2013

13.06.2013	RT I, 02.07.2013, 3	01.09.2013, partially 12.07.2013
27.02.2014	RT I, 21.03.2014, 2	01.10.2014, partially 01.05.2014 and 01.01.2015
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, 01.07.2014, the official titles of ministers have been replaced on the basis of subsection 107 <sup>3</sup> (4) of the Government of the Republic
21.10.2014	RT I, 29.10.2014, 1	01.12.2014
11.02.2015	RT I, 12.03.2015, 1	01.01.2016; the words „ InternationalMilitary Co-operation Act“ have been replaced by the words „ National Defence Act“ in the respective case throughout the Act.
18.02.2015	RT I, 23.03.2015, 1	02.04.2015, partially 01.04.2015 and 01.01.2016
23.02.2016	RT I, 09.03.2016, 2	01.01.2017
16.03.2016	RT I, 06.04.2016, 1	01.05.2016
15.06.2016	RT I, 06.07.2016, 2	16.07.2016
12.10.2016	RT I, 25.10.2016, 1	26.10.2016
14.12.2016	RT I, 03.01.2017, 2	17.01.2017

## Chapter 1 GENERAL PROVISIONS

### § 1. Scope of application

(1) This Act establishes an identity document requirement and regulates the issue of identity documents to Estonian citizens and aliens by the Republic of Estonia.

(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.  
[RT I 2002, 61, 375 - entry into force 01.08.2002]

### § 1<sup>1</sup>. Alien and third-country national

(1) For the purposes of this Act an alien is:

- 1) a citizen of a member state of the European Union, except Estonia, or of a member state of the European Economic Area or of the Swiss Confederation (hereinafter a citizen of the European Union);
- 2) a third-country national.

(2) For the purposes of this Act a third-country national is a person who is not a citizen of Estonia or of the European Union.

[RT I 2009, 27, 166 - entry into force 30.07.2009]

### § 2. Identity document

(1) An identity document (hereinafter document) is a document issued by a state authority in which the name, date of birth or personal identification code, and a photograph or facial image and the signature or image of signature of the holder are entered, unless otherwise provided by law or legislation established on the basis thereof.

(2) The following documents are issued pursuant to this Act:

1) an identity card;

1<sup>1</sup>) a digital identity card;

[RT I 2009, 27, 166 - entry into force 30.07.2009]

1<sup>2</sup>) a residence permit card;

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

2) an Estonian citizen's passport;

3) a diplomatic passport;

4) a seafarer's discharge book;

5) an alien's passport;

6) a temporary travel document;

7) a travel document for a refugee;

8) a certificate of record of service on ships;

- 9) a certificate of return;
- 10) a permit of return.

(3) Upon issue of documents, the requirements of the European Union and international organisations concerning the documents, availability of information processed in the system and security of issue of the documents shall be taken into account.

[RT I 2006, 29, 221 - entry into force 28.08.2006]

### **§ 3. Travel document, internal document and document prescribed for digital identification of person**

[RT I 2009, 27, 166 - entry into force 30.07.2009]

(1) A travel document which is prescribed by law for crossing the state border is:

- 1) an Estonian document;
- 2) a travel document issued by a foreign state or an international organisation (hereinafter travel document issued by a foreign state).

[RT I, 21.03.2014, 2 - entry into force 01.10.2014]

(2) An internal document is a document which is prescribed for the identification of a person within Estonia and which is not prescribed for crossing the state border, unless otherwise provided by law or an international agreement.

(3) A document which is prescribed for digital identification of a person (hereinafter a digital document) is a document prescribed for identification of a person and verification of identity in an electronic environment.

[RT I 2009, 27, 166 - entry into force 30.07.2009]

### **§ 3<sup>1</sup>. Compliance with function related to receiving application for issue of identity document and issue of document**

(1) A contract under public law may be entered into pursuant to the procedure provided for in the Administrative Co-operation Act for the performance of the function related to the receiving of an application for issue of an identity document, including the function of taking biometric data from a person and processing these data, and the issue of an identity document.

(2) The functions related to the receiving of an application for issue and issue of an identity document, which can be transferred, are the functions provided for in §§ 9<sup>2</sup>, 11<sup>1</sup>–11<sup>6</sup>, 12<sup>1</sup>, 12<sup>2</sup>, 20<sup>7</sup>, 20<sup>9</sup> and 20<sup>12</sup> of this Act.

(3) The competence of making a decision on the issue, suspension of validity and revocation of an identity document may not be transferred by a contract under public law.

(4) The Ministry of the Interior and the Police and Border Guard Board, authorised by the minister responsible for the area, shall exercise supervision over compliance with the contract under public law.

(5) The performer of the function related to the receiving of an application for issue of an identity document and the issue of the identity document may collect payment for the performance of the function. A person who is applying for issue of an identity document shall have an obligation to pay a fee. The amount of the fee shall be agreed upon in the contract for at least one year at a time. The justified expenses related to the proceedings of the applications and organisation of the issue of documents, and reasonable operating profit, may be calculated into the fee.

[RT I, 06.07.2016, 2 - entry into 16.07.2016]

### **§ 4. Document not specified in this Act**

(1) An Estonian citizen or an alien may also prove his or her identity with a valid document not specified in this Act if the name, photograph or facial image, signature or image of signature and date of birth or personal identification code of the holder are entered therein. A photograph need not be entered in a document held by an Estonian citizen or an alien under 4 years of age. A signature or image of signature need not be entered in a document held by an Estonian citizen or an alien under 15 years of age.

(2) Documents issued by the Republic of Estonia and not specified in this Act shall be established by law or legislation issued on the basis thereof. Chapter 3 of this Act does not apply to documents not specified in this Act.

[RT I 2006, 29, 221 - entry into force 28.08.2006]

#### **§ 4<sup>1</sup>. State fee**

A state fee for the review of an application for the issue of an identity document, the change of place of issue and the forwarding thereof to a representation of a Member State of the European Union shall be paid according to the rate provided for in the State Fees Act.

[RT I, 19.12.2012, 3 - entry into force 01.01.2013]

## **Chapter 2 IDENTITY DOCUMENT REQUIREMENT**

#### **§ 5. Identity document requirement for Estonian citizens**

(1) An Estonian citizen staying (residing) permanently in Estonia shall hold an identity card.

(2) An Estonian citizen specified in subsection (1) of this section who is under 15 years of age need not hold an identity card.

#### **§ 6. Identity document requirement for aliens residing permanently in Estonia**

(1) A European Union citizen residing permanently in Estonia on the basis of a valid right of residence shall hold an identity card.

(2) A third-country national residing permanently in Estonia on the basis of a valid residence permit or the right of residence shall hold a residence permit card.

(3) Subsections (1) and (2) of this section apply after the registration of the birth of an alien residing in Estonia.

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

#### **§ 7. Identity document requirement for aliens staying temporarily in Estonia**

(1) A third-country national arriving in Estonia, staying temporarily in Estonia and departing from Estonia shall hold a valid travel document issued by a foreign state, an alien's travel document issued by Estonia or a document permitting return issued in a foreign state, unless otherwise prescribed by a treaty.

(2) A third-country national under 15 years of age need not hold a travel document or permit of return if his or her name, date of birth and photograph or facial image are entered in the travel document held by a person accompanying him or her. A photograph or facial image of a third-country national under seven years of age need not be entered in the travel document held by a person accompanying him or her.

[RT I 2009, 27, 166 - entry into force 30.07.2009]

(3) An EU citizen arriving in Estonia, staying temporarily in Estonia and departing from Estonia shall hold a valid travel document or an identity card issued by the state of his or her citizenship.

[RT I, 21.03.2014, 2 - entry into force 01.10.2014]

#### **§ 7<sup>1</sup>. Specification of identity document requirement**

An imprisoned person need not hold an identity card, a residence permit card or a travel document issued by the Republic of Estonia.

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

#### **§ 8. Identity document requirement upon crossing state border**

The document requirement upon crossing the state border is provided for in the State Borders Act.

## **Chapter 3 ISSUE AND REVOCATION OF DOCUMENTS**

[RT I 2002, 90, 516 - entry into force 01.12.2002]

#### **§ 9. Standard format of documents and data entered in documents**

(1) The standard format and the technical description of a document and the list of data to be entered in a document shall be established by a regulation of the minister responsible for the area.

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

(2) Data shall not be entered in a document if a treaty, law or other legislation of general application established on the basis thereof, does not prescribe the entry of such data.

(3) The following personal data may be entered in a document concerning the holder of the document:

- 1) name;
- 2) date and place of birth;
- 3) personal identification code;
- 4) photo or facial image;
- 5) sex;
- 6) citizenship;
- 7) fingerprint images;
- 8) signature or image of signature;
- 9) iris images;
- 10) hair colour;
- 11) other personal data if prescribed by a treaty, law or other legislation of general application established on the basis thereof.

[Repealed - RT I 2002, 90, 516 - entry into force 01.12. 2002]

(4<sup>1</sup>) The data specified in subsection (3) of this section may also be digitally entered in a document.

(5) Information which enables identification of a person digitally, including a cryptographic key enabling digital identification and the respective certificate, and information which enables digital signing, including a cryptographic key enabling digital signing and the respective certificate, and other digital data may be entered in a document. The list of information specified in this subsection shall be established by a regulation of the minister responsible for the area.

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

(5<sup>1</sup>) Technical requirements concerning the medium on which a digital document may be entered shall be established by a regulation of the minister responsible for the area.

An authority competent to issue a digital document shall assess the compliance of the medium with the established requirements.

[RT I 2009, 27, 166 - entry into force 30.07.2009]

(6) The minister responsible for the area may establish by a regulation a minimum age limit under which the signature or image of signature of a person is not entered in a document.

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

### **§ 9<sup>1</sup>. Entry of person's name in document**

(1) If a person's name contains foreign letters, the person's name shall be entered in a document according to the transcription rules of the International Civil Aviation Organization (ICAO) and, if possible, the original letters shall be retained.

(2) If a person's given name is longer than 15 characters or surname is longer than 28 characters, the name shall be entered in a document so that the letters at the end of the name which cannot be supplied in the corresponding data fields shall not be written.

(3) In the cases specified in subsections (1) and (2) of this section, a person's name shall be entered in the notations page of a document (except an identity card, a digital identity card and a residence permit card) in the original form and the entry shall be confirmed with a seal.

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

### **§ 9<sup>2</sup>. Processing of biometric data**

(1) In the case of the procedures specified in this Act, biometric data may be obtained from a person and such data may be processed.

(2) For the purposes of this Act, biometric data is a facial image, fingerprint images, signature or image of signature and iris images.

(3) For the purposes of this Act, a biometric document is a document in which biometric data is also entered digitally.

(4) For the purposes of this Act, capturing of fingerprints means fingerprinting.

(5) Biometric data of the holder of a document collected in the course of the procedure for the issue of the document may be processed only in the cases and under the conditions provided by law.

(6) Subsection (5) of this section does not extend to the verification of the identity of the holder of a document carried out on the basis of the document which includes comparing the biometric data obtained from the holder of the document with the data entered in the document.

[RT I 2009, 27, 166 - entry into force 30.07.2009]

### **§ 9<sup>3</sup>. Entry of photograph or facial image in document**

(1) A photograph or facial image of the holder of the document, which enables unequivocal verification of the identity of the holder of the document, shall be entered in a document. The photograph must enable the entry of the facial image in the document and processing thereof.

[RT I, 09.03.2016, 2 – entry into force 01.01.2017]

(2) In a photograph or facial image entered in a document a person may wear a headdress for religious purposes on condition that wearing a headdress is obligatory in the religious organisation and the requirements provided for in subsection (1) of this section are met.

(3) The Ministry of the Interior shall give a written opinion about the mandatory wearing of a headdress of a person arising from religious. The application to get the opinion of the Ministry of the Interior shall set out the person's name, date of birth or the personal identification code and the name of the religious organisation. The Ministry of the Interior may request data that is needed for identification of the religious affiliation of a person from the religious organisation.

(4) In the cases provided for in subsection (2) of this section a person shall submit the opinion specified in subsection (3) of this section to the issuer of the document together with the application for the document.

[RT I 2009, 27, 166 - entry into force 30.07.2009]

### **§ 9<sup>4</sup>. Entry of certificates in document**

(1) The issuer of the document shall issue a certificate that enables digital identification and a certificate that enables digital signing that are entered in a document.

(2) The minister responsible for the area may impose, by a regulation, duties to other authority under the Ministry of the Interior for the issue of a certificate that enables digital signing entered in a document.

(3) The issuer of a document may, on the basis of a contract, transfer duties for the issue of a certificate entered in a document to the qualified trust service provider who is entered in the trusted list pursuant to the requirements of the Electronic Identification and Trust Services for Electronic Transactions Act.

[RT I, 25.10.2016, 1 – entry into force 26.10.2016]

(4) The issuer of a document may, on the basis of a contract, transfer the technological creation of the certificate that enables digital signing entered in a document, to a service provider competent therein.

(5) Upon entry of a certificate that enables digital signing in a document, the description of the restrictions of the scope of use shall not be entered in the certificate.

(6) The certificate that enables digital identification and the certificate that enables digital signing are connected to the personal data of the holder of the certificate and are publicly verifiable through the personal identification code.

[RT I 2009, 27, 166 - entry into force 30.07.2009]

### **§ 10. Issue of document**

(1) A document shall be issued only on the bases provided for in this Act.

(2) If the issuer of a document has a justified reason to believe that the issue of a travel document to a person who is under 15 years of age may damage the interests of the person, the consent of the guardianship authority is required for the issue of a travel document.

(3) A person of at least 15 years of age may perform the procedural acts provided for in this Act independently.

[RT I 2006, 29, 221 - entry into force 28.08.2006]

### **§ 11. [Repealed - RT I 2002, 90, 516 - entry into force 01.12.2002]**

### **§ 11<sup>1</sup>. Identification of person and verification of identity upon issue of document**

(1) Upon application for the issue of a document the issuer of the document shall verify the identity of the applicant on the basis of a valid document and the data for identification of a person entered in the identity documents database.

(2) If a document provided for in this Act has not been issued to a person before, the identity of the applicant of a document shall be identified by the Police and Border Guard Board. Regarding the identification of a

person the Police and Border Guard Board shall enter the data of the identification of the person in the identity documents database.

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

### **§ 11<sup>2</sup>. Submission of application for issue of document without biometric data**

[RT I 2006, 29, 221 - entry into force 28.08.2006]

(1) In order for a document to be issued without biometric data, a person or his or her legal representative shall submit an application to the authority competent to issue the document.

(2) A person or his or her legal representative shall personally address the authority competent to issue the document in order to submit an application for the issue of the document specified in this Act for the first time if a document specified in subsection 15 (4) of this Act has not been issued to the person before.

(3) Upon application for the issue of a document provided for in this Act for the first time, a person or his or her legal representative need not personally address the authority competent to issue a document in order to submit an application for the issue of a document if a person holds a valid Estonian residence permit.

(4) An Estonian citizen or his or her legal representative may submit an application for the issue of an identity card to a consular agent of Estonia who, after verification of the identity thereof, shall forward the application to the Police and Border Guard Board for review.

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

(5) A person or his or her legal representative may submit an application for the issue of a digital identity card to a consular agent of Estonia, who, after verification of the identity thereof, shall forward the application to the Police and Border Guard Board for review.

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

(6) In the cases provided for in subsections (4) and (5) of this section a person or his or her legal representative is required to address a consular agent of Estonia in person if no other document provided for in subsection 15 (4) of this Act has been issued to him or her before.

(7) Upon application for the issue of a document without biometric data to an applicant under 15 years of age or an adult with restricted active legal capacity his or her legal representative need not address the authority competent to issue such a document or a consular agent of Estonia in person in order to submit the application if the legal representative has been issued the document specified in subsection 15 (4) of this Act or he or she holds a valid Estonian residence permit.

[RT I, 21.03.2014, 2 - entry into force 01.10.2014]

### **§ 11<sup>3</sup>. Special cases of submission of application for issue of document without biometric data**

(1) If an applicant for a document is required to address the authority competent to issue the document in person but the state of health of the applicant staying in Estonia has rendered the applicant permanently incapable of personally addressing the authority competent to issue the document in order to submit an application for the issue of the document, then, after the identity of the applicant for the document has been verified by an employee duly authorised by the head of a rural municipality, city government or social welfare institution, the application for the issue of the document may be forwarded with the written consent of the applicant for the document.

[RT I 2009, 27, 166 - entry into force 30.07.2009]

(2) An applicant is required to certify the circumstances specified in subsection (1) of this section by appending a confirmation by a rural municipality, city government or social welfare institution to the application which states that the applicant's state of health has rendered the applicant permanently incapable of personally addressing the competent authority in order to submit the application.

[RT I 2006, 29, 221 - entry into force 28.08.2006]

(3) If an applicant for a document is required to personally address the authority competent to issue the document, then, after verification of the identity of the applicant, a prison officer duly authorised by the director of the prison may forward the application for the issue of a document of a person being imprisoned in Estonia provided that the applicant has no possibility to personally address the authority competent to issue the document.

[RT I 2009, 27, 166 - entry into force 30.07.2009]

(4) If an applicant for a document is required to personally address the authority competent to issue the document but the Estonian citizen is staying in a custodial institution or social welfare institution in a foreign state or if the applicant's state of health has rendered the applicant incapable of personally addressing a consular

agent of Estonia in order to submit the application for the issue of the document, the applicant or his or her legal representative may submit a request to a consular agent of Estonia or representation of a member state of the European Union in writing that the application for issue of the document be received at the place of stay or residence of the applicant.

[RT I 2006, 29, 221 - entry into force 28.08.2006]

(5) The applicant is required to prove circumstances specified in subsection (4) of this section.

[RT I 2006, 29, 221 - entry into force 28.08.2006]

#### **§ 11<sup>4</sup>. Submission of application for issue of document containing biometric data**

(1) In order for a document containing biometric data to be issued, a person or his or her legal representative shall submit a corresponding application to an authority competent to issue the document.

[RT I 2006, 29, 221 - entry into force 28.08.2006]

(2) In order to submit an application for the issue of a document containing biometric data, the person shall personally address the authority competent to issue such document.

[RT I 2006, 29, 221 - entry into force 28.08.2006]

(3) In order to submit an application for the issue of a document a person under 15 years of age or an adult with restricted active legal capacity shall address the authority competent to issue the document in person together with the legal representative of the person.

[RT I, 21.03.2014, 2 - entry into force 01.10.2014]

(4) An Estonian citizen or his or her legal representative may personally submit an application for the issue of an identity card or an application for the issue of an Estonian passport to a consular agent of Estonia who, after verification of the identity of the applicant and taking of the biometric data, shall forward it to the Police and Border Guard Board for review.

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

(5) If a person under 15 years of age or an adult with restricted active legal capacity submits an application for the issue of an identity card or an application for the issue of an Estonian passport to a consular agent of Estonia, upon submission of the application he or she shall address the consular agent of Estonia in person together with his or her legal representative.

[RT I, 21.03.2014, 2 - entry into force 01.10.2014]

(5<sup>1</sup>) A third-country national who holds a temporary right of residence or a permanent right of residence, whose place of residence is registered in a foreign state on the basis of the data of the Population Register, except a person who has been issued an alien's passport on the basis of § 27 of this Act, may submit an application for the issue of a residence permit card personally to a consular agent of Estonia, who, after verification of the identity of the applicant and taking of biometric data, shall forward it to the Police and Border Guard Board for review.

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

(5<sup>2</sup>) A third-country national who holds a temporary residence permit or a long-term resident's residence permit, who has registered his or her absence from Estonia and whose place of residence is registered in a foreign state according to the data of the Population Register, except a person who has been issued an alien's passport on the basis of § 27 of this Act, may submit an application for the issue of a residence permit card personally to a consular agent of Estonia, who, after verification of the identity of a person and taking of biometric data, shall forward it to the Police and Border Guard Board for review.

(5<sup>3</sup>) If a third-country national specified in subsections (5<sup>1</sup>) and (5<sup>2</sup>) of this section is under 15 years of age or an adult with restricted active legal capacity, he or she, in order to submit an application for the issue of a residence permit card, is required to address a consular agent of Estonia in person together with his or her legal representative, who shall submit an application for the issue of a residence permit card on behalf of the third-country national specified above.

[RT I, 21.03.2014, 2 - entry into force 01.10.2014]

(6) A person need not personally address the Police and Border Guard Board, the Ministry of Foreign Affairs or a consular agent of Estonia in order to apply for the issue of a document containing biometric data if the fingerprints which are taken upon fingerprinting in the proceeding of the issue of a residence permit, a work permit, the right of residence or an identity document enable identification of a person and comply with the requirements established by a regulation of the minister responsible for the area.

[RT I, 09.03.2016, 2 - entry into force 01.01.2017]

#### **§ 11<sup>5</sup>. Special cases of application for issue of document containing biometric data**

(1) If the state of health of a person staying in Estonia has rendered the person permanently incapable of personally addressing the Police and Border Guard Board for submission of the application for the issue of a document but the person is required to personally address such authority, the Police and Border Guard Board



may receive the application, identify the applicant or verify the identity of the applicant and take the biometric data of the applicant at his or her place of residence or place of stay in Estonia.  
[RT I 2009, 62, 405 - entry into force 01.01.2010]

(2) An application for a document may be received from the applicant specified in subsection (1) of this section at his or her place of residence or place of stay in Estonia if the application for such document is justified, the aim of travelling of the person is medical treatment, and the document is needed in order to travel to a foreign country.

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

(3) For submission of an application at a person's residence or place of stay, the applicant or his or her legal representative shall submit a corresponding written request to the Police and Border Guard Board and append the documents in proof of the circumstances specified in subsections (1) and (2) of this section thereto.

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

(4) If an applicant for a document is required to address the Police and Border Guard Board in person, the Police and Border Guard Board may receive the application for the issue of a document by a person imprisoned in Estonia, identify the applicant or verify the identity of the applicant and take the applicant's biometric data at the corresponding custodial institution in Estonia if such application is justified, the person needs the document during his or her imprisonment and the person has no possibility to address the authority competent to issue the document in person.

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

(5) The Police and Border Guard Board may receive an application for a document from an applicant specified in subsection (4) of this section at a custodial institution in Estonia if proven that such application for a document is justified, the person needs the document during his or her imprisonment for crossing the border for travelling outside of the European Union and the person has no possibility to address the authority competent to issue the document in person.

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

(6) In order for an application for a travel document to be received from a person staying in an Estonian custodial institution, the director of the prison shall provide confirmation that certifies the imprisoned person's need to cross the state border.

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

(7) The minister responsible for the area shall establish by a regulation the minimum age limit under which fingerprints shall not be taken from a person upon submission of an application for a travel document, the residence permit or the right of residence of a third-country national and upon application for a residence permit card, and under which the requirement for appearing in person shall not be applied with regard to him or her upon application for a document containing biometric data.

[RT I, 09.03.2016, 2 – entry into force 01.01.2017]

(7<sup>1</sup>) [Repealed - RT I, 09.03.2016, 2 – entry into force 01.01.2017]

(8) Upon application for a document containing biometric data to a person specified in subsection (7) of this section his or her legal representative is not required to personally address the authority competent to issue the document or a consular agent of Estonia if the legal representative has been issued a document specified in subsection 15 (4) of this Act or he or she has a valid Estonian residence permit.

[RT I, 09.03.2016, 2 – entry into force 01.01.2017]

## **§ 11<sup>6</sup>. Taking of biometric data from applicant for document**

(1) By submitting an application for a document, the applicant or his or her legal representative gives consent for fingerprinting and taking of a facial image of the applicant and for the processing of such data.

[RT I 2006, 29, 221 - entry into force 28.08.2006]

(2) If a document is issued to a person without his or her personal application, the applicant is required to enable fingerprinting and taking of a facial image and the processing of such data.

[RT I 2006, 29, 221 - entry into force 28.08.2006]

(3) Upon submission of an application, the fingerprints of the applicant are captured.

[RT I 2006, 29, 221 - entry into force 28.08.2006]

(4) Upon submission of an application, the applicant shall provide his or her photo which enables to identify him or her unequivocally. An applicant need not provide his or her photo if the facial image of the applicant is taken upon submission of the application.

[RT I, 09.03.2016, 2 – entry into force 01.01.2017]

(5) The fingerprints of a person are not captured if the person lacks all fingers or if his or her state of health has rendered the person permanently unable to undergo fingerprinting. The person shall provide certification of his or her state of health due to which the person is permanently unable to undergo fingerprinting.

[RT I 2006, 29, 221 - entry into force 28.08.2006]

(6) If a person is temporarily unable to undergo fingerprinting due to his or her state of health, the fingerprints of the person shall not be captured. The person shall provide certification of his or her state of health due to which the person is temporarily unable to undergo fingerprinting.

[RT I 2006, 29, 221 - entry into force 28.08.2006]

(7) If a person is temporarily unable to undergo fingerprinting due to his or her state of health and as a result, his or her fingerprint images cannot be entered in the document, the term of validity of the document issued to the person shall not exceed one year.

[RT I 2006, 29, 221 - entry into force 28.08.2006]

(8) [Repealed - RT I 2009, 27, 166 - entry into force 30.07.2009]

(9) A mark is entered in the document specifying which fingerprint images have been entered in the document.

[RT I 2006, 29, 221 - entry into force 28.08.2006]

(10) An applicant for a document need not undergo fingerprinting if the fingerprints which are taken upon fingerprinting in the proceeding of the issue of a residence permit, the right of residence, a work permit or an identity document enable identification of a person and comply with the requirements established by a regulation of the minister responsible for the area.

[RT I, 09.03.2016, 2 – entry into force 01.01.2017 ]

### **§ 11<sup>7</sup>. Review of application for issue of document**

(1) At the request of an authority competent to issue a document, a person is required to address the specified authority in person in order to render procedural acts necessary for the issue of the document.

(2) Review of an application for a document is denied if a person applies for the issue of a document but refuses to submit data, among other biometrical data, needed for such purposes.

[RT I 2006, 29, 221 - entry into force 28.08.2006]

### **§ 12. Refusal to issue document**

(1) The issue of a document shall be refused if there is no basis provided by law for performance of the act.

(1<sup>1</sup>) The issue of a document to an imprisoned person shall be refused if the person already holds a valid document of a similar type and the circumstances that constitute the basis for the issue of the document have not changed.

[RT I 2006, 12, 79 - entry into force 01.04.2006]

(2) On the proposal of the guardianship authority or in the absence of the consent specified in subsection 10 (2) of this Act, the issue of a travel document to a person under 15 years of age may be refused if the issue of the travel document may damage the interests of the person under 15 years of age.

(3) The issue of a document shall be refused if the person has not been identified or his or her identity has not been verified in the procedure prescribed.

[RT I 2009, 27, 166 - entry into force 30.07.2009]

### **§ 12<sup>1</sup>. Issue of document**

(1) A document shall be issued through the Police and Border Guard Board or the Ministry of Foreign Affairs.

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

(2) In order to receive a document, a person must personally appear to the issuer of the document. Upon the issue of a document, the issuer of the document shall verify the identity of the applicant for the document. The applicant for a document shall sign against receipt of the document.

[RT I, 2009, 27, 166 - entry into force 01.01.2010]

(2<sup>1</sup>) A document may be issued to the representative of a person if the person has authorised the representative upon the application for the document to receive his or her document, the representative has a valid document provided for in subsection 2 (2) of this Act and his or her identity is verified by means of biometric data for identification of a person.

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

(2<sup>2</sup>) At the request of a person a document may be issued by mail through a secure postal service provider. The secure postal service provider shall determine the issuer of the document. The costs of the issue by mail of the document shall be borne by the person.

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

(2<sup>3</sup>) For the protection of the rights and interests of the holder of a document the issuer of the document may demand that an applicant appear in person in order to receive the document or issue of the document in a manner provided for in § 12<sup>2</sup> of this Act.

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

(3) A person under 15 years of age or an adult with restricted active legal capacity need not personally appear to the issuer of the document in order to receive the document. For the protection of the rights and interests of the holder of a document, the issuer of the document may demand that an applicant under 15 years of age or an adult with restricted active legal capacity appear in person in order to receive the document.

[RT I, 21.03.2014, 2 - entry into force 01.10.2014]

(4) Upon issue of a document to the legal representative of a person under 15 years of age or an adult with restricted active legal capacity, the issuer of the document shall verify the identity of the legal representative. The identity of a person under 15 years of age or an adult with restricted legal capacity shall be verified on the basis of the statements of his or her legal representative.

[RT I, 21.03.2014, 2 - entry into force 01.10.2014]

(5) A document of a person under 15 years of age or an adult with restricted active legal capacity shall be issued to the legal representative of the holder of the document. The legal representative shall sign against receipt of the document.

[RT I, 21.03.2014, 2 - entry into force 01.10.2014]

(6) At the request of the holder of a document, the issuer of the document shall enable the holder of the document to verify the correctness of the biometric data digitally entered in the document.

[RT I 2006, 29, 221 - entry into force 28.08.2006]

(7) A document subject to issue through the Ministry of Foreign Affairs may be forwarded to a representation of a member state of the European Union for the issue within the framework of consular assistance. The document shall be issued through the representation of another member state of the European Union only with the consent of the representation of this member state.

[RT I, 21.03.2014, 2 - entry into force 01.10.2014]

(8) A document shall not be forwarded for the issue in a manner specified in subsection (7) of this section if the person has not been issued a document provided in this Act before and, upon submission of the application for the document, the applicant for the document did not personally appear at the authority competent to issue the document or personally address a consular agent of Estonia.

[RT I 2006, 29, 221 - entry into force 28.08.2006]

(9) The minister responsible for the area has the right to establish, by a regulation, the procedure and terms for the issue of identity documents.

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

## **§ 12<sup>2</sup>. Special cases of issue of document**

(1) If the state of health of a person staying in Estonia has rendered the person permanently incapable of personally appearing to the issuer of a document in order to receive the document, with the written consent of the holder of the document, the issuer of the document may forward the document for the issue to an employee duly authorised by the head of a rural municipality or city government or a social welfare institution.

[RT I 2006, 29, 221 - entry into force 28.08.2006]

(1<sup>1</sup>) A person shall submit proof of the circumstances specified in subsection (1) of this section, appending to his or her written consent the confirmation of a city government or rural municipality or a custodial institution that his or her state of health has rendered the person permanently incapable of personally appearing at the seat of the issuer of a document in order to receive the document.

[RT I 2009, 27, 166 - entry into force 30.07.2009]

(2) The document of a person imprisoned in Estonia may be forwarded for issue to a prison officer duly authorised by the director of the corresponding prison.

[RT I 2006, 29, 221 - entry into force 28.08.2006]

(3) If an Estonian citizen is imprisoned at a custodial institution or is staying at a social welfare institution of a foreign state or his or her state of health does not permit him or her to personally address a consular official of Estonia in order to receive a document, the person or his or her legal representative may file a written request with a consular agent of Estonia for the issue of the document to the applicant at his or her place of stay or residence.

### **§ 13. Revocation of document**

- (1) A document shall be revoked:
- 1) if the basis for issuing (holding) the document ceases to exist;
  - 2) if the document is issued or replaced without legal basis;
  - 3) if the document or an entry or data contained therein are falsified or inaccurate;
  - 4) if the document has become unusable or an entry contained therein is illegible;
  - 5) if the document is not integral or is spoiled;
  - 6) if the document is lost or destroyed;
  - 7) upon issue of a new document of the same type to the holder of the document, except upon issue of a digital identity card and the additional passport specified in subsection 21 (3) and subsection 22 (6) of this Act;  
[RT I 2009, 27, 166 – entry into force 30.07.2009]
  - 8) upon the death or declaration of death of the holder of the document.

(1<sup>1</sup>) In order to organise a secure system of identification and digital signing the Police and Boarder Guard Board may revoke the certificate enabling digital identification and the certificate enabling digital signing, entered on the identity card, residence permit card and digital identity card, if the technical requirements concerning the medium of the digital document established on the basis of subsection 9 (5<sup>1</sup>) of this Act change during the period of validity of the document or the document is no longer in compliance with the requirements needed for secure use thereof.

[RT I, 21.03.2014, 2 – entry into force 01.05.2014]

(1<sup>2</sup>) Suspension or revocation of the certificate enabling digital identification and of the certificate enabling digital signing shall have no effect on the validity of the identity card and residence permit card.

[RT I, 21.03.2014, 2 – entry into force 01.05.2014]

(1<sup>3</sup>) The digital identity card shall become invalid upon revocation of the certificate enabling digital identification and of the certificate enabling digital signing entered in the digital identity card.

[RT I, 21.03.2014, 2 – entry into force 01.05.2014]

(2) If, after the issue of a document, the Police and Border Guard Board establishes that false information or falsified documents have been submitted concerning circumstances which are the basis for the issue of the document, a person is required, at the request of the Police and Border Guard Board, to provide documentary evidence of the circumstances which are the basis for the issue of the document. If the person has not submitted the specified evidence within the term established by the Police and Border Guard Board, the Police and Border Guard Board shall revoke the document due to the submission of false information or falsified documents.

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

(3) In the cases specified in clauses (1) 1)-3) and subsection (2) of this section, the authority which has revoked the document shall inform the holder of the document of the revocation of the document without undue delay.

[RT I, 21.03.2014, 2 - entry into force 01.10.2014]

(4) The validity of a revoked document shall not be restored.

(5) The issuer of a document shall make a corresponding notation in the revoked document or render the document unusable in any other manner unless the document is lost or destroyed.

[RT I 2002, 90, 516 - entry into force 01.12.2002]

### **§ 13<sup>1</sup>. Destruction of non-issued document**

If a person has not appeared at the authority competent to issue a document within six months as of the date on which the application for the issue of the document was received for processing and personal addressing is required, the authority which issued the document may deem the person to have withdrawn the application for the document and destroy the non-issued document.

[RT I 2006, 29, 221 - entered into force 28.08.2006]

### **§ 14. Obligations of holder of document and return of document**

(1) The holder of a document is required to notify the government authority that issued the document of any change in the data entered in the document within one month after the change is effected.

(2) If a document becomes unusable or is lost or destroyed, the holder of the document is required to notify the government authority that issued the document thereof within three working days after the document becomes unusable or is lost or destroyed or within three working days after the date on which the holder becomes aware thereof.

(3) Upon the issue of a document, the holder of the document is required to submit a valid document of the same type that was previously issued unless the document is lost or destroyed.

(4) The holder of a document is required to return the document promptly to the authority that issued the document if the document is revoked pursuant to clauses 13 (1) 1)-3) and subsection 13 (2) of this Act.

(5) Upon the death or declaration of death of the holder of a document, the document shall be returned to the government authority that issued the document.

[RT I 2002, 90, 516 - entry into force 01.12.2002]

## **§ 15. Organisation of issue and revocation of document**

(1) The list of certificates and data to be submitted upon application for the issue of a document and the terms for the issue of a document shall be established by a regulation of the minister responsible for the area.

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

(2) The standard formats of applications for the issue of identity cards, digital identity cards, residence permit cards, Estonian citizen's passports, alien's passports, temporary travel documents, travel documents for refugees, seafarer's discharge books and certificates of record of service on ships and the procedure for the identification of the applicant and verification of the identity of the applicant of the document shall be established by a regulation of the minister responsible for the area.

[RT I, 09.12.2010 – entry into force 01.01.2011]

(3) The standard formats of applications for the issue of diplomatic passports, certificates of return and permits of return, and the procedure for the recognition of travel documents of foreign states and international organisations shall be established by a regulation of the minister responsible for the area.

(4) The Police and Border Guard Board shall issue and revoke:

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

1) an identity card;

1<sup>1</sup>) a digital identity card;

[RT I, 2009, 27, 166 – entry into force 30.07.2009]

1<sup>2</sup>) a residence permit card;

[RT I, 09.12.2010 – entry into force 01.01.2011]

2) an Estonian citizen's passport;

3) an alien's passport;

4) a temporary travel document;

5) a travel document for a refugee;

6) a seafarer's discharge book;

7) a certificate of record of service on ships.

(5) The Ministry of Foreign Affairs shall:

1) issue and revoke a diplomatic passport, a certificate of return and a permit of return;

2) issue an Estonian citizen's passport, an identity card and a digital identity card to an Estonian citizen staying in a foreign state;

3) a digital identity card to an alien staying in a foreign state.

4) issue a residence permit card to a third-country national staying in a foreign state who is applying for a temporary residence permit or a temporary right of residence except for a person to whom an aliens' passport on the basis of § 27 of this Act has been issued;

5) issue a residence permit card to a third-country national holding a temporary right of residence or permanent right of residence whose place of residence has been registered in a foreign state according to the data of the Population Register, except for a person to whom an aliens' passport on the basis of § 27 of this Act has been issued;

6) issue a residence permit card to a third-country national who is holding a temporary residence permit or a long-term resident's residence permit, who has registered his or her absence from Estonia and whose place of residence has been registered in a foreign state according to the data of the Population Register, except for a person to whom an aliens' passport on the basis of § 27 of this Act has been issued.

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

(6) The procedure for taking biometric data from an applicant for a document shall be established by a regulation of the minister responsible for the area.

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

(7) The requirements for a photo to be submitted upon application for a document shall be established by a regulation of the minister responsible for the area.

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

(8) The issuer of a document may disclose the numbers of the invalid documents on the public web page and enable verification of the validity of the document without disclosing the personal data of the holder of the document thereby.

[RT I 2009, 27, 166 – entry into force 30.07.2009]

**§ 15<sup>1</sup>. 1. [Repealed - RT I 2002, 61, 375 - entry into force 01.08.2002]**

**§ 15<sup>2</sup>. Identity documents database**

(1) The identity documents database (hereinafter database) is a database established by the Government of the Republic. The minister responsible for the area shall establish the statutes of the database by a regulation.  
[RT I, 23.03.2015, 1 - entry into force 01.01.2016]

(2) The purpose of maintaining the database is to ensure the interior security of the state by keeping record of the identification of persons and the issue and revocation of identity documents provided for in subsection 15 (4) of this Act and of the persons applying for such documents.  
[RT I 2009, 27, 166 - entry into force 30.07.2009]

(3) The data entered in the database have a legal meaning.  
[RT I 2007, 62, 394 - entry into force 21.12.2007 and partially 30.03.2008]

## **Chapter 4**

# **VALIDITY AND VERIFICATION OF DOCUMENT**

**§ 16. Validity of a document**

A document is valid if it complies with the following requirements:

- 1) the document is issued and data are entered in the document legitimately by a competent authority;
- 2) the document has not expired;
- 3) the document is usable and enables identification of the entries entered therein and the correctness thereof and verify the identity of the holder of the document;  
[RT I 2009, 27, 166 - entry into force 30.07.2009]
- 4) the document is integral and is not spoiled.  
[RT I 2002, 90, 516 - entry into force 01.12.2002]

**§ 17. Seizure of a document for verification**

(1) In the case of justified doubt, the Police and Border Guard Board and the Estonian Security Police may seize a document for verification of the validity thereof.  
[RT I 2009, 62, 405 - entry into force 01.01.2010]

(2) Subsection (1) of this section also applies to a document not provided for in this Act. A document held by an alien or a travel document issued by a foreign state may also be seized in order to verify the legality of an alien to stay in the state and to verify the authenticity of a residence permit or visa entered therein.  
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

(3) The authority seizing a document for verification shall:  
1) immediately issue a certificate to the holder concerning the seizure of the document for verification;  
2) explain to the holder of the document his or her rights to contest the seizure of the document for verification;  
3) verify the validity of the document or forward the document for verification of the validity thereof to the authority that issued the document.

(3<sup>1</sup>) Subsection (3) of this section does not apply if the validity of the document is immediately verified on site.

(4) The standard format of a certificate of seizure of a document for verification shall be established by a regulation of the minister responsible for the area.  
[RT I, 2006, 29, 221 - entry into force 28.08.2006]

**§ 18. Verification of a document**

(1) A document that, upon verification, proves to be valid shall be returned to the holder thereof.

(2) If, upon verification, a basis for the revocation of a document becomes evident, the document shall not be returned. An applicant shall be informed of the invalidity of the document without delay.

(3) If, upon verification of a travel document issued by a foreign state, bases for the revocation thereof become evident, the document shall be forwarded to a competent administrative authority of the foreign state or international organisation. The decision shall be made known to the holder of the document.

(4) If, upon verification of a document held by an alien, data concerning a residence permit or visa which have been unlawfully entered therein are detected, the data shall be annulled pursuant to the established procedure and the document shall be returned to the holder.  
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(5) A document shall be returned or revoked without undue delay.  
[RT I, 2003, 15, 87 - entry into force 27.02-2003]

### **§ 18<sup>1</sup>. Verification of identity of a holder of a document**

(1) Upon verification of the identity of the holder of a document the holder of a document shall be identified by means of comparing the data entered in the document with the person. Upon verification of the identity the biometric data taken from the holder of a document may be compared with the biometric data entered in the document.

(2) The digital verification of the identity of the holder of a document is carried out through the certificate enabling digital identification.

(3) Upon provision of public services electronically there is a right to require the use of certificate enabling digital identification and digital signing entered in an identity card, a residence permit card or a digital identity card issued pursuant to this Act. If a person refuses to use the certificate enabling digital identification or digital signing, the provision of the public service to him or her may be refused.  
[RT I, 09.12.2010, 1 - entry into force 01.01.2011]

## **Chapter 5 IDENTITY CARD**

### **§ 19. Basis for issue of identity card**

An identity card is an internal and digital document held by an Estonian citizen and a citizen of the European Union residing permanently in Estonia or staying in Estonia on the basis of the National Defence Act. An identity card shall be issued to:

- 1) an Estonian citizen;
- 2) a citizen of the European Union residing permanently in Estonia on the basis of a valid right of residence;
- 3) a citizen of the European Union holding a permit issued for staying in Estonia on the basis of the National Defence Act;
- 4) a dependent of an alien holding a permit issued for staying in Estonia on the basis of the National Defence Act if the dependent is a citizen of the European Union and is staying in Estonia together with the alien specified;

[RT I, 09.12.2010, 1 - entry into force 01.01.2012]

- 5) a citizen of the European Union who is a member of the staff accredited to Estonia of the diplomatic mission and consular post of a foreign state or a representation of an international organisation located in Estonia, their family members and private staff.

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

### **§ 19<sup>1</sup>. Digital data to be entered on identity card**

(1) A certificate that enables digital identification and a certificate that enables digital signing shall be entered on an identity card. The list of other digital data to be entered on an identity card shall be approved by the minister responsible for the area, taking account of the provisions of subsection 9 (3) of this Act.

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

(1<sup>1</sup>) The certificates specified in subsection (1) of this section are issued with the same term of validity as the identity card on which they are entered.

[RT I 2006, 29, 221 - entry into force 02.01.2007]

(2) [Repealed - RT I 2009, 27, 166 - entry into force 30.07.2009]

(3) [Repealed - RT I 2009, 27, 166 - entry into force 30.07.2009]

(4) [Repealed - RT I 2009, 27, 166 - entry into force 30.07.2009]

### **§ 20. Period of validity of identity card**

(1) An identity card shall be issued to an Estonian citizen and a citizen of the European Union with a period of validity of up to five years.

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

(2) The period of validity of an identity card of a citizen of the European Union shall not exceed the period of validity of the permission to stay in Estonia issued to him or her on the basis of the right of residence or on the basis of the National Defence Act or the term of employment in a foreign mission located in Estonia.  
[RT I, 23.03.2015, 1 - entry into force 01.01.2016]

(2<sup>1</sup>) [Repealed - RT I 2006, 29, 221 - entry into force 02.01.2007]

(3) The period of validity of digital data entered on an identity card shall be determined by a regulation of the minister responsible for the area. The period of validity of digital data shall not exceed the period of validity of an identity card. The expiry of the period of validity of digital data shall not be the basis for the expiry of an identity card.

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

## **Chapter 5<sup>1</sup>** **DIGITAL IDENTITY CARD**

[RT I 2009, 27, 166 - entry into force 30.07.2009]

### **§ 20<sup>1</sup>. Concept of digital identity card and basis of issue**

[RT I, 29.10.2014, 1 - entry into force 01.12.2014]

(1) A digital identity card is a digital document.

(2) A digital identity card is issued to an Estonian citizen and an alien who has been issued an identity card or residence permit card before or who is applying for an identity card or residence permit card concurrently with the digital identity card.

[RT I, 29.10.2014, 1 – entry into force 01.12.2014]

### **§ 20<sup>2</sup>. Digital data to be entered on digital identity card**

(1) Data enabling digital identification and data enabling digital signing shall be entered on the digital identity card. The list of data to be entered on the digital identity card shall be approved by the minister responsible for the area, taking account of the provisions of subsection 9 (3) of this Act.

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

(2) The certificates specified in subsection (1) of this section shall be issued with the same period of validity as that of the digital identity card on which they are entered.

[RT I 2009, 27, 166 - entry into force 30.07.2009]

### **§ 20<sup>3</sup>. Period of validity of digital identity card**

(1) A digital identity card is issued with the period of validity of up to three years.

[RT I, 21.03.2014, 2 - entry into force 01.01.2015]

(2) A digital identity card in a mobile-ID format is issued with the period of validity of up to five years.

[RT I, 21.03.2014, 2 - entry into force 01.01.2015]

### **§ 20<sup>4</sup>. Specification of issue of digital identity card in mobile-ID format**

(1) A digital identity card in a mobile-ID format is a digital identity card the certificates of which enabling digital identification and digital signing are connected to the SIM-card of the mobile phone.

(2) A digital identity card in a mobile-ID format cannot be applied for through a representative and cannot be issued to a representative.

(3) For receiving a digital identity card in a mobile-ID format a person need not address the issuer of the document in person.

(4) If an applicant for a digital identity card in a mobile-ID format holds a valid digital identity card in the mobile-ID format, the latter shall be revoked upon the issue of a new digital identity card in a mobile-ID format.

(5) The notification obligation specified in subsection 14 (2) of this Act shall be deemed to be fulfilled with regard to a digital identity card in a mobile-ID format also in the case when the holder of the document notifies the mobile operator with whom he or she holds a contract of use of the mobile-ID, instead of the issuer of the document.

(6) The minister responsible for the area need not establish a format for the application for digital identity card in a mobile-ID format.



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

(7) The mobile operator is required to coordinate the technical solution of the digital identity card in a mobile-ID format before the commencement of use thereof with the State Agency for Information Systems, who shall ask for the position of the Police and Border Guard Board and the provider of the certification service in the course of the proceedings.

[RT I, 21.03.2014, 2 - entry into force 01.05.2014]

(8) The minister responsible for the area shall establish by a regulation the details of the issue of the digital identity card in a mobile-ID format, including:

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

1) the period of validity shorter than five years of the digital identity card in a mobile-ID format if the technical solution of the medium of the document is not in compliance with the requirements needed for secure use of the documents during five years;

2) the period of validity of the digital identity card in a mobile-ID format if the assessment of the security of the technical solution of the digital identity card in a mobile-ID format changes and, according to the new assessment the technical solution of the medium of the document enables secure use of the document for a longer period than the initial evaluation;

3) the contents and extent of the coordination, the procedure and term for the issue of coordination provided for in subsection (7) of this section, and the due date from which the coordination is mandatory.

[RT I, 21.03.2014, 2 - entry into force 01.05.2014]

## **Chapter 52**

### **E- RESIDENT'S Digital Identity CARD**

[RT I, 29.10.2014, 1 - entry into force 01.12.2014]

#### **§ 20<sup>5</sup>. E-resident's digital identity card**

(1) An e-resident's digital identity card is a digital document issued to a person unspecified in subsection § 20<sup>1</sup>(2) of this Act.

(2) The objective of the issue of an e-resident's digital identity card is to promote the development of the Estonian economy, science, education or culture by providing access to e-services with the Estonian digital document.

[RT I, 29.10.2014, 1 – entry into force 01.12.2014]

#### **§ 20<sup>6</sup>. Conditions for issue, suspension of validity and revocation of e-resident's digital identity card**

(1) [Repealed - RT I, 06.07.2016, 2 - entry into 16.07.2016]

(2) The issue of an e-resident's digital identity card shall be refused if:

- 1) the person poses a threat to public order or national security;
- 2) an e-resident's digital identity card is applied for an economic activity and there is a basis for prohibition on economic activities;
- 3) a person is not clearly identified or there is a reason to doubt the true identity thereof.

(3) The issue of e-resident's digital identity card may be refused if:

- 1) there is a circumstance constituting a basis for refusal to issue visa or temporary residence permit or for application of prohibition on entry;
- 2) the issue of the document does not comply with the objective specified in subsection 20<sup>5</sup>(2) of this Act.

(4) The e-resident's digital identity card may be revoked if a basis becomes evident for refusal to issue the e-resident's digital identity card specified in subsection (2) or (3) of this section.

[RT I, 06.07.2016, 2 - entry into 16.07.2016]

(5) The validity of the certificate enabling digital identification of the e-resident's digital identity card and of the certificate enabling digital signature may be suspended (hereinafter in this section suspension of validity) if there is a justified doubt that there is a basis for refusal to issue the e-resident's digital identity card specified in subsection (2) or (3) of this section.

[RT I, 06.07.2016, 2 - entry into 16.07.2016]

## **§ 20<sup>7</sup>. Proceeding of issue, suspension of validity and revocation of e - resident's digital identity card**

(1) A person applying for the issue of an e-resident's digital identity card or an e-resident is required to provide certification or substantiate the facts which constitute the basis for the issue of the e-resident's digital identity card. The circumstances that are known to the administrative body or well-known need not be certified and substantiated.

(2) The application of a person for the issue of an e-resident's digital identity card may be denied if the person has previously been refused the issue of an e-resident's digital identity card and the person does not prove that circumstances have changed.

(3) A person participating in the proceedings or any other person shall have no right of access to the relevant documents or files in the course of the proceedings of the issue, suspension of validity or revocation of an e-resident's digital identity card or after the entry into force of the decision.

(4) The notice on refusal to issue, suspension of validity or revocation of the e-resident's digital identity card shall set out the requisite information specified in subsection 55 (4) and subsection 57 (1) of the Administrative Procedure Act and the legal basis arising from subsection 20<sup>6</sup>(2) or (3) of this Act.  
[RT I, 06.07.2016, 2 - entry into 16.07.2016]

(5) Upon solving a challenge filed against the decision on the refusal to issue, suspension of validity or revocation of e-resident's digital identity card the circumstances or evidence on which the challenged administrative act is based shall not be stated in the decision on the appeal.  
[RT I, 29.10.2014, 1 – entry into force 01.12.2014]

## **§ 20<sup>8</sup>. Exercise of state supervision**

(1) The Police and Border Guard Board, the Estonian Internal Security Service and the Estonian Tax and Customs Board are competent to exercise state supervision over the use of the e-resident's digital identity card provided for in this section.

(2) Law enforcement agencies specified in subsection (1) of this section are competent to apply specific measures of state supervision provided for in §§ 30 and 31 of the Law Enforcement Act under the conditions and in the procedure provided for in the Law Enforcement Act.

(3) If any other administrative body or service provider has, within the framework of their duties, collected information which may constitute a basis for revocation or suspension of validity of the e-resident's digital identity card, the administrative body or service provider is required to forward this information to the Police and Border Guard Board.  
[RT I, 29.10.2014, 1 - entry into force 01.12.2014]

## **§ 20<sup>9</sup>. Identification of person and verification of identity of e-resident**

Provisions of §§ 24–28, 270, 271 and subsections 272 (1) and (2) of the Aliens Act shall be applied to identification of person and verification of identity of an applicant for the issue of an e-resident's digital identity card or an e-resident.  
[RT I, 29.10.2014, 1 - entry into force 01.12.2014]

## **§ 20<sup>10</sup>. Provision of service to e-resident**

(1) A public or private service provider may decide on the provision of service to an e-resident with a digital identity card or the refusal thereof, restrict the provision of service or the availability of such service as to the content, scope and number of persons with access thereto or establish additional requirements for access to service, including request submission of additional data and documents or personal appearance at the location of the service provider.

(2) A public service provider may impose restrictions specified in subsection (1) of this section in the following cases:

- 1) to ensure the purposeful use of e-resident's digital identity card, including the prevention of offences;
- 2) to ensure the operation of the service or safe use thereof.

(3) Where the provision of public service primarily consists of the submission of data to the database or the processing of the data in the database, the restrictions specified in subsection (1) of this section shall be imposed by the chief processor of the database.

(4) Where the provision of public service is broader than the submission of data to the database or the processing of the data therein, the restrictions on the provision of service specified in subsection (1) of this section shall be imposed by the head of the competent authority or a person authorised thereby.  
[RT I, 29.10.2014, 1 - entry into force 01.12.2014]

## **§ 20<sup>11</sup>. Issue of e-resident's digital identity card in case of substantial public interest**

(1) In case of substantial public interest the Police and Border Guard Board may issue an e-resident's digital identity card on the basis of the decision of the minister responsible for the area.

(2) In the case specified in subsection (1) of this section an e-resident's digital identity card may be issued without an application from the person and without the data and documents to be added thereto if the data to be entered into the document are known to the Police and Border Guard Board.

(3) The Police and Border Guard Board may transfer an e-resident's digital identity card issued in the case of substantial public interest to a public agency or person for the issue thereof.

(4) The justified decision specified in subsection (1) of this section on the issue of an e-resident's digital identity card in case of substantial public interest shall be made by a directive of the minister responsible for the area.

[RT I, 29.10.2014, 1 - entry into force 01.12.2014]

## **Chapter 6 ESTONIAN CITIZEN'S TRAVEL DOCUMENTS**

### **§ 21. Estonian citizen's passport**

(1) Estonian citizen's passports shall be issued to an Estonian citizen for crossing the state border.

(2) [Repealed - RT I 2002, 90, 516 - entry into force 01.12.2002]

(3) A second Estonian citizen's passport (additional passport) may be issued in addition to a previously issued valid Estonian citizen's passport to an Estonian citizen who proves the existence of a justified personal or work-related need.

[RT I 2002, 90, 516 – entry into force 01.12.2002]

### **§ 21<sup>1</sup>. Estonian citizen's passport without fingerprint images**

(1) If an Estonian citizen has been previously issued the Estonian citizen's passport or identity card and he or she is staying in a foreign state where there is no the Estonian foreign representation or where it is disproportionately burdensome for the applicant to turn to the Estonian representation, he or she may be issued the Estonian passport without fingerprint images with the period of validity of up to one year.

(2) The application for the issue of the Estonian citizen's passport under the conditions specified in subsection (1) of this section may be submitted to the Police and Border Guard Board by mail or through the representative.

(3) In the course of applying for the Estonian citizen's passport to be issued under the conditions specified in subsection (1) of this section the applicant shall not undergo fingerprinting.

(4) Under the conditions provided for in subsection (1) of this section the Estonian citizen's passport may only be issued for two consecutive times.

[RT I, 21.03.2014, 2 – entry into force 01.10.2014]

### **§ 22. Diplomatic passport**

(1) A diplomatic passport shall be issued to:

- 1) the President of the Republic;
- 2) the family members of the President of the Republic;
- 3) a former President of the Republic and his or her spouse.

(2) For the performance of functions in a foreign state, a diplomatic passport shall be issued to the following Estonian citizen:

[RT I 2006, 29, 221 – entry into force 02.01.2007]

- 1) the Chairman and Deputy Chairmen of the Riigikogu;
- 2) a member of the Riigikogu if he or she is a member of a state delegation or represents the state as an official;
- 2<sup>1</sup>) a member of the European Parliament;

[RT I 2010, 7, 28 – entry into force 17.04.2010]

- 3) a member of the Government of the Republic;
- 4) the State Secretary;
- 5) the Chief Justice of the Supreme Court;

- 6) the Chancellor of Justice;
- 7) the Auditor General;
- 8) a specialised diplomat;  
[RT I 2009, 27, 166 – entry into force 30.07.2009]
- 9) a career diplomat and in case of a justified need a career diplomat candidate;  
[RT I 2009, 27, 166 – entry into force 30.07.2009]
- 10) the President of Eesti Pank;
- 11) the Commander-in-Chief of the Defence Forces;
- 12) a diplomatic courier in order to deliver diplomatic mail.  
[RT I 2010, 7, 28 – entry into force 17.04.2010]

(3) The minister responsible for the area may decide on the issue of a diplomatic passport also to another Estonian citizen if this is necessary for the performance of the functions of the state and is in compliance with international custom.  
[RT I, 06.07.2016, 2 - entry into 16.07.2016]

(4) For the purposes of this section, a family member shall mean a spouse and a minor child, and an adult child acquiring basic or secondary education or an adult child incapacitated for work in need of assistance.  
[RT I 2006, 29, 221 – entry into force 02.01.2007]

(41) A diplomatic passport is granted to a family member of a diplomat or a career diplomat candidate serving at a representation of the Republic of Estonia if the family member is an Estonian citizen and accompanies the diplomat in the assignments abroad. In the case of a justified need, the Ministry of Foreign Affairs may issue a diplomatic passport to a family member of a diplomat or a career diplomat candidate who does not accompany the diplomat in the assignment abroad.  
[RT I 2009, 27, 166 – entry into force 30.07.2009]

(5) The persons specified in subsections (2), (3) and (4<sup>1</sup>) are required to return the diplomatic passports to the authority on whose proposal the diplomatic passport was issued within one month as of the date on which the basis for the issue thereof has ceased to exist.  
[RT I 2010, 7, 28 – entry into force 17.04.2010]

(51) [Repealed - RT I 2006, 26, 193 - entry into force 01.01.2007]

(52) [Repealed - RT I 2006, 26, 193 - entry into force 01.01.2007]

(53) [Repealed - RT I 2006, 26, 193 - entry into force 01.01.2007]

(54) [Repealed - RT I 2006, 26, 193 - entry into force 01.01.2007]

(55) [Repealed - RT I 2006, 26, 193 - entry into force 01.01.2007]

(56) The authority specified in subsection (5) is required to immediately forward the diplomatic passport to the Ministry of Foreign Affairs.  
[RT I 2010, 7, 28 - entry into force 17.04.2010]

(5<sup>7</sup>) If the person specified in subsections (2), (3) and (4<sup>1</sup>) wishes to keep the diplomatic passport that is revoked or has expired in his or her possession, the authority to which the diplomatic passport is returned shall give it to the person after making it unusable.  
[RT I 2010, 7, 28 - entry into force 17.04.2010]

(5<sup>8</sup>) If the diplomatic passport that has been made unusable has been left in the possession of the person at his or her request, the authority to which the document was returned shall compile a notice and forward it to the Ministry of Foreign Affairs. The Government of the Republic may establish by a regulation a procedure for making a diplomatic passport unusable and for the notification of the Ministry of Foreign Affairs thereof, and the list of the data to be set out in the notice of giving the diplomatic passport in the possession of the person and the format of the notice.  
[RT I 2010, 7, 28 - entry into force 17.04.2010]

(5<sup>9</sup>) Should the person specified in subsections (2), (3) and (4<sup>1</sup>) not return the diplomatic passport within one month as of the date when the basis has ceased to exist for the issue thereof, then the authority on whose proposal the diplomatic passport was issued is required to notify the Ministry of Foreign Affairs thereof in writing on the next working day.  
[RT I 2010, 7, 28 - entry into force 17.04.2010]

(5<sup>10</sup>) Upon receipt of the notice specified in subsection (5<sup>9</sup>) the Ministry of Foreign Affairs shall revoke the diplomatic passport immediately.  
[RT I 2010, 7, 28 - entry into force 17.04.2010]

(5<sup>11</sup>) The authority specified in subsection (5) is required to ensure the purposeful use of the diplomatic passport.

[RT I 2010, 7, 28 - entry into force 17.04.2010]

(6) If necessary, the Ministry of Foreign Affairs may issue an additional diplomatic passport.

### **§ 23. Seafarer's discharge book**

A seafarer who is an Estonian citizen shall be issued a seafarer's discharge book which complies with the requirements of the "Convention concerning Seafarers' National Identity Documents" of the International Labour Organisation (ILO).

### **§ 24. Period of validity of Estonian citizen's travel document**

(1) An Estonian passport shall be issued with a period of validity of up to ten years.

[ RT I, 09.03.2016, 2 – entry into force 01.01.2017 ]

(2) [Repealed - RT I 2006, 29, 221 - entry into force 28.08.2006]

(2<sup>1</sup>) An Estonian citizen who is under 15 years of age shall be issued the Estonian passport with a period of validity of up to five years.

[ RT I, 09.03.2016, 2 – entry into force 01.01.2017 ]

(3) An additional passport shall be issued with a period of validity of up to ten years, but for not longer than the period of validity of the previously issued Estonian citizen's passport

[ RT I, 09.03.2016, 2 – entry into force 01.01.2017 ]

(4) A diplomatic passport shall be issued with a period of validity of up to:

- 1) five years to the President of the Republic and his or her spouse;
- 2) five years to a minor child of the President of the Republic, but for not longer than until he or she becomes an adult;
- 3) five years to a former President of the Republic and his or her spouse;
- 4) four years and six months to a member of the Riigikogu, a member of the Government of the Republic and the State Secretary, taking into account that the period of validity of a diplomatic passport cannot be longer than six months as of the termination of his or her powers.

[RT I 2010, 7, 28 - entry into force 17.04.2010]

4<sup>1</sup>) five years to a member of the European Parliament but not for longer than until the termination of his or her powers;

[RT I 2010, 7, 28 - entry into force 17.04.2010]

5) five years to the Chief Justice of the Supreme Court, but not for longer than until the termination of his or her authority;

6) seven years to the Chancellor of Justice, but not for longer than until the termination of his or her authority;

[ RT I, 09.03.2016, 2 – entry into force 01.01.2017 ]

7) five years to the Auditor General, but not for longer than until the termination of his or her authority;

8) five years to a diplomat;

9) five years to the President of Eesti Pank, but not for longer than until the termination of his or her authority;

10) five years to the Commander-in-Chief of the Defence Forces, but not for longer than until the termination of his or her authority;

11) five years to a person specified in subsection 22 (3) of this Act;

[ RT I, 09.03.2016, 2 – entry into force 01.01.2017 ]

12) five years to a non-staff public servant in the service of the Ministry of Foreign Affairs and a family member who accompanies him or her on an assignment abroad, but not for longer than one month after the end of the assignment abroad of the non-staff public servant;

13) five years to a family member of a diplomat who accompanies him or her on an assignment abroad, but not for longer than one month after the end of the assignment abroad of the diplomat;

14) three years to a diplomatic courier.

(4<sup>1</sup>) An additional diplomatic passport shall be issued with a period of validity of up to five years, but for not longer than the period of validity of the previously issued diplomatic passport.

(5) A seafarer's discharge book shall be issued with a period of validity of up to five years.

[RT I 2006, 29, 221 – entry into force 28.08.2006]

### **§ 25. Scope of application of a travel document**

(1) An Estonian citizen's or an alien's travel document shall have unlimited scope of application.

(2) The government authority which issued a travel document may, on the proposal of a prosecutor, restrict the scope of application of the travel document if a preventive measure in the form of a signed undertaking not

to leave the place of residence, or personal surety or security is imposed on the holder of the document in a criminal matter.

(3) In the cases prescribed in a treaty the scope of application of a travel document may be restricted.

(4) A travel document issued by the Republic of Estonia to an alien who has received a residence permit pursuant to the Grant of International Protection to Aliens Act is not valid in his or her country of nationality or country of permanent residence.

(5) Upon restriction of the scope of application of a travel document, a corresponding notation shall be made in the travel document.

[RT I 2006, 2, 3 - entry into force 01.07.2006]

## **Chapter 7**

### **DOCUMENTS HELD BY ALIENS**

#### **§ 26. Status of alien's passport**

(1) An alien's passport is a travel document issued to an alien by the Republic of Estonia.

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

(2) An alien's passport does not grant the holder thereof the right to protection by a foreign mission of Estonia unless otherwise provided by law or an international agreement.

[RT I 2002, 90, 516 - entry into force 01.12.2002]

#### **§ 27. Basis for issue of alien's passport**

(1) An alien's passport shall be issued to an alien who holds a valid residence permit or has a right of residence in Estonia if it is proved that the alien does not hold a travel document issued by a foreign state and that it is not possible for him or her to obtain a travel document issued by a foreign state.

(2) [Repealed - RT I 2002, 90, 516 - entry into force 01.12.2002]

(3) In order for an alien's passport to be issued to a citizen of a foreign state, the alien shall submit the consent of a competent administrative authority of his or her country of nationality to the issue of an alien's passport to him or her, or prove that it is not possible to obtain the specified consent.

[RT I 2006, 26, 191 - entry into force 01.08.2006]

#### **§ 28. Period of validity of alien's passport**

[RT I 2006, 29, 221 - entry into force 28.08.2006]

(1) An alien's passport shall be issued with a period of validity of up to ten years; thereby the period of validity shall not exceed the period of validity of the residence permit issued or the right of residence granted to the alien.

[RT I, 09.03.2016, 2 – entry into force 01.01.2017 ]

(2) [Repealed - RT I 2006, 29, 221 - entry into force 28.08.06]

#### **§ 29. Status and basis for issue of temporary travel document**

(1) A temporary travel document is a travel document issued by the Republic of Estonia to an alien staying in Estonia for departure from and return to Estonia.

(2) A temporary travel document may be issued, without a standard application, to an alien who departs or is obliged to depart from Estonia without the right of return if he or she does not hold a valid travel document or a certificate of return issued by a foreign state.

(3) A temporary travel document for a single departure from and return to Estonia may be issued to an alien legally residing in Estonia if he or she does not hold a valid travel document and does not have the right to receive an alien's passport.

(4) A temporary travel document does not grant the holder thereof the right to protection by a foreign mission of Estonia unless otherwise provided by law or a treaty.

[RT I 2002, 90, 516 - entry into force 01.12.2002]

#### **§ 30. Period of validity of temporary travel document**

A temporary travel document shall be issued with a period of validity of up to two years.

### **§ 31. Status and basis for issue of travel document for refugee**

(1) A travel document for a refugee is a travel document issued by the Republic of Estonia to an alien who has been granted the refugee status in Estonia.

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

(2) A travel document for a refugee does not grant the holder thereof the right to protection by a foreign mission of Estonia unless otherwise provided by law or a treaty.

(3) A travel document for a refugee shall comply with the requirements of the United Nations Convention relating to the Status of Refugees, taking into consideration the requirements for the availability and security of modern travel documents.

(4) A travel document for a refugee shall be issued to an alien who holds a residence permit specified in subsection 38 (1) of the Act on Granting International Protection to Aliens.

[RT I 2006, 2, 3 - entry into force 01.07.2006]

### **§ 32. Period of validity of travel document for refugee**

[RT I 2006, 29, 221 - entry into force 28.08.2006]

(1) A travel document for a refugee shall be issued with a period of validity of up to five years and the period of validity shall not exceed the period of validity of the residence permit issued to the refugee.

(2) [Repealed - RT I 2006, 29, 221 - entry into force 28.08.2006]

### **§ 33. Status and basis for issue of certificate of record of service on ships**

(1) A certificate of record of service on ships is a travel document issued to an alien by the Republic of Estonia.

[RT I 2006, 29, 221 - entry into force 28.08.2006]

(2) A seafarer who is an alien and who holds a residence permit or has a right of residence in Estonia shall, on the basis of his or her application, be issued a certificate of record of service on ships which complies with the requirements of the "Convention concerning Seafarers' National Identity Documents" of the International Labour Organisation (ILO).

[RT I 2009, 27, 166 - entry into force 30.07.2009]

### **§ 34. Period of validity of certificate of record of service on ships**

A certificate of record of service on ships shall be issued with a period of validity of up to five years and the period of validity shall not exceed the period of validity of the residence permit issued to the alien.

### **§ 34<sup>1</sup>. Basis for issue of residence permit card**

(1) A residence permit card is an internal and digital document of a third-country national residing permanently in Estonia or staying in Estonia on the basis of the National Defence Act. The residence permit card shall be issued to:

1) a third-country national residing permanently in Estonia who has a valid residence permit or a right of residence;

2) a third-country national who holds a permit issued for staying in Estonia on the basis of the National Defence Act;

3) a dependent of an alien who holds a permit issued for staying in Estonia on the basis of the National Defence Act if the dependent is a third-country national and is staying in Estonia together with the alien specified.

[RT I, 09.12.2010, 1 - entry into force 01.01.2012]

4) a third-country national who is a member of the staff accredited to Estonia of the diplomatic mission and consular post of a foreign state or a representation of an international organisation located in Estonia, their family members and private staff.

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

(2) Other documents provided for in this Act shall be issued on the basis of the data of the residence permit card. This subsection shall not extend to persons who, on the basis of this Act, do not need to hold a residence permit card.

[RT I, 09.12.2010, 1 - entry into force 01.01.2012]

### **§ 34<sup>2</sup>. Digital data entered on residence permit card**

(1) A certificate that enables digital identification and a certificate that enables digital signing shall be entered on the residence permit card. The list of other digital data entered on a residence permit card shall be established by a regulation of the minister responsible for the area, taking account of the provisions of subsection 9 (3) of this Act.

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

(2) The certificates specified in subsection (1) of this section are issued with the same term of validity as the residence permit card in which they are entered.

[RT I, 09.12.2010, 1 - entry into force 01.01.2012]

### **§ 34<sup>3</sup>. Period of validity of residence permit card**

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

(2) The period of validity of a residence permit card shall not exceed the period of validity of the permit for staying in Estonia issued on the basis of a residence permit, a right of residence or on the basis of the National Defence Act or the term of employment in a foreign mission located in Estonia.

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

(3) The period of validity of digital data entered on a residence permit card shall be determined by a regulation of the minister responsible for the area. The period of validity of digital data shall not exceed the period of validity of the residence permit card. The expiry of the period of validity of digital data shall not be the basis for the expiry of a residence permit card.

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

## **Chapter 8 CERTIFICATE OF RETURN AND PERMIT OF RETURN**

### **§ 35. Basis for issue of certificate of return**

(1) A certificate of return shall be issued to an Estonian citizen staying in a foreign state whose travel document becomes unusable or is destroyed or lost.

(2) A certificate of return shall be issued on the basis of a birth certificate to a child of less than one year of age who was born to a citizen of Estonia in a foreign state.

(3) A certificate of return may be issued to an Estonian citizen who has no valid Estonian document if the issue of such document is in the public interest.

(4) In the case specified in subsection (3) of this section, the application of the person is not needed for the issue of the document.

[RT I, 2006, 29, 221 - entry into force 28.08.2006]

### **§ 36. Period of validity of certificate of return**

(1) A certificate of return shall be issued with a period of validity of up to twelve months.

(2) Upon entry into Estonia, a certificate of return shall be returned to the Police and Border Guard Board who shall forward the certificate to the Ministry of Foreign Affairs.

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

### **§ 36<sup>1</sup>. Basis for issue of permit of return**

(1) A permit of return may be issued to an alien for return to Estonia if:

1) the alien resides in the Republic of Estonia on the basis of a residence permit and his or her alien's passport, temporary travel document or travel document for a refugee has become unusable, has been destroyed, has expired or has been lost while staying in a foreign state;

[RT I, 2009, 27, 166 - entry into force 30.07.2009]

2) the alien is received by the Republic of Estonia on the basis of a treaty

(2) A permit of return may be issued, on the basis of a birth certificate, to a child of less than one year of age who was born in a foreign state to an alien residing in the Republic of Estonia on the basis of a residence permit.

[RT I, 2004, 2, 4 - entry into force 16.01.2004]

### **§ 36<sup>2</sup>. Period of validity of permit of return**

(1) A permit of return shall be issued with a period of validity of up to twelve months.



(1<sup>1</sup>) The period of validity of a permit of return issued on the basis specified in clause 36<sup>1</sup>(1) 1) of this Act shall not exceed the period of validity of the residence permit issued to the alien.

(2) Upon entry into Estonia, a permit of return shall be returned to the Police and Border Guard Board, which shall forward the permit to the Ministry of Foreign Affairs.  
[RT I, 2009, 62, 405 - entry into force 01.01.2010]

## **Chapter 81 LIABILITY**

[RT I 2006, 29, 221 - entry into force 28.08.2006]

### **§ 36<sup>3</sup>. Violation of requirements of Identity Documents Act**

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

## **Chapter 9 IMPLEMENTING PROVISIONS**

### **§ 37. Information concerning documents issued on basis of this Act**

Information concerning documents issued on the basis of this Act shall be entered in the population register pursuant to the Population Register Act. Information concerning documents of aliens illegally staying in Estonia shall be processed pursuant to the procedure provided by a regulation of the minister responsible for the area, established on the basis of the Aliens Act.

### **§ 38. Validity of previously issued documents**

(1) An Estonian citizen's passport, a diplomatic passport and a seafarer's discharge book issued pursuant to the Estonian Citizens Identity and Citizenship Documents Act are valid until the date of expiry thereof, and the provisions of this Act apply thereto.

(2) An alien's passport issued pursuant to the Aliens Act is valid until the date of expiry thereof, and the provisions of this Act apply thereto.

(3) A temporary travel document issued pursuant to the Temporary Travel Documents Act is valid until the date of expiry thereof, and the provisions of this Act apply thereto.

(4) The validity of a document shall not depend on changes in the standard format and technical description of a document and the list of data to be entered in a document, unless otherwise provided by law or legislation of general application established on the basis thereof.  
[RT I 2002. 90, 516 - entry into force 01.1.2012]

### **§ 39. Implementation of § 5 and § 6 of this Act**

Sections 5 and 6 of this Act are implemented as of 1 January 2002.

### **§ 40. Commencement of issue of identity card and of refugee travel document**

The Government of the Republic shall determine the term for the commencement of the issue of an identity card and of a refugee travel document within one year as of the entry into force of this Act, taking into account the provision of § 39 of this Act.

### **§ 40<sup>1</sup>. Dates for commencement of use of biometric data in documents**

(1) The date for commencement of use of fingerprint images in identity documents shall be decided by a regulation of the Government of the Republic.  
[RT I, 2006, 29, 221 - entry into force 28.08.2006]

(2) The date of implementation of the personal appearance requirement provided in subsections 11<sup>4</sup>(2)-(5) of this Act shall be decided by a regulation of the Government of the Republic. Until such date, the personal appearance of an applicant for a document is mandatory upon submission of the application for the document only if the applicant has not been issued a document provided by this Act before. Until the corresponding date, fingerprinting shall not be applied in the procedure for the issue of identity documents.

[RT I, 2006, 29, 221 - entry into force 28.08.2006]

(3) [Repealed – RT I, 2009.27.166 – entry into force 30.07.2009]

(4) The date of implementation of § 11<sup>5</sup> of this Act shall be decided by a regulation of the Government of the Republic.

[RT I, 2006, 29, 221 - entry into force 28.08.2006]

#### **§ 40<sup>2</sup>. Specification of commencement of use of documents containing biometric data**

[RT I, 2006, 29, 221 - entry into force 28.08.2006]

(1) If the state of health of an applicant for a document who is staying in Estonia has rendered the applicant permanently unable to personally address the competent authority in order to submit an application for the issue of a document then until the date of commencement of the fingerprinting of the applicant for a document, an employee duly authorised by the head of the rural municipality or city government or a social welfare institution may forward, after verification of the identity of the person, the person's application for the issue of a document with the written consent of the applicant.

[RT I, 2009, 27, 166 - entry into force 30.07.2009]

(2) The applicant is required to provide certification of the circumstances specified in subsection (1) of this section. Confirmation by the rural municipality or city government or a social welfare institution that the state of health of the applicant for a document has rendered the applicant permanently unable to personally address the competent authority shall be appended to the application.

[RT I, 2006, 29, 221 - entry into force 28.08.2006]

(3) Until the date of commencement of the fingerprinting of an applicant for a document, a prison officer duly authorised by the director of the corresponding prison may forward, after verification of the identity of the person, the application for issue of a document by a person imprisoned in Estonia, provided that the application is justified, the person needs the document during his or her stay in prison and the person has no possibility to personally address the authority competent to issue the document.

[RT I, 2009, 27, 166 - entry into force 30.07.2009]

(4) Until the date of commencement of the fingerprinting of an applicant for a document, a person under 15 years of age or an adult with restricted active legal capacity is not required to address the authority competent to issue a document or a consular agent of Estonia in person in order to submit an application for the issue of a document containing biometric data if his or her legal representative has been issued the document provided for in subsection 15 (4) of this Act.

[RT I, 21.03.2014, 2 - entry into force 01.10.2014]

(5) Until the date of commencement of the fingerprinting of an applicant for a document, upon application of a document containing biometric data a legal representative of a person specified in subsection (4) of this section is not required to address the authority competent to issue the document or a consular agent of Estonia in person in order to submit an application for a document if the legal representative has been issued a document specified in subsection 15 (4) of this Act or he or she has a valid residence permit in Estonia.

[RT I, 2009, 27, 166 - entry into force 30.07.2009]

#### **§ 40<sup>3</sup>. Commencement of issue of digital identity card**

The date for commencement of the issue of a digital identity card shall be established by the government of the Republic, taking into account that the issue of a digital identity card is commenced on 1 October 2010 at the latest.

[RT I, 2010, 7, 28 - entry into force 17.04.2010]

#### **§ 40<sup>4</sup>. Commencement of issue of residence permit card**

(1) The issue of residence permit cards is commenced on 1 January 2011.

(2) An identity card issued to a third-country national before 1 January 2011 shall be valid until the expiry of the document and the provisions with regard to the residence permit card apply thereto.

(3) If a third-country national submits an application for the issue of an identity card before 1 January 2011 but the decision on the issue of the document is made later than the specified term, then, on the basis of the application referred to, a residence permit card may be issued to a third-country national without fingerprint images.

(4) Upon the issue of a residence permit card the identity card, issued to a third-country national before, shall be revoked. Upon the issue of a residence permit card the holder of the document is required to submit the identity card that was issued before, except in the case the document has got lost or destroyed.

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

#### **§ 40<sup>5</sup>. Competence to conclude agreements**

The Government of the Republic may conclude agreements with foreign states related to verification of identity and issue of documents enabling crossing the state borders.  
[RT I, 09.12.2010, 1 - entry into force 01.01.2011]

#### **§ 40<sup>6</sup>. Specification of state fee charged for review of application for digital identity card issued in mobile-ID format**

(1) The payer of a state fee for the review of an application for the issue of a digital identity card in the mobile-ID format is, for the purposes of the State Fees Act, a legal person governed by private law with whom the Police and Border Guard Board has concluded an agreement for the organisation of the issue of a digital identity card in the mobile-ID format (hereinafter in this section payer of the state fee).

(2) The provisions with regard to the payer of the state fee provided in the State Fees Act shall be applied to the payer of the state fee, taking account of the specifications of this section.

(3) No other person than the payer of the state fee may pay the state fee for the review of an application for the issue of a digital identity card in the mobile-ID format.

(4) The payer of the state fee is required to pay the state fee under the terms and at the rate agreed upon in the agreement on the organisation of the issue of a digital identity card in the mobile-ID format (hereinafter in this section agreement) to the Police and Border Guard Board as a pre-payment on the bank account of the Ministry of Finances under the reference number opened in e –Treasury.

(5) In the case of a state fee paid as a pre-payment specified in subsection (4) of this section, the payer of the state fee is not required to note the name of the person for whom the state fee is paid, required in subsection 9 (4) of the State Fees Act, in the transfer document.

(6) Upon the receipt of the application for the issue of a digital identity card in the mobile-ID format, the Police and Border Guard Board shall deduct the amount of the state fee charged for the review of the application from the residue of the amount of the state fee paid as a pre-payment by the payer of the state fee.

(7) If the amount of the state fees paid as a pre-payment by the payer of the state fee under the terms and at the rate provided by the agreement has run out, the Police and Border Guard Board refuses to review the application for a digital identity card in the mobile-ID format.

(8) The payer of the state fee may claim from the applicant for a digital identity card in the mobile-ID format the amount corresponding to the state fee, paid for the review of his or her application, at any time as of the moment the person submitted an application for a digital identity card unless the payer of the state fee and the person have agreed otherwise. The payer of the state fee may transfer the right to claim the amount corresponding to the state fee paid for the review of the application from the applicant to another person.

(9) The payer of the state fee is not entitled to apply for the refund of the state fee for the review of an application for the issue of a digital identity card in the mobile-ID format.

(10) Upon termination of the agreement with the payer of the state fee the Police and Border Guard Board shall refund the remainder of the pre-payment that remained unused to the payer of the state fee.  
[RT I, 09.12.2010, 1 - entry into force 01.01.2011]

#### **§ 41. Amendments to earlier legislation**

Omitted from this text

#### **§ 42. Repeal of legislation**

Omitted from this text

#### **§ 42. Entry into force of Act**

This Act enters into force on 1 January 2000.  
Regulation (EC) No 444/2009 of the European Parliament and of the Council amending Council Regulation (EC) No 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 142, 06.06.2009, pp.1-4).[RT I, 02.07.2013, 3 – entry into force 12.07.2013].