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Terms and conditions of and procedure for determination of extent and manner of taking Estonian language examination and examination on knowledge of Citizenship Act and Constitution of Republic of Estonia by applicant for citizenship or long-term residence permit due to state of health of person, and terms and conditions of and procedure for exemption from taking said examinations

Passed 13.12.2007 No. 247
RT I 2007, 68, 422
Entry into force 22.12.2007

Amended by the following acts

Passed	Published	Entry into force
10.07.2008	RT I 2008, 33, 204	01.10.2008
17.06.2010	RT I 2010, 45, 272	01.10.2010

This Regulation is established on the basis of subsection 35(10) of the Citizenship Act and paragraph 250(1)3 of the Aliens Act.
[RT I 2010, 45, 272 - entry into force 01.10.2010]

§ 1. Scope of application of Regulation

The Regulation stipulated the terms and conditions and the procedure, pursuant to which an applicant for citizenship or long-term residence permit (hereinafter *applicant*) may due to his or her state of health take the Estonian language examination and the examination of applicants for citizenship on the knowledge of the Citizenship Act and the Constitution of the Republic of Estonia in an extent and manner different from the general procedure or be exempted from taking these examinations.

§ 2. Determination of state of health by doctor providing treatment

The state of health of a person who due to his or her state of health wishes to take the Estonian language examination and the examination on the knowledge of the Citizenship Act and the Constitution of the Republic of Estonia in an extent and manner different from the general procedure or wishes to be exempted from these examinations, shall be assessed by the doctor providing treatment, who shall issue a notice concerning his or her state of health.

§ 3. Expert committee

(1) On the basis of the notice specified in section 2 and relying on additional documents, the extent and manner of taking the Estonian language examination and the examination on the knowledge of the Citizenship Act and the Constitution of the Republic of Estonia shall be determined by the expert committee for the assessment of the state of health of applicants for citizenship and long-term residence permit (hereinafter *expert committee*). The said expert committee shall also decide the exemption from taking the examinations.

(2) Operation of the expert commission is organised by the Ministry of Education and Research or by the state foundation that has concluded a contract under public law with it on the basis of subsection 35 (102) of the Citizenship Act.
[RT I, 11.09.2012, 1 – entry into force 14.09.2012]

§ 4. Application for alteration of extent and manner of examinations or exemption from examinations

(1) A person who due to his or her state of health is incapable of taking the examinations in accordance with the general procedure shall apply for an alteration of the extent and manner of the examinations by a relevant application to be submitted to the expert committee.

(2) A person who due to his or her state of health is incapable of taking the examinations shall submit an application for exemption from examinations to the expert committee.

(3) The application may be submitted on behalf of the person also by his or her authorised representative, who shall annex to the application a notarised power of attorney certifying the right of representation.

(4) The application shall be submitted together with the notice issued by the doctor providing treatment concerning the state of health of the person and, if available, the decision of the Social Insurance Board concerning the determination of the degree of the disability of the person in accordance with section 2² of the Social Benefits for Disabled Persons. Other documents describing the state of health of the person may be annexed to the notice issued by the doctor providing treatment.

[RT I 2008, 33, 204 – entry into force 01.10.2008]

(5) The Ministry of Education and Research or the state foundation that has concluded a contract under public law with it on the basis of subsection 35 (102) of the Citizenship Act forwards the received applications to the expert commission within 10 business days.

[RT I, 11.09.2012, 1 – entry into force 14.09.2012]

§ 5. Review of applications by expert committee

(1) The expert committee shall notify the applicant of the date and place of review of the application. The expert committee may refer the person to an additional expert evaluation or make a proposal to the person to submit additional documents as well as a proposal to participate in the expert committee meeting, where the application is reviewed. The applicant and his or her notorially authorised representative shall have the right to participate in the expert committee meeting, where the application is reviewed.

(2) The expert committee may engage the doctor providing treatment and other specialists as experts in the review of the application upon their consent.

(3) The expert committee shall review the application at its meeting in accordance with the rules of procedure of the expert committee. The expert committee meetings shall take place at least six times during one calendar year.

(4) The expert committee shall pass decisions by simple majority of votes.

(5) The decisions of the expert committee shall be drawn up in writing and shall be signed by the expert committee members participating in the meeting.

(6) The decision of the expert committee shall be delivered to the applicant by post not later than within 14 workdays from passing the decision.

§ 6. Decision of expert committee

(1) The expert committee may decide to:

- 1) reject the application;
- 2) grant the application in full or in part.

(2) In the decision of determination of the extent and manner of taking the examinations, the expert committee shall indicate the extent and manner in which the person has to take the examination. In the case of the Estonian language examination, the expert committee may exempt the person from taking some parts of the examination, as well as prescribe the replacement of an oral part of the examination with a written part and vice versa. The expert committee may also decide on other reasonable specifications for taking the examination due to the state of health of the applicant.

(3) The decision of exemption from taking the examinations shall be made, if taking the examinations is not possible or expedient even in the altered extent and manner due to the state of health of the person.

(4) The decisions of the expert committee shall be justified.

§ 7. [Omitted from this text.]