

Issuer:	Minister of the Interior
Type:	regulation
In force from:	27.12.2015
In force until:	In force
Translation published:	28.10.2019

Procedure for ensuring alien's obligation to participate in proceedings, as well as list of costs recoverable from persons, and rates thereof

[RT I, 18.12.2015, 7 - entry into force 27.12.2015]

Passed 11.07.2010 No. 19
RT I 2010, 61, 433
Entry into force 01.10.2010

Amended by the following acts

Passed	Published	Entry into force
09.11.2010	RT I, 25.11.2010, 3	01.01.2011
24.09.2013	RT I, 28.09.2013, 1	01.10.2013
14.12.2015	RT I, 18.12.2015, 7	27.12.2015

This Regulation is established on the basis of subsection 282(5), subsection 284(6), and subsection 292(6) of the Aliens Act and subsection 52¹³(4) of the Citizen of the European Union Act.
[RT I, 18.12.2015, 7 – entry into force 27.12.2015]

Chapter 1 ORGANISATION OF PARTICIPATION OF ALIEN IN PROCEEDING

§ 1. Commencement of search

If an alien fails to appear at the office of the administrative authority when summoned by the administrative authority, the administrative authority may commence a search of the alien.

§ 2. Conducting of search

To conduct a search of an alien, the administrative authority may publish on its official website, in the official publication *Ametlikud Teadaanded*, or in a national daily newspaper, the personal data of the alien, as well as the data pertaining to his or her search, detention and compelled attendance, to the extent that this is required for the performance of his or her obligation to participate in the proceedings.

§ 3. List of data published upon search

The following information shall be published in the event of a search of an alien:

- 1) personal data (given names, surname, former surnames, date of birth, Estonian personal identification code, gender, citizenship);
- 2) information about the type of the proceeding;
- 3) information about the obligations imposed on the person by the administrative authority;
- 4) the caution regarding detention and compulsory attendance in the event of failure to appear before the administrative authority.

§ 4. Formalisation of detention and compelled attendance of alien

Upon detention and compelled attendance of an alien, the administrative authority detaining the person shall draw up a detention report. The report on detention of the person shall specify:

- 1) the place and date of executing the report;

- 2) the name and address of the authority preparing the report, the job title, given name and surname, telephone number and e-mail address of the person preparing the report;
- 3) the given name and surname, personal identification code, citizenship, date and place of birth, the number, the issuer and the place of issue of the identity document or another document;
- 4) the date, time, place and legal basis for the detention;
- 5) the description of the alien's outerwear and footwear, and information about any physical injuries;
- 6) the list of items taken from the alien upon his or her detention, and their attributes;
- 7) the list of items used upon detention, and the reason for their use.

§ 5. Termination of search

The search of an alien is terminated if the need for the search ceases to exist.

Chapter 2 RECOVERABLE COSTS

§ 6. List of recoverable cost

(1) The following costs connected with the search, detention or compelled attendance of an alien may be recovered from a person bearing such obligation under the Aliens Act or the Citizen of the European Union Act: [RT I, 18.12.2015, 7 – entry into force 27.12.2015]

- 1) the costs related to detention in an office of the Police and Border Guard Board or in a police detention house;
- 2) the transport and escorting expenses;
- 3) the administration expenses;
- 4) other costs.

(2) The following costs related to the stay of an alien in Estonia and his or her departure from Estonia may be recovered from a person bearing such obligation under the Aliens Act or the Citizen of the European Union Act: [RT I, 18.12.2015, 7 – entry into force 27.12.2015]

- 1) the accommodation expenses;
- 2) the catering expenses;
- 3) the medical care and medical treatment expenses;
- 4) the transport costs;
- 5) other costs.

(3) The following expenses related to the compulsory execution of the alien's obligation to leave may be recovered from a person bearing such obligation under the Aliens Act or the Citizen of the European Union Act: [RT I, 18.12.2015, 7 – entry into force 27.12.2015]

- 1) costs of detention in a detention centre or in a police detention house; [RT I, 28.09.2013, 1 – entry into force 01.10.2013]
- 2) the transport and escorting expenses;
- 3) the costs of tickets for transporting the alien to the admitting country;
- 4) the expenses of escorting the alien to the admitting country, and the cost of tickets of the escorting persons;
- 5) the medical care and medical treatment expenses;
- 6) the administrative expenses connected with organising the expulsion;
- 7) the costs for organising care for a person close to the alien, needing assistance;
- 8) the costs for organising supervision over a minor child of the alien;
- 9) other costs.

(4) An alien who fails to fulfil the co-operation obligation or otherwise acts in the proceedings in bad faith may be obligated to recover the costs borne in connection with performing of procedural acts and collection of evidence.

§ 7. Rates of recoverable costs and procedure of calculation thereof

(1) The person bearing such obligation under the Aliens Act or the Citizen of the European Union Act shall compensate the State for the costs set forth in this Regulation to the full extent of the actual costs borne by the administrative authority.

[RT I, 18.12.2015, 7 – entry into force 27.12.2015]

(2) The rate of costs recoverable for detaining an alien in the official premises of the Police and Border Guard Board, in the detention centre or in the police detention house is 12.78 euros for every calendar day of stay in the official premises of the Police and Border Guard Board, in the detention centre or in the police detention house, which is inclusive of the costs of bedding, catering, the use of the sauna, bath or shower, and basic toiletries.

[RT I, 28.09.2013, 1 – entry into force 01.10.2013]

(3) The first and the last day of the stay of the alien in the official premises of the Police and Border Guard Board, in the detention centre or in the police detention house shall be deemed calendar days referred to in

Subsection (2) hereto, regardless of the time of placing the alien in the official premises of the Police and Border Guard Board, in the detention centre, or releasing therefrom.
[RT I, 28.09.2013, 1 – entry into force 01.10.2013]

(4) The recoverable rate of the costs for transporting and escorting the alien is 0.06 euros per one kilometre.
[RT I, 25.11.2010, 3 – entry into force 01.01.2011]

§ 8. Payment of recoverable cost

(1) The administrative authority shall present copies of the documents evidencing of the costs, along with the claim for voluntary compensation for the costs, to the person bearing such obligation within two weeks as of the date that the cost was borne.

(2) The person obligated to compensate for the costs shall transfer the costs borne by the administrative authority by a bank transfer to the bank account shown in the claim on compensating for costs, within one month from the date of receiving the relevant claim.

(3) On the basis of a justified application of the person obligated to compensate for costs the administrative authority may extend the deadline referred to in Subsection (1) hereof for three months.

Chapter 3 IMPLEMENTING PROVISIONS

§ 9. Entry into force of the Regulation

The Regulation shall enter into force on 1 October 2010.