Issuer:	Riigikogu
Type:	act
In force from:	27.12.2015
In force until:	31.12.2015
Translation published:	29.12.2015

Aliens Act[1]

Passed 09.12.2009
RT I 2010, 3, 4
Entry into force 01.10.2010

Amended by the following acts

Passed	Published	Entry into force
22.04.2010	RT I 2010, 22, 108	01.01.2011, entry into force on the date determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24-26).
09.06.2010	RT I 2010, 34, 184	01.10.2010
09.06.2010	RT I 2010, 41, 240	01.09.2010
25.11.2010	RT I, 09.12.2010, 1	01.01.2011
17.02.2011	RT I, 09.03.2011, 3	19.06.2011
17.02.2011	RT I, 21.03.2011, 2	01.01.2012, entry into force amended 01.01.2013 [RT I, 22.12.2011, 3]
23.02.2011	RT I, 23.03.2011, 2	02.04.2011, partially05.04.2011
16.06.2011	RT I, 30.06.2011, 1	01.07.2011, partially20.07.2011
08.12.2011	RT I, 22.12.2011, 3	23.12.2011 Repealed [RT I, 29.06.2012, 2]
08.12.2011	RT I, 29.12.2011, 1	01.01.2012
06.06.2012	RT I, 29.06.2012, 2	09.07.2012, partially01.01.2013
07.06.2012	RT I, 29.06.2012, 5	01.07.2012, partially01.01.2015
28.03.2013	RT I, 18.04.2013, 2	28.04.2013
13.06.2013	RT I, 02.07.2013, 3	01.09.2013, partially12.07.2013, 01.01.2014 and 01.01.2015
12.06.2013	RT I, 03.07.2013, 2	01.10.2013
11.12.2013	RT I, 23.12.2013, 1	01.01.2014, partially01.01.2020
19.02.2014	RT I, 13.03.2014, 4	01.07.2014, partially23.03.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the official titles of the ministers have been replaced on the basis of subsection 107³ (4) of the Government of the Republic Act.
18.02.2015	RT I, 19.03.2015, 2	29.03.2015
18.02.2015	RT I, 23.03.2015, 1	02.04.2015, partially 01.08.2015 and 01.01.2016
26.11.2015	RT I, 17.12.2015, 3	27.12.2015, partially 01.01.2016
21.06.2019	RT I, 27.06.2019, 1	21.06.2019 - The Resolution of the Supreme Court en banc declares the Aliens Act unconstitutional and

		invalid in the part that rules out the granting of a temporary residence permit to an alien for settling in Estonia with the registered same-sex partner of an Estonian citizen.
20.04.2021	RT I, 21.04.2021, 30	20.04.2021 - The resolution of the Constitutional Review Chamber of the Supreme Court declares subsection 100.10 (1), subsection 100.13 (2) and § 100.18 of the Aliens Act unconstitutional and invalid in the part that they preclude filing an appeal with the administrative court for challenging premature termination of the period of stay.

Chapter 1
GENERAL PART

Division 1
General Provisions

Subdivision 1
Scope of application of Act

§ 1. Scope of application

(1) This Act regulates the bases for the entry of aliens into Estonia, their temporary stay, residence and employment in Estonia and their legal liability for violation of obligations provided for in this Act.

(2) The Citizen of the European Union Act provides for the legal bases of the temporary stay and residence in Estonia of citizens of the member states of the European Union, citizens of the member states of the European Economic Area or citizens of the Swiss Confederation and their family members.

(3) The *Act*on Granting *International Protection*to Aliens provides for the legal bases for the temporary stay, residence and employment in Estonia of applicants for international protection and of those who have been granted protection.

(4) The legal bases for the temporary stay, residence and employment in Estonia of the staff of diplomatic missions and consular posts of foreign states and their family members are provided by treaties and other instruments of international law.

(5) The International Military Co-operation Act provides for the legal bases for the entry into Estonia, temporary stay, residence and employment in Estonia of aliens entering Estonia in the framework of international military co-operation .

§ 2. Application of Act

(1) Divisions 1 and 2 of Chapter 2 of this Act are applied to citizens of the member states of the European Union, citizens of the member states of the European Economic Area or citizens of the Swiss Confederation and their family members taking account of the specifications provided for in the Citizen of the European Union Act.

(2) The regulation concerning a sponsor for an alien in Estonia provided for in this Act is applied to citizens of the member states of the European Union, citizens of the European Economic Area or citizens of the Swiss Confederation.

(3) The provisions of Divisions 1 and 2 of Chapter 2 of this Act are applied to the proceeding of the legal bases for the temporary stay, residence and employment in Estonia of the staff of foreign diplomatic missions and consular posts and their family members.

(4) The provisions of this Act are applied taking account of the specifications provided for in a treaty binding on the Republic of Estonia.

Subdivision 2
Definitions

§ 3. Alien

For the purposes of this Act, an alien is a person who is not an Estonian citizen.

§ 4. Minor child

For the purposes of this Act, a minor child is a person under 18 years of age. A person who is married, has a separate family or leads an independent life is not deemed to be a minor child for the purposes of this Act..

§ 5. Permanent resident

For the purposes of this Act, a permanent resident is an Estonian citizen residing in Estonia or an alien residing in Estonia who holds a long-term resident's residence permit in Estonia or a permanent right of residence. The regulation concerning a sponsor for alien in Estonia provided for in this Act is applied to citizens

§ 6. Permanent residence in Estonia

For the purposes of this Act, permanent residence in Estonia is the stay in Estonia of an Estonian citizen or an alien who holds a residence permit or a right of residence in Estonia for at least 183 days during a year.

§ 7. Temporary stay in Estonia

For the purposes of this Act, the temporary stay in Estonia is the stay in Estonia of an alien without a residence permit or a right of residence in Estonia.

§ 8. Employment in Estonia

For the purposes of this Act, employment in Estonia is any activity in Estonia on the basis of an employment contract or another contract, as well as other activities for the benefit of another person where obtaining gain or any other proprietary benefit can be presumed regardless of the type or form of the contract on which such activity is based, or the location or the place of residence of the other party, unless otherwise provided by a treaty or law.

§ 9. Legal income

(1) Lawfully earned remuneration for work, parental benefits, unemployment benefits, income received from lawful business activities or property, pensions, scholarships, means of subsistence, benefits paid by a foreign state and the subsistence ensured by family members earning legal income are deemed to be legal income for the purposes of this Act unless otherwise provided for by this Act.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013

(2) The maintenance ensured by a family member includes:
1) maintenance of a minor child by a parent;
2) maintenance of an adult child by a parent if the child due to health condition or disability is not able to cope independently;
3) maintenance of an adult child or grandchild studying full time by a parent or grandparent;
[RT I, 23.03.2015, 1 - entry into force 02.04.2015]
4) maintenance by a spouse;
5) maintenance of a parent or grandparent by an adult child or grandchild if the parent or grandparent is not able to cope independently due to health condition or disability;
6) maintenance of a ward by a guardian.

Subdivision 3
Legal status of alien in Estonia

§ 10. Rights of aliens

(1) An alien staying in Estonia is guaranteed rights and freedoms equal to those of an Estonian citizen unless the Constitution, this Act, other legislation or a treaty binding on Estonia provides otherwise.

(2) An alien is guaranteed the rights and freedoms arising from the generally recognised standards of international law and international practice.

§ 11. Obligations of alien

An alien who is staying temporarily in Estonia or is residing in Estonia is required to observe the constitutional order of *Estonia*and comply with the legislation of Estonia.

Division 2
General provisions of procedure

§ 12. Application of Administrative Procedure Act

(1) The provisions of the Administrative Procedure Act apply to the administrative proceedings provided for in this Act, taking account of the specifications of this Act.

(2) The provisions of the Administrative Procedure Act do not apply to visa procedures provided for in this Act unless otherwise provided in this Act.

§ 13. Purpose of procedure

(1) The purpose of the proceedings concerning the entry of an alien into Estonia, his or her temporary stay, residence and employment in Estonia and the obligation to leave Estonia of an alien is to guarantee that the entry into Estonia of an alien, the temporary stay and residence in Estonia and departure from Estonia of an alien would be in accordance with public interests and correspond to the need of the protection of public order and national security.

(2) The purpose provided for in subsection (1) of this section shall not preclude taking into account other facts or considerations in the proceeding.

§ 14. Facts relevant to proceedings

(1) The relevant rights of an alien, which at his or her own estimate require the entry into Estonia, the temporary stay, residence or employment in Estonia of an alien, are taken into account in the proceedings.

(2) Upon issue of an administrative act or performance of an act, relying on considerations for prevention of danger, uncertainties may be taken account of during proceedings in order to protect public order and national security.

§ 15. Evidence of relevant facts

(1) Upon evaluation and verification of potential future facts and the prevention of threats related to aliens in the proceedings concerning the entry into Estonia of an alien, the temporary stay, residence and employment in Estonia and the obligation to leave from Estonia of an alien it is assumed that the occurrence of the fact is probable unless the occurrence of the fact is clearly precluded.

(2) Upon the issue of an administrative act or performance of an act the possibility of proving the facts relevant to the proceedings and the probability of the future change in them shall be taken into account.

(3) When an act was performed or an administrative act was issued taking account of the facts that may occur in future, the occurrence or non-occurrence of the facts shall have no impact on the legality of an act or administrative act.

§ 16. Competence of officials of administrative authority

The head of an administrative authority shall appoint competent officials within the organisation to perform procedural acts and issue administrative acts arising from this Act on behalf of an administrative authority unless otherwise provided for by law or regulation.

§ 17. Active legal capacity in administrative procedures

A minor of at least 15 years of age may perform the procedural acts arising from this Act and participate in the proceedings independently unless otherwise provided for in this Act.

§ 18. Obligation of cooperation

(1) An alien and other person concerned is obliged to cooperate in every way in the clarification of the facts relevant to the proceedings in the organisation of the entry into Estonia, the temporary stay, residence and employment in Estonia and the departure from Estonia of an alien.

(2) The obligation of cooperation also extends to the representative of an alien.

§ 19. Burden of proof

(1) An alien and other person concerned are required to prove the facts relevant to the granting, possession, extension and revocation of the legal basis for the temporary stay, residence and employment in Estonia of an alien in the proceedings concerning the organisation of the entry into Estonia, temporary stay, residence and employment in Estonia and the departure from Estonia of an alien.

(2) The burden of proof of an alien and other person concerned includes the obligation to provide written and oral explanations and the obligation to submit evidence.

§ 20. Notification obligation

(1) An alien and other person concerned have the obligation to notify an administrative authority of the change in and cessation of the facts relevant to granting, possession, extension and revocation of the legal basis for temporary stay, residence and employment in Estonia of an alien.

(2) The notification obligation includes, inter alia, the duty of an alien and other person concerned to notify an administrative authority during the conduct of the proceedings of the changes in facts, including the changes in his or her contact details or of a representative, which may affect the conduct of the proceedings.

§ 21. Obligation to participate in proceedings

(1) An alien and other person concerned is obliged to address an administrative authority in person at the summons of the administrative authority in order to carry out the procedural acts.

(2) An alien and other person concerned is obliged to participate in the performance of procedural acts.

(3) Upon a failure to perform an obligation to participate in the procedural acts a favourable administrative act shall not be issued or the procedural act that is applied for shall not be conducted.

§ 22. Performance of procedural acts in person

(1) In case the procedural acts, arising from the law or the nature of the procedural act, are required to be carried out in person, the person is required to appear before an administrative authority in person.

(2) If a person staying in Estonian is permanently unable to appear in person, for reason of health condition, before a competent administrative authority and the appearance in person is required, a competent administrative authority may, if possible, identify a person, verify the identity of a person, take biometric data of the person and carry out other procedural acts at his or her place of residence or stay in Estonia.

(3) If procedural acts shall be performed in person arising from the law or the nature of a procedural act, the party to a proceeding is not allowed to use a representative to perform the procedural act, to perform the procedural act by mail or electronically.

§ 23. Performance of procedural acts through representative

(1) A person may perform procedural acts arising from this Act through a representative unless otherwise provided for in this Act.

(2) If the procedural acts arising from this Act are performed through a representative, an administrative authority shall establish the identity of the representative or verify his or her identity.

(3) If the procedural acts arising from this Act are performed through a representative, he or she is obliged to submit evidence of the right of representation and an administrative authority shall establish the right of representation of the representative.

(4) An administrative authority may also obligate a person to perform procedural acts personally if using of a representative is allowed.

§ 24. Identification and verification of person’s identity

(1) Upon performance of procedural acts arising from this Act an administrative authority is required to establish or verify the identity of a person.

(2) A person is required to enable identification and verification of his or her identity.

(3) A favourable procedural act shall not be issued or the procedural act applied for shall not be conducted if it is impossible to identify the person or verify the identity of an alien or other person concerned.

§ 25. Identification of a person on basis of identification document

(1) At the request of an administrative authority a person is required to submit an identification document for the identification and verification of the identity.

(2) A person shall be identified and his or her identity verified on the basis of a document provided for in subsection 2 (2) of the Identity Documents Act or a travel document issued by a foreign state.

(3) If an alien under 15 years of age has not been issued a document referred to in subsection (2) of this section, his or her identity shall be identified on the basis of the testimony of his or her legal representative and other evidence.

(4) If an alien does not hold a document referred to in subsection (2) of this section, then, if needed, his or her identity shall be identified or identity verified on the basis of other evidence.

§ 26. Identification of person on basis of biometric data

(1) Biometric data may be obtained from an alien or other person concerned and such data may be processed to identify a person and verify the identity of a person.

(2) At the request of an administrative authority the person is required to enable taking biometric data.

§ 27. Identification of person on basis of DNA data

(1) A DNA sample may be taken from an alien and the respective data processed to identify a person and verify the identity unless it is possible to identify an alien or verify the identity of an alien otherwise.

(2) A decision on taking a DNA sample from a minor shall, in particular, take account of the rights and interests of a minor.

(3) At the request of an administrative authority a person is required to enable a DNA sample being taken.

§ 28. Identification of person on basis of other evidence

An administrative authority may identify a person or verify the identity of a person on the basis of other data known to the administrative authority, not referred to in this Act, including the data collected in the course of proceedings concerning the person, carried out earlier, or the data being processed in the databases with regard to the person.

§ 29. Application form, data submitted and evidence appended

(1) In order to apply for the issue of administrative acts or performance of procedural acts arising from this Act, a person shall have to submit a standard application.

(2) A person is required to submit all the data prescribed in the application.

(3) A person is required to append all the prescribed evidence to the application.

(4) A person may submit the application and the evidence appended thereto in the Estonian, Russian or English language unless otherwise provided for by this Act.
(RT I, 29.06.2012, 5 – entry into force 01.07.2012]

§ 30. Documents issued in foreign state

A document that was issued in a foreign state in a foreign language shall be translated into the Estonian, Russian or English language and the correctness of the translation shall be made by a sworn translator or certified by a notary.
[RT I, 23.12.2013, 1 – entry into force 01.01.2014]

(2) A document that was issued in a foreign state must be legalised or certified with an *apostille*unless otherwise provided for in a treaty.

§ 31. Provision of additional data and evidence

(1) At the request of an administrative authority a person is required to submit additional or specifying data or evidence regarding facts that are relevant to the proceedings.

(2) If a person fails to submit the required evidence or data to an administrative authority and it is not possible for the administrative authority to obtain the evidence or data with reasonable effort or within a reasonable time, the administrative authority may dismiss the application or refuse to perform a procedural act.

§ 31[1]. Collection of data by surveillance activities and enquiry to communications undertaking

(1) A competent authority specified in subsection 126 [2](1) of the Code of Criminal Procedure may, with the written consent of the person, collect data about him or her or evidence regarding the facts that are relevant to the proceedings by surveillance activities specified in subsection 1263 (1) of the Code of Criminal Procedure and by an inquiry to a communications undertaking concerning the information provided for in subsections 111 [1](2) and (3) of the Electronic Communications Act where that is needed for the issue of an administrative act or performance of an act.

(2) A person shall be notified about the conduct of surveillance activities with regard to him or her after the issue of an administrative act or performance of an act and the data collected by surveillance activities shall be submitted to him or her for examination at his or her request.
[RT I, 29.06.2012, 2 - entry into force 01.01.2013]

§ 32. Signing of application and evidence

A person shall sign an application and the submitted evidence personally.

(2) A legal representative shall sign an application or provided evidence of a minor less than 15 years of age or of a person whose active legal capacity is restricted.
By signing an application a person confirms that he or she has not provided false information or added falsified evidence upon application for the visa.

(4) By signing an application and the provided evidence the person confirms that he or she is aware of the content of the personal data being processed with regard to him, of the purpose, extent, manner and admissibility of the disclosure to a third party of personal data.

(5) An administrative authority may require a person to sign documentary evidence or a copy thereof. By signing the documentary evidence or a copy thereof a person shall confirm that the submitted evidence is an original document, it does not include false data and has not been falsified. By signing a copy of the document a person shall confirm that the copy corresponds to the original document.

(6) If a person is not able to sign an application or documentary evidence, an administrative authority shall make a notation on the application or documentary evidence about the absence of the signature and the reasons therefor. This is equal to signing the application or evidence.

(7) The provisions of this section also apply to applications submitted to commence proceedings and applications submitted in the course of proceedings.

§ 33. Term for proceeding

The term for the performance of proceedings arising from this Act is provided by regulations issued on the basis of this Act.

(2) If the term for the performance of proceedings has not been provided by a regulation, an administrative authority shall determine the term therefor.

(3) The term established or determined by an administrative authority shall not be longer than six months.

§ 34. Extension of term for proceeding

(1) An administrative authority may extend the term for the proceedings unless it is possible to clarify the facts relevant to the proceedings or to collect evidence within the term provided for proceedings.

(2) By the actual extension of the term for proceedings the new term for proceedings that is determined by an administrative authority shall not exceed the initial term for proceedings.

§ 35. Restoration of term for proceeding

(1) If a term for a proceeding is allowed to expire with good reason, an administrative authority may restore the term on its own initiative or at the request of a participant in the proceeding unless otherwise provided for in this Act.

(2) A reasoned application for the restoration of a term for a proceeding shall be submitted immediately after the circumstances impeding performance of a procedural cease to exist.

(3) Neither the submission of an application for restoration nor restoration of a term for a proceedings shall make the stay of an alien in Estonia legal if an alien does not have a legal basis for a temporary stay or residence in Estonia.

§ 36. Notification

(1) A person shall be notified of administrative acts issued and acts performed on the basis of this Act if notification has been prescribed by this Act or a ruling has been issued on the basis thereof.

(2) A person shall be notified according to the contact details indicated in the request or application or at the address of the place of residence registered in Estonia if the person has not expressed a wish to receive information pursuant to other contact details or the details of the place of residence.

(3) A person shall be notified of the issue of a favourable administrative act or the performance of an act applied for on the basis of this Act via web page of an administrative authority, without disclosing personal details, via e-mail or in another appropriate manner.

(4) An encumbering administrative act can be delivered to a person via mail or at the location of an administrative authority.

(5) If a person is using a representative in the performance of proceedings, the obligation of an administrative authority to notify the person provided for in this section shall be deemed fulfilled by notification of the representative.

§ 37. Service of administrative act by mail

(1) An encumbering administrative act issued on the basisof this Act may be served to the person by registered mail by post.

(2) In case of a failure to serve an administrative act in a manner referred to in subsection 1 of this section, an administrative authority may disclose the personal details of the addressee of the administrative act and of the operative part of the administrative act on the web page of the administrative authority. An administrative act is deemed to be served and to have entered into force when the operative part of an administrative act has been published on the web page of an administrative authority.

§ 38. Service of administrative act at location of administrative authority

(1) An administrative authority may appoint a date or term to a person for when he or she is required to appear before an administrative authority in order to receive the administrative act.

(2) In case a person, without any good reason, fails to appear before an administrative authority in person on the appointed date or within the set term, the administrative authority may publish the personal details of the addressee of the administrative act and the operative part of the administrative act on the web page of the administrative authority. An administrative act is deemed to be served and to have entered into force when the operative part of an administrative act has been published on the web page of an administrative authority.

§ 39. Notification of procedural documents

(1) In proceedings concerning the entry into Estonia of an alien, the temporary stay, residence and employment in Estonia and the requirement to leave from Estonia of an alien, a procedural document, including the summons to appear before an administrative authority, may be communicated to the person via the web page of the administrative authority without disclosing personal details, by e-mail, via post, at the location of the administrative authority or in another appropriate manner. The administrative authority shall select the manner of communicating the procedural document.

(2) In case of a failure to serve the procedural document to a person in a manner referred to in subsection (1) of this section, which, according to the assessment of an administrative authority had to ensure the service of the procedural document with the highest probability, an administrative authority may publish the personal details of a party to the proceeding and the content of the procedural document on the web page of the administrative authority. A procedural document is deemed to be served to a person when the procedural document, including the content of the summons, has been published on the web page of the administrative authority.

§ 40. Service of procedural act if location of person is unknown

(1) If the address of the location of the person is unknown to an administrative authority and the administrative authority has failed to find out the location of the person within reasonable period of time or with reasonable effort, the personal details of the addressee of the administrative act and of the operative part of both a favourable and encumbering administrative act or a procedural document, including the content of the summons, may be published on the web page of the administrative authority.

(2) An administrative act is deemed to be served to a person and have entered into force and a procedural document to be served when the operative part of the administrative act or the content of the procedural document have been published on the web page of an administrative authority.

§ 41. State fee

(1) A state fee shall be paid according to the rate that is established in the State Fees Act for the performance of the following acts and review of applications for the issue of administrative acts:
1) a review of an application for a residence permit, extension of a residence permit and resumption of a residence permit;
2) [Repealed – RT I, 02.07.2013, 3 - entry into force 01.09.2013];
3) [Repealed – RT I, 09.12.2010, 1 - entry into force 01.01.2011]
4) a review of an application for visa and for the extension of the period of stay and;
[RT I, 23.03.2011, 2 - entry into force 05.04.2011]
5) a registration of short-term working.
6) a review of applications submitted against the decision taken in the course of the contestation of a decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay and premature termination of the period of stay.
[RT I, 23.03.2011, 2 - entry into force 05.04.2011]

(2) A state fee shall not be refunded in case of a refusal to review an application.

§ 42. Preservation of procedural documents

A person's request, application, evidence, record, data about sending the summons and service of the document and other procedural documents shall be preserved pursuant to the procedure prescribed in the legislation of the European Union, the Archive's Act and in the regulations issued on the basis thereof.

§ 42[1]. Opinion of another administrative authority and person

(1) If the opinion of another administrative authority, a natural or legal person is needed for an administrative authority upon carrying out the proceedings provided for in this Act, the administrative authority may ask for the necessary opinion.

(2) If another administrative authority, natural or legal person has not provided the opinion thereof within the prescribed period or has not extended the time limit, the administrative authority shall carry out the proceeding without the opinion of another administrative authority, natural or legal person.
[RT I, 29.06.2012, 5 - entry into force 01.07.2012]

Chapter 2
TEMPORARY STAY IN ESTONIA AND SHORT-TERM EMPLOYMENT

Division 1
Temporary stay in Estonia

Subdivision 1
Legal bases for entry into Estonia and temporary stay in Estonia

§ 43. Legal bases for entry into Estonia and temporary stay in Estonia

(1) An alien shall have a legal basis for entry into Estonia and temporary stay in Estonia. The legal bases of an alien for a temporary stay in Estonia are:
1) a visa issued by a competent Estonian agency;
2) a visa issued by a competent agency of a member state of the Schengen Convention unless the terms of a visa preclude the right to stay in Estonia;
3) the right to stay in Estonia arising directly from a treaty;
4) the right to stay in Estonia arising from a resolution of the Government of the Republic to forego the visa requirement;
5) the right or obligation to stay in Estonia directly arising from law, a judicial decision or an administrative act;
6) a residence permit issued by a competent agency of a member state of the Schengen Convention and;

7) a diplomatic or service card issued by the Ministry of Foreign Affairs to the staff of the diplomatic mission and consular post of a foreign state and a representation of an international organisation accredited to Estonia, their family members and private staff.

(2) A long-stay visa issued by a competent agency of a member state of the Schengen Convention is a legal basis for the stay of an alien in Estonia pursuant to a regulation of the European Parliament and of the Council (EU) No 265/2010 amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 as regards movement of persons with a long-stay visa (OJ L 85, 31.03.2010, pp.1-4).
[RT I, 23.03.2011, 2 - entry into force 05.04.2011]

(3) The legal basis provided for in clause (1) 5) of this section is a legal basis for the stay in Estonia of prisoners or persons in detention or custody staying in a custodial institution in Estonia and they do not need any other legal basis for the stay in Estonia provided for in this Act or any other Act during their stay in a custodial institution.

§ 44. Terms for temporary stay in Estonia

(1) An alien may stay in Estonia under the terms and conditions determined by visa **.**

(2) If an agreement has been entered into with a foreign state for visa-free travel or the visa requirement has been waived for the citizens of a foreign state, a citizen of such foreign state may stay in the member states of the Schengen Convention, including Estonia, for up to a total of 90 days within any period of 180 days unless otherwise provided for by the treaty.
[RT I, 23.03.2015, 1 - entry into force 02.04.2015]

(3) It is permitted to stay in Estonia on the basis of a residence permit issued by a competent agency of a member state of the Schengen Convention for up to a total of 90 calendar days within the period of 180 days.
[RT I, 23.03.2015, 1 - entry into force 02.04.2015]

(4) An alien who is a crew member may be permitted to Estonia as a transit passenger if the purpose of the entry into Estonia is to commence or terminate employment as a crew member on board of a ship at an Estonian port or the commencement of employment on board of another ship at an Estonian port or in cases provided for in a treaty for transferring to a ship in another state or returning to the country of origin.

§ 45. Health insurance policy

(1) During the temporary stay in Estonia and applying for extension of the period of stay an alien is required to have a valid health insurance policy guaranteeing that any costs related to his or her medical treatment as a result of illness or injury during the period of stay in Estonia will be met.

(2) An alien need not have a health insurance policy:
1) if an alien is deemed to be a person covered by compulsory health insurance pursuant to the Health Insurance Act;
2) if an alien has an insurance policy guaranteeing that any costs related to his or her medical treatment as a result of illness or injury will be met to the same extent as for a person covered by health insurance;
3) in a case provided by a treaty or;
4) if any costs related to his or her medical treatment as a result of illness or injury shall be paid by another state or international organisation.

Subdivision 2
Extension of period of temporary stay in Estonia

§ 46. Conditions of extension of period of stay

(1) The period of stay in Estonia permitted on the legal basis for temporary stay in Estonia (hereinafter referred to as ‘period of stay’ in this division) is generally not extended.

(2) As an exception, the period of stay may be extended up to ninety days if a circumstance has arisen of which an alien was unaware before entry into Estonia or a new circumstance has arisen after the entry of an alien into Estonia.

(3) At least one of the following reasons is deemed to be a circumstance specified in subsection (2) of this section that requires a continued temporary stay of an alien in Estonia or prevents his or her departure from Estonia:
1) *force majeure;*
2) a humanitarian ground;
3) a good occupational reason and
4) a good personal reason

(4) The right or obligation to stay in Estonia directly arising from law, a judicial decision or an administrative act shall not be extended pursuant to this Act.

§ 47. Legal effect of application for extension of period of stay

Submission of an application for the extension of the period of stay does not constitute a legal basis for the stay of an alien in Estonia or postpone the performance of his or her duty to leave Estonia

§ 48. Refusal to extend period of stay

(1) The extension of the period of stay is refused if:
1) a circumstance which is the basis for premature termination of the period of stay exists with regard to an alien;
2) an application for the extension of the period of stay is not submitted within the specified term;
3) upon application for the extension of the period of stay, false information or falsified documents have been submitted about the facts relevant to the proceedings;
4) an alien fails to submit information and evidence at the request of and within the term designated by an administrative authority;
5) there is doubt that the alleged purpose of extension of the period of stay of an alien does not correspond to the actual purpose of the continued stay of an alien in Estonia;
6) an application for extension of the period of stay submitted by an alien is not substantiated;
7) there is reason to doubt the trustworthiness of an alien;
8) the travel document of an alien does not comply with the established requirements;
9) an alien does not hold a valid travel document;
10) other facts which preclude extension of the period of stay exist.

(2) If a legal basis for an alien to stay in Estonia is a residence permit issued by a competent agency of a member state of the Schengen Convention, upon extension of the period of stay, the period of validity of the period of stay shall generally not exceed the period of validity of his or her residence permit.

§ 49. Grounds for refusal to extend period of stay

(1) Refusal to extend the period of stay shall not be substantiated.

(2) The reason for refusal to extend the period of stay or the information thereof shall not be disclosed to an alien or any other person.

§ 50. Competence to decide extension of period of stay

(1) The Police and Border Guard Board shall decide on extension or refusal to extend of the period of stay.

(2) The Ministry of Foreign Affairs shall decide on extension of or refusal to extend the period of stay permitted on the basis of a service card issued to the staff of a diplomatic mission and consular post of a foreign state and an agency of an international organisation accredited to Estonia, their family members and private staff.

Subdivision 3
Premature termination of period of temporary stay in Estonia

§ 51. Premature termination of period of stay

(1) Premature termination of the period of stay is shortening of the period of stay of an alien in Estonia permitted on a legal basis for the temporary stay in Estonia of an alien, except by a visa.

(2) Upon premature termination of the period of stay on a legal basis specified in subsection (1) of this section, the period of stay shall be shortened once.

(3) The period of stay may be terminated prematurely at any time before entry of an alien into Estonia, at a border checkpoint or during the stay of an alien in Estonia.

§ 52. Bases for premature termination of period of stay

(1) The period of stay may be terminated prematurely if at least one of the following bases exists:
1) an alien does not hold a valid travel document;
2) the travel document of an alien or the entries in it are falsified;
3) there is doubt to believe that the alleged purpose of the entry into the territory of the member states of the Schengen Convention of an alien does not correspond to the actual purpose;

4) an alien has already stayed in the territory of the member states of the Schengen Convention for 90 days within a period of 180 days;
[RT I, 23.03.2015, 1 - entry into force 02.04.2015]
5) an alien lacks the sufficient means of subsistence, taking into consideration the duration and nature of the stay in the state, or the means necessary for his or her return to their country of origin or to a transit country.
6) a prohibition on entry applied by Estonia or a prohibition on entry applied by a member state of the Schengen Convention and entered into the Schengen information system according to the Schengen Convention, applies with regard to an alien and;
7) an alien may constitute a threat to public order, national security, international relationships or public health of any member state of the European Union.

(2) There is reason to believe that the alleged purpose of the entry of an alien into the territory of member states of the Schengen Convention does not correspond to the actual purpose thereof for the purposes of clause (1) 3) of this section if, in particular:
1) there is doubt that an alien may not leave the territory of member states of the Schengen Convention after the expiry of the legal basis;
2) there is doubt that an alien may violate the conditions of the temporary stay in the territory of the member states of the Schengen Convention;
3) there is reason to doubt the trustworthiness of an alien or;
4) an alien does not comply with the conditions of the temporary stay in the territory of the member states of the Schengen Convention.

(3) The basis indicated in clause (1) 5) of this section is, in particular, applied as a basis for premature termination of the period of stay if:
1) an alien lacks the required sufficient funds to cover the costs of the stay in the territory of the member states of the Schengen Convention and of his or her departure therefrom or to ensure his or her accommodation or;
2) the health insurance policy of an alien shall expire before the end of the permitted period of stay.

(4) The basis indicated in clause (1) 7) of this section is, in particular, applied as the basis for premature termination of the period of stay if:
1) an alien has been punished for offence or;
2) a circumstance which is the basis for application of a prohibition on entry exists with regard to an alien.

(5) The period of stay is not terminated prematurely if the temporary stay of an alien in Estonia is necessary for humanitarian grounds, on grounds of national interests or to fulfil international obligations.

§ 53. Grounds for premature termination of period of stay

(1) Premature termination of the period of stay shall not be substantiated.

(2) The grounds for premature termination of the period of stay or the information thereof shall not be disclosed to an alien or any other person.

§ 54. Legal effects of premature termination of period of stay

(1) Upon premature termination of the period of stay before entry of an alien into Estonia or at a border checkpoint, an alien shall not permitted into Estonia and shall be sent back pursuant to the procedure provided for in the State Borders Act.

(2) Upon premature termination of the period of stay, an alien is required to immediately leave Estonia. The obligation to leave may be immediately executed pursuant to the procedure provided for in the Obligation to Leave and Prohibition on Entry Act.

§ 55. Competence to decide on premature termination of period of stay

The Ministry of Foreign Affairs, the Police and Border Guard Board or the Estonian Internal Security Police shall prematurely terminate the period of stay.

Division 2
Visa

Subdivision 1
Categories of visas

§ 56. Visa

A visa is a permit issued to an alien for entry into the territory of the member states of the Schengen Convention, into Estonia or into the transit zone at the airport and for a temporary stay therein under the conditions determined by a visa unless otherwise provided for by law.

§ 57. Categories of visa

The categories of visas are:
1) an airport transit visa;
2) a short-stay visa and
3) a long-stay visa.

§ 58. Airport transit visa

An airport transit visa may be issued to an alien pursuant to Regulation (EC) No 810/2009 of the European Parliament and of the Council establishing a Community Code on visas (Visa Code) (OJ L 243, 15.09.2009, pp 1-58) (hereinafter Visa Code).

§ 59. Short-Stay Visa

A short-stay visa may be issued to an alien on the bases provided for in the Visa Code.

§ 60. Long-Stay Visa

(1) A long-stay visa may be issued to an alien for single or multiple temporary stay in Estonia.

(2) A long-stay visa may be issued with a period of validity up to twelve months.
[RT I, 23.03.2011, 2 - entry into force 05.04.2011]

(3) A long-stay visa may be issued for the period of stay up to 180 days within twelve consecutive months unless otherwise provided for by a treaty.
[RT I, 23.03.2015, 1 - entry into force 02.04.2015]

(4) [Repealed – RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(5) [Repealed – RT I, 02.07.2013, 3 – entry into force 01.09.2013]

Subdivision 2
Issue of and refusal to issue visa

Sub-subdivision 1
Issue of visa

§ 61. Conditions determined by visa

(1) The following conditions shall be determined by a visa:
1) the period of validity – a period during which a visa is valid for single, double or multiple entries into the territory of the member states of the Schengen Convention, Estonia or the transit zone at the airport, for stay therein and departure therefrom;
2) the period of stay – the number of days during which an alien may stay in the territory of the member states of the Schengen Convention, in Estonia or in the transit zone at the airport during the period of validity of the visa;
3) the number of entries – the number of entries into the territory of the member states of the Schengen Convention, into Estonia or into the transit zone of the airport permitted to an alien during the period of validity of the visa;
4) the territorial validity – a territory of one or several member states of the Schengen Convention or the transit zone at the airport where an alien may stay on the condition that the visa area is entered and left through the territory of the state determined by the territorial validity.

(2) An alien is required to comply with the conditions determined by a visa upon entry into, stay in and departure from the territory of the member states of the Schengen Convention, Estonia or the transit zone of the airport.

§ 62. Conditions of issue of visas

(1) An airport transit visa and a short-stay visa may be issued to an alien under the conditions provided for in the Visa Code.

(2) A long-term visa may be issued to an alien:

1) who holds a valid travel document;
2) if the purpose and reason of his or her planned stay in Estonia have been proved and these are in accordance with the provisions of the legislation regulating the temporary stay in Estonia of an alien;
3) if it is proved that his or her accommodation and staying expenses are covered during his or her stay in Estonia;
4) if he or she proves the intention to leave Estonia at the latest upon termination of the period of stay;
5) if it is proved that the costs relating to his or her return to his or her country of origin or departure from Estonia into another country into which he or she has a legal basis to enter are covered and;
6) who has a valid health insurance policy guaranteeing that any costs related to his or her medical treatment as a result of illness or injury during the period of validity of the visa shall be met, in case of a multiple-stay visa until the expiry of the period of the first planned stay.

(3) A health insurance policy is not required in the cases of a long-stay visa if an alien is deemed to be a person covered by compulsory health insurance pursuant to the Health Insurance Act or if the costs relating to the medical treatment of an alien are paid by another state or international organisation or in cases provided by a treaty.

§ 62[1]. Issue of visa related to short-term employment of alien in Estonia

(1) Prior to application for a visa for short-term employment in Estonia an alien is required to register his or her short-term employment in Estonia with the Police and Border Guard Board.

(2) If an alien is issued a visa for short-term employment in Estonia, a visa may be issued to the spouse, a minor child or an adult child who due to his or her health status or disability is unable to cope independently, under the same conditions as to the specified alien.

(3) A short-term or long-term visa may be issued to the spouse of an alien, a minor child and an adult child thereof who due to his or her health status or disability is unable to cope independently if the alien has registered his or her short-term employment in Estonia and has a legal basis to stay in Estonia.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

§ 62[2]. Issue of visa related to commencement of studies of alien in Estonia

(1) A short-term or long-term visa may be issued to an alien for commencement of studies in Estonia.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(2) A visa related to commencement of studies in Estonia may be issued to an alien who has been enrolled at an educational institution.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(3) If an alien who has been admitted to the Master's or Doctor's studies or to the Bachelor's studies provided for in subsection (5) of this section at an educational institution is issued a visa related to the commencement of studies in Estonia, the spouse of an alien, a minor child and an adult child thereof who due to his or her health status or disability is unable to cope independently may be issued a visa under the same conditions as to the alien referred to.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(4) If an alien has been admitted to the Master's or Doctoral studies or to the Bachelor's studies provided for in subsection (5) of this section at an educational institution and has a legal basis for the stay in Estonia, the spouse of an alien, a minor child and an adult child thereof who due to his or her health status or disability is unable to cope independently may be issued a short-term or long-term visa.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(5) A visa may be issued to an alien for commencement of studies in the Bachelor's studies if the alien commences studies in the framework of an international program of cooperation or treaty or an international cooperation agreement or if the alien has been designated a scholarship which is financed by the Estonian state or internationally recognized.
[RT I, 02.07.2013, 3 – entry into force 01.01.2014]

§ 63. Issue of visa at border checkpoint

(1) Generally visas are not issued at border checkpoints.

(2) A short-stay visa may be issued at a border checkpoint on the grounds and conditions provided by the Visa Code.

(3) An airport transit visa and a long-stay visa is not issued at a border checkpoint.

§ 64. Information regarding issue of visa

The facts of the issue of a visa and information related thereto shall not be disclosed to an alien or any other person **.**

Sub-subdivision 2
Refusal to issue visa

§ 65. Bases for refusal to issue of visa

(1) The issue of a short-stay visa and an airport transit visa shall be refused on the bases provided for by the Visa Code.

(2) The issue of a long-stay visa shall be refused if there exists at least one of the following grounds:
1) an alien does not hold a valid travel document;
2) the travel document of an alien or the entries in it are falsified;
3) there is reason to believe that the alleged purpose of the travel of an alien does not correspond to the actual purpose;
4) an alien lacks the sufficient means of subsistence taking into consideration the duration and nature of the stay in Estonia, or the necessary funds to cover the costs relating to his or her return to the country of origin or the transit country;
5) a prohibition on entry applied by Estonia is valid with regard to an alien or a Schengen prohibition on entry that is applied by a member state of the uniform visa area of the European Union and, pursuant to Schengen Convention, an alert has been entered in the Schengen Information System for the purposes of refusing him or her an entry;
[RT I, 23.03.2011, 2 - entry into force 05.04.2011]
6) an alien may constitute a threat to public order, national security, international relations or public health and;
7) there is reason to doubt the authenticity of the supplementary documents submitted by an alien or the correctness of their contents, the trustworthiness of the statements of an alien or his or her intention to leave Estonia before the expiry of the period of validity of a long-stay visa.

§ 66. Reasoning of refusal to issue visa

(1) A refusal to issue a visa shall not be substantiated.

(2) The reasons for refusal to issue a visa or the information thereof shall not be disclosed to an alien or any other person.

Subdivision 3
Extension of or refusal to extend period of stay determined by visa

§ 67. Conditions of extension of period of stay determined by visa

(1) The period of stay determined by a visa (hereinafter in this Division period of stay) is generally not extended.

(2) The period of stay determined by a short-stay visa and an airport transit visa is extended pursuant to the bases provided in the Visa Code.

(3) As an exception, the period of stay determined by a long-stay visa may be extended up to ninety days if a circumstance has arisen of which an alien was unaware before the entry into Estonia or a new circumstance has arisen after the issue of a visa and the entry of an alien into Estonia.

(4) At least one of the following facts is considered a circumstance specified in subsection (3) of this section which requires the continued temporary stay of an alien in Estonia or prevents his or her departure from Estonia:
1) *force majeure;*
2) a humanitarian ground;
3) a good occupational reason and
4) a good personal reason

(5) Upon extension of the period of stay determined by a visa for longer than the period of validity of a visa, the period of validity of the visa shall extend until the expiry of the period of stay determined by the visa.

§ 68. Health insurance policy

(1) An alien applying for extension of the period of stay shall have a health insurance policy guaranteeing that any costs related to his or her medical treatment as a result of illness or injury during his or her temporary stay in Estonia will be met.

(2) An alien need not hold a health insurance policy:
1) if he or she is deemed to be a person covered by compulsory health insurance pursuant to the Health Insurance Act;
2) if he or she holds an insurance contract guaranteeing that any costs related to his or her medical treatment as a result of illness or injury will be met to the same extent as for the persons who are covered with health insurance;
3) in the cases provided by a treaty;
4) if the costs relating to the medical treatment as a result of illness or injury of an alien are met by another state or international organisation.

§ 69. Legal effect of the application for extension of period of stay

The submission of an application for the extension of the period of stay does not constitute a legal basis for the temporary stay of an alien in the territory of the member states of the Schengen Convention or Estonia and does not postpone the performance of his or her obligation to leave the territory of the member states of the Schengen Convention or Estonia.

§ 70. Refusal to extend period of stay

The extension of the period of stay is refused if:
1) a circumstance which is the basis for refusal to issue a visa exists in respect of an alien;
2) an application for the extension of the period of stay is not submitted on time;
3) upon application for the extension of the period of stay false information or falsified documents have been submitted about the information which is relevant to the proceeding;
4) an alien fails to provide information and documentary evidence at the request of and within the term designated by the administrative authority;
5) there is doubt that the alleged purpose of extension of the period of stay of an alien does not correspond to the actual purpose of the continued stay of an alien in the territory of the member states of the Schengen Convention or in Estonia;
6) an application for the extension of the period of stay submitted by an alien is not substantiated;
7) there is reason to doubt the trustworthiness of an alien;
8) the travel document of an alien does not comply with the established requirements;
9) an alien does not hold a valid travel document or;
10) other circumstances which preclude extension of the period of stay exist.

§ 71. Reasoning of refusal to extend period of stay

(1) A refusal to extend the period of stay need not be substantiated.

(2) A reason for refusal to extend the period of stay or the information related thereto shall not be disclosed to an alien or any other person.

Subdivision 4
Validity of visa

Sub-subdivision 1
Expiry of validity of visa

§ 72. Expiry of single-entry visa

(1) The validity of a single-entry short-stay visa and an airport transit visa expires:
1) upon the expiry of the period of validity of a visa;
2) upon termination of the period of stay unless the period of validity of a visa expires earlier;
3) when an alien leaves the territory of the member states of the Schengen Convention or the airport transit zone **;**
4) upon annulment of a visa or:
5) upon revocation of a visa.

(2) The validity of a single-entry long-stay visa expires:
1) upon the expiry of the period of validity of a visa;
2) upon termination of the period of stay unless the period of validity of a visa expires earlier;
3) when an alien leaves Estonia;
4) upon annulment of a visa or;
5) upon revocation of a visa.

§ 73. Expiry of validity of multiple-entry visa

(1) The validity of a multiple-entry short-stay visa and an airport transit visa expires:
1) upon the expiry of the period of validity of a visa;

2) upon expiry of the period of stay determined by a visa after all the entries into the territory of the member states of the Schengen Convention or into the airport transit zone permitted to an alien by the visa are used, unless the period of validity of the visa expires earlier;
3) upon expiry of the period of stay determined by a visa after all the entries into the territory of the member states of the Schengen Convention or into the airport transit zone permitted to an alien by the visa are used unless an alien departs from the territory of the member states of the Schengen Convention or the airport transit zone earlier;
4) upon departure of an alien from the territory of the member states of the Schengen Convention or the airport transit zone after all the entries into the territory of the member states of the Schengen Convention or into the airport transit zone permitted to an alien bya visa are used unless the period of stay or period of validity expires earlier;
5) upon annulment of a visa;
6) upon revocation of a visa.

(2) The validity of a multiple-entry long-stay visa expires:
1) upon the expiry of the period of validity of a visa;
2) upon expiry of the period of stay determined by a visa after all the entries into Estonia permitted to an alien by the visa are used unless the period of validity of the visa expires earlier;
3) upon expiry of the period of stay determined by a visa after all the entries into Estonia permitted to an alien by the visa are used unless an alien departs from Estonia earlier;
4) upon departure of an alien from Estonia after all the entries into Estonia permitted to an alien by a visa are used unless the period of stay or period of validity expires earlier;
5) upon annulment of a visa;
6) upon revocation of a visa.

§ 74. Obligation of alien to leave territory of member states of Schengen Convention, Estonia and airport transit zone

An alien is required to leave the territory of the member states of the Schengen Convention, Estonia or the airport transit zone at the latest before the expiry of the validity of visa.

Sub-subdivision 2
Annulment and revocation of visa

§ 75. Annulment and revocation of visa

The annulment and revocation of a visa for the purposes of the Visa Code is revocation of a visa for the purposes of the Administrative Procedure Act.

§ 76. Annulment of visa

(1) The annulment of a visa for the purposes of the Visa Code and this Act is revocation of a visa retroactively from the beginning.

(2) A visa shall be annulled when it becomes evident that the conditions of granting a visa had not been met during the time of granting the visa.

§ 77. Revocation of visa

(1) The revocation of a visa for the purposes of the Visa Code and this Act is revocation of a visa prospectively from the moment of making the decision.

(2) A visa shall be annulled when it becomes evident that the conditions necessary for the issue of a visa are no longer satisfied **.**

§ 78. Grounds for annulment and revocation of visa

(1) A short-stay visa and an airport transit visa shall be annulled and revoked on the bases provided for in the Visa Code.

(2) A long-stay visa shall be annulled and revoked if at least one of the following bases exists:
1) an alien does not hold a valid travel document;
2) the travel document of an alien or the entries therein are falsified;
3) there is reason to believe that the alleged purpose of the travel of an alien does not correspond to the actual purpose;

4) an alien lacks the sufficient means of subsistence taking into consideration the duration and nature of the stay in Estonia, or the funds necessary to cover the costs relating to his or her return to the country of origin or the transit country;
5) a prohibition on entry which is applied by Estonia or the Schengen prohibition on entry which is applied by a member state belonging to the uniform visa area of the European Union and an alert has been entered into the Schengen Information System pursuant to the Schengen Convention is valid with regard to an alien;
[RT I, 23.03.2011, 2 - entry into force 05.04.2011]
6) an alien may constitute a threat to public order, national security, international relations or public health and
7) there is reason to doubt the authenticity of the supplementary documents provided by an alien or the correctness of their contents, the trustworthiness of an alien's statements or his or her intention to leave Estonia before the expiry of the period of validity of a long-stay visa.

§ 79. Reasoning of annulment and revocation of visa

(1) The annulment and revocation of a visa need not be substantiated.

(2) The reasons for annulment and revocation of a visa or the facts related thereto shall not be disclosed to an alien or any other person.

§ 80. Obligation to leave of alien

(1) Upon annulment or revocation of a visa, an alien staying in the territory of the member states of the Schengen Convention is obliged to immediately leave the territory of the member states of the Schengen Convention unless an alien has a legal basis for the temporary stay or residence in the state.

(2) The obligation to leave provided in subsection (1) of this section may become immediately subject to compulsory execution pursuant to the procedure provided for by the Obligation To leave and Prohibition on Entry Act.

Subdivision 5
Visa proceedings

Sub-subdivision 1
Competence

§ 81. Competence for issue of visa at foreign mission of Estonia

A consular officer at a foreign mission of Estonia shall decide on the issue of a visa or the refusal to issue a visa.

§ 82. Co-ordination of issue of visa

(1) A consular officer is required to coordinate the issue of a visa with agencies within the area of government of the Ministry of the Interior, which is designated by the minister responsible for the field.

(2) If an agency within the area of government of the Ministry of the Interior, which is designated by the minister responsible for the field, refuses to coordinate the issue of a visa, the consular officer shall substantiate his or her decision in the visa register upon the issue of the visa.
Information concerning coordination of the issue of a visa shall not be disclosed to an alien or any other person.

(2) The coordination of the issue of a visa is arranged via the visa register.

(3) In cases provided by the legislation of the European Union the issue of a visa shall be coordinated with the member states of the Schengen Convention.

§ 83. Competence for issue of visa at border checkpoint

The Police and Border Guard Board shall make a decision on the issue of or refusal to issue a visa to an alien at a border checkpoint in exceptional cases.

§ 84. Competence for extension of period of stay

The Police and Border Guard Board shall make a decision on the extension of or refusal to extend the period of stay.

§ 85. Competence regarding annulment of visa

(1) The annulment of a visa shall be decided by the Ministry of Foreign Affairs, the Police and Border Guard Board or the Estonian Internal Security Police.

(2) The annulment of a visa of an alien who entered into the territory of the Estonian border, transit zone or temporary control line shall be decided by the Police and Border Guard Board.

§ 86. Competence regarding revocation of visa

The Ministry of Foreign Affairs, the Police and Border Guard Board or the Estonian Internal Security Police shall revoke a visa.

§ 87. Competence regarding visa waiver

The Government of the Republic may decide on a visa waiver in correspondence with the CouncilRegulation (EC) No 539/2001 listing the third *countries*whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 81, 21.3.2001, pp. 1-7).

§ 88. Competence for conclusion of agreements relating to representation

The Government of the Republic may conclude agreements with foreign states on visa matters relating to the representation of the Republic of Estonia.

Sub-subdivision 2
Application for visa

§ 89. Application for visa

(1) An alien shall submit his or her visa application to obtain a visa.

(2) An alien of at least 15 years of age residing permanently in a foreign country may independently sybmit his or her visa application. Upon submission of the visa application independently, an administrative authority may demand a notarially authenticated consent of the legal representative.

§ 90. Application for visa at foreign mission of Estonia

(1) The provisions of the Visa Code apply to application for a short-stay visa and an airport transit visa at a foreign mission of Estonia.

(2) An alien shall submit an application for a long-stay visa at a foreign mission of Estonia in person.

(3) An alien may send a long-stay visa application to a foreign mission of Estonia by post or through a representative if the state where an alien is permanently staying does not have a foreign mission of Estonia, or it is impossible for an alien, for good reason, to submit the visa application at the foreign mission of Estonia in person and no more than 59 months has passed from his last fingerprinting upon application for visa.

(4) If there is no need for capturing fingerprints, a courier of a governmental authority of the receiving state, a local government agency, the foreign mission or an international organisation may submit the application for the issue of a long-stay visa. In the specified case the courier need not certify the right to represent an alien.

§ 91. Application for visa at foreign mission of member state of the Schengen Convention

(1) An alien may submit a visa application for the issue of a short-stay visa and an airport transit visa to the foreign mission of a member state of the Schengen Convention if the Government of the Republic has concluded an agreement with this state on representing the Republic of Estonia in visa matters.

(2) The provisions of the Visa Code are applied with regard to the submission of an application for the issue of a short-stay visa or an airport transit visa at a foreign mission of a member state of the Schengen Convention.

§ 92. Application for visa at border checkpoint

The provisions of the Visa code are applied upon application of a short-stay visa at a border checkpoint.

§ 93. Application for extension of period of stay

(1) In order to apply for the extension of the period of stay an application for the extension of the period of stay shall be submitted.

(2) In order to apply for the extension of the period of stay, an alien or his or her representative is required to appear at the Police and Border Guard Board in person.

(3) An alien is not required to appear at the Police and Border Guard Board in person if the health condition of an alien does not allow him or her to appear at the Police and Border Guard Board for an extension of period of stay in person. An alien shall provide proof that his or her health condition does not allow him or her to appear there in person.

(4) If an alien is not required to appear at the Police and Border Guard Board in person, the application for the extension of the period of stay may be submitted through a representative.

(5) Upon submission of an application for the extension of the period of stay an alien shall have to undergo the procedure of fingerprinting. An alien does not have to undergo fingerprinting upon submission of the application for the extension of the period of stay if he or she has done it upon application for the issue of a visa or the extension of the period of stay earlier and no more than 59 months has passed after the last fingerprinting.

§ 94. Term for submission of application for extension of period of stay

(1) An application for the extension of the period of stay shall be submitted no later than three working days before the expiry of the period of stay.

(2) As an exception, an alien may submit an application for the extension of the period of stay after the term specified in subsection (1) of this section but no later than on the last day of the period of stay if an alien proves that the reason for application for the extension of the period of stay has became evident or occurred after the specified term.

§ 95. Specifications of visa application proceedings

(1) The provisions of § 30 of this Act do not apply to the evidence to be appended to the visa application.

(2) Subsection 41 (2) of this Act does not apply to the state fees to be paid for the review of a visa application.

§ 96. Transfer of functions related to visa application proceeding to private legal entity

The Ministry of Foreign Affairs may transfer the function of receiving visa applications and taking biometric identifiers on the basis of a contract under public law to a private legal entity that complies with the requirements established for a commercial intermediary provided in the Visa Code.

Sub-subdivision 3
Procedure

§ 97. Refusal to review visa application

(1) An application for a short stay visa or an airport transit visa shall not be reviewed pursuant to the bases provided in the Visa Code.

(2) An application for a long-stay visa shall not be reviewed if an alien withdraws the application, or other bases exist for the refusal to review an application provided in the Administrative Procedure Act.

§ 98. Formalisation of issue of visa

(1) The issue of a visa shall be formalised by entry of a visa-sticker in the travel document of an alien or on a loose-leaf of the travel document.
(2) The issue of a visa shall be formalised on a loose-leaf of the travel document of an alien if this travel document is not recognized in Estonia.

§ 99. Formalisation of extension of period of stay

(1) The extension of the period of stay shall be formalised by entry of a visa-sticker in the travel document or on a loose-leaf of the travel document of an alien.

(2) The extension of the period of stay shall be formalised on a loose-leaf of the travel document of an alien if this travel document is not recognized in Estonia.

(3) In order to formalise the extension of the period of stay, an alien or his or her representative shall appear in person before an administrative authority.

§ 100. [Repealed – RT I, 23.02.2011, 2 - entry into force 05.04.2011]

Sub-subdivision 4
Contestation

[RT I, 23.03.2011, 2 - entry into force 05.04.2011]

§ 100[1]. Contestation of decision on refusal to issue visa, annulment of visa, revocation of visa, refusal to extend period of stay and premature termination of period of stay

(1) An alien may submit an application for the review of a decision (hereinafter in this subdivision an appeal) upon the refusal to issue a visa, annulment of visa, revocation of visa, refusal to extend period of stay and premature termination of period of stay (hereinafter in this subdivision application) within 30 days as of the date of notification of the decision

(2) The term prescribed for the lodging of an appeal shall not be restored.

§ 100[2]. Legal status of alien who lodged appeal

The lodging of an appeal does not constitute a basis for the entry into and continued stay in the territory of the member states of the Schengen Convention and does not postpone the performance of the obligation of an alien to leave the territory of the member states of the Schengen Convention or Estonia.

§ 100[3]. Requirements for appeal

(1) An appeal shall be lodged in person, by post or through a representative,

(2) An appeal shall be lodged in writing.

§ 100[4]. Place of lodging appeal

(1) If the decision on the refusal to issue a visa, annulment of and revocation of a visa has been made at a foreign mission of Estonia, an appeal shall be lodged at a foreign mission of Estonia unless otherwise provided in the treaty.

(2) If the decision on the refusal to issue a visa, annulment and revocation of a visa or premature termination of the period of stay has been made at a border checkpoint, an appeal shall be lodged at the Police and Border Guard Board.

(3) If an alien is staying in Estonia during making the decision on annulment of a visa, revocation of a visa or premature termination of the period of stay, an appeal shall be lodged at an administrative authority that made the decision.

(4) An appeal against the decision to refuse to extend the period of stay shall be lodged at the Police and Border Guard Board.

§ 100[5]. Competence for review of appeal

(1) If a decision on the refusal to issue a visa, annulment of a visa or revocation of a visa has been made at a foreign mission of Estonia, an appeal shall be reviewed and new decision shall be made, if necessary, by a foreign mission of Estonia.

(2) If a decision on the refusal to issue a visa, annulment of a visa, revocation of a visa or premature termination of the period of stay has been made by the Police and Border Guard Board or the Estonian Internal Security Police, an appeal shall be reviewed and, if necessary, new decision shall be made by the Police and Border Guard Board or the Estonian Internal Security Police.

(3) An appeal against the decision on the refusal to extend the period of stay shall be reviewed and, if necessary, a new decision shall be made by the Police and Border Guard Board.

(4) If in the course of the review of an appeal lodged against the decision to refuse the issue of a visa it becomes evident that the issue of a visa had not been coordinated with an agency within the area of government of the Ministry of the Interior, a foreign mission of Estonia shall forward the visa application again for coordination with the an agency within the area of government of the Ministry of the Interior.

§ 100[6]. Procedure for review of appeal

(1) In the course of the review of an appeal a competent administrative authority shall examine the legality and feasibility of the decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay and premature termination of the period of stay.

(2) If upon review of an appeal it becomes evident that the issue of a visa to an alien has not been coordinated with an agency in the area of government of the Ministry of the Interior, a foreign mission of Estonia shall forward the application for a visa again for coordination with the agencies within the area of government of the Ministry of the Interior.

(3) An appeal lodged by an alien shall be reviewed and, if necessary, a new decision shall be made within 15 days as of the date of the lodge of an appeal.

§ 100[7]. Justification of decision made on basis of appeal

An administrative authority may:
1) satisfy the appeal and repeal the decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay or premature termination of the period of stay invalid and make the new decision;
2) dismiss the appeal and refuse to make amendments to the decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay or premature termination of the period of stay.

§ 100[8]. Justification of decision made on basis of appeal

(1) A decision made on the basis of an appeal shall not be substantiated.

(2) An alien or any other person shall not be notified of the facts on the basis of which the decision is made, the reason for making the decision or the information related thereto.

§ 100[9]. Notification of decision made on basis of appeal

A decision made on the basis of an appeal shall be communicated to an alien pursuant to the contact details that he or she has provided in the application.
[RT I, 23.03.2011, 2 - entry into force 05.04.2011]

Sub-subdivision 2
Appeal against decision made in the course of contestation

[RT I, 23.03.2011, 2 - entry into force 05.04.2011]

§ 100[10]. Appeal against decision made in course of contestation

(1) An alien may lodge an appeal against the decision made in the course of challenging the decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay and premature termination of the period of stay for the second review of the decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay and premature termination of the period of stay (hereinafter in this subdivision an appeal) within 30 days as of the date of notification of the decision made on the basis of the appeal specified in § 100[1] of this Act.
[RT I, 21.04.2021, 30 - entry into force 20.04.2021 - The resolution of the Constitutional Review Chamber of the Supreme Court declares subsection 100.10 (1), subsection 100.13 (2) and § 100.18 of the Aliens Act unconstitutional and invalid in the part that they preclude filing an appeal with the administrative court for challenging premature termination of the period of stay.]

(2) The term for lodging of an appeal shall not be restored.

§ 100[11]. Legal status of alien who has lodged appeal

The lodging of an appeal does not constitute a basis for the entry into the territory of the member states of the Schengen Convention, for the continued stay in the territory of the member states of the Schengen Convention or does it postpone the performance of the obligation of an alien to leave the territory of the member states of the Schengen Convention.

§ 100[12]. Requirements for appeal

(1) An appeal shall be lodged in person, by post or through a representative,

(2) An appeal shall be lodged in writing.

§ 100[13]. Place of lodging appeal

(1) If a decision on the refusal to issue a visa, annulment of a visa or revocation of a visa has been made by a foreign mission of Estonia, an appeal shall be lodged with the Ministry of Foreign Affairs.

(2) If a decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay or premature termination of the period of stay has been made by the Police and Border Guard Board or the Estonian Internal Security Police, an appeal shall be lodged with the Ministry of the Interior.
[RT I, 21.04.2021, 30 - entry into force 20.04.2021 - The resolution of the Constitutional Review Chamber of the Supreme Court declares subsection 100.10 (1), subsection 100.13 (2) and § 100.18 of the Aliens Act unconstitutional and invalid in the part that they preclude filing an appeal with the administrative court for challenging premature termination of the period of stay.]

§ 100[14]. Competence for review of appeal and procedure

(1) If a decision on the refusal to issue a visa, annulment of a visa or revocation of a visa has been made by the foreign mission of Estonia, the Ministry of Foreign Affairs shall carry out the second review of the decision.

(2) If a decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay or premature termination of the period of stay has been made by the Police and Border Guard Board or the Estonian Internal Security Police, the Ministry of the Interior shall review the decision for the second time.

(3) If upon the second review of the decision on the refusal to issue a visa it becomes evident that the issue of a visa to an alien has not been coordinated with an agency in the area of government of the Ministry of the Interior designated by the minister responsible for the field, a foreign mission of Estonia shall involve the Ministry of the Interior in the proceedings.

(4) In the case specified in subsection (3) of this section the Ministry of the Interior shall, in the course of the review proceedings of the appeal, examine the legality and feasibility of the activity of the agency within the area of government of the Ministry of the Interior upon implementation of the coordination proceedings of the issue of a visa and shall forward its opinion to the Ministry of Foreign Affairs. Upon assessment of the legality and feasibility of the activity of the agency within the area of government of the Ministry of the Interior the opinion of the Ministry of the Interior is final.

(5) A decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay or premature termination of the period of stay shall be reviewed for the second time and, if necessary, a new decision shall be made within 15 days as of the date of the lodging of an appeal..

(6) The Ministry of the Interior shall forward the opinion specified in subsection (4) of this section to the Ministry of Foreign Affairs within seven days as of the involvement of the Ministry of Foreign Affairs in the proceedings.

§ 100[15]. Decision made on basis of appeal

An administrative authority may:
1) satisfy the appeal and repeal the decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay or premature termination of the period of stay and make a new decision;
2) dismiss the appeal and refuse to make amendments to the decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay or premature termination of the period of stay.

§ 100[16]. Justification of decision made on basis of appeal

(1) A decision made on the basis of an appeal shall not be substantiated.

(2) An alien or any other person shall not be notified of the facts on the basis of which the decision is made, of the reason for making the decision or of the information related thereto.

§ 100[17]. Notification of decision made on basis of appeal

A decision made on basis of an appeal shall be communicated to an alien according to the contact details that he or she provided in the appeal.

§ 100[18]. Contestation of decision made on basis of appeal

A new appeal or complaint cannot be filed with the administrative court against the decision made on the basis of an appeal
[RT I, 21.04.2021, 30 - entry into force 20.04.2021 - The resolution of the Constitutional Review Chamber of the Supreme Court declares subsection 100.10 (1), subsection 100.13 (2) and § 100.18 of the Aliens Act unconstitutional and invalid in the part that they preclude filing an appeal with the administrative court for challenging premature termination of the period of stay.]

§ 100[19]. Specification of contestation of decision on refusal to issue visa

If an alien has contested a decision on the refusal to issue a visa and submits a new visa application at a foreign mission of Estonia, his or her subsequent application for a visa shall be suspended until the final decision has been made with regard to the first visa application.
[RT I, 23.03.2011 - entry into force 05.04.2011]

Subdivision 6
Organisation of visa affairs

§ 101. Organisation of visa affairs

(1) The Government of the Republic shall establish by a regulation the following:
1) the list and requirements for submission of the information to be provided upon application for issue of a long-stay visa and the extension of the period of stay and of the evidence to be appended to the application;
2) the terms for the issue and refusal to issue of a visa, for the extension of and refusal to extend the period of stay, the premature termination of the period of stay and for the annulment and revocation of a visa;
3) the procedure and terms for the grant of approval upon making decisions on the issue of visas;
4) the rate of funds which are sufficient to cover for the expenses of application for and holding of a visa and the insurance coverage rate indicated in the health insurance policy;
5) the procedure for taking fingerprints of an alien who applies for issue of a visa or extension of the period of stay;
6) the minimum age limit under which the fingerprints of a person are not captured in long-stay visa proceedings;
7) a list of other persons or categories of persons whose fingerprints are not captured in the long-stay visa proceedings and;
8) a list of authorities competent to process the VIS data in the visa information system established on the basis of Regulation (EC) No 767/2008 of the European Parliament and of the Council regarding the information exchange between the visa information system (VIS) and the member states relating to short-stay visas (VIS Regulation)(OJ L 218, 13.08.2008, pp 60-81).
9) a format of an application submitted for challenging the decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay or premature termination of the period of stay, a list of information to be submitted in the application and of the evidence to be appended.
[RT I, 23.03.2011, 2- entry into force 05.04.2011]

(2) The minister responsible for the field shall establish by a regulation:
1) a format for the list of students who are third-country nationals residing in a member state of the European Union and are participating in school trips, and the procedure for the completion and the guidelines for using thereof;
2) a list of scholarships which are financed by the Estonian state or recognised internationally, treaties or international cooperation agreements or international programmes of cooperation of higher educational institutions, referred to in subsection 62^2(5) of this Act, or of the requirements set for them.
[RT I, 02.07.2013, 3 - entry into force 01.01.2014]

(3) The minister responsible for the field shall establish by a regulation:
1) the format and requirements for the completion of applications for extension of the period of stay and;
2) a list of agencies which are competent for approval of the issue of visa.

(4) The Minister of the Interior may establish by a regulation a list of authorities competent to organise the exchange of information relating to the uniform visa that is issued by a competent authority of a member state of the Schengen Convention.

(5) The regulation of the minister responsible for the field shall establish the format and requirements for the completion of applications for the long-stay visa.

§ 102. Visa register

(1) The Visa Register is a database established by the Government of the Republic of Estonia. The Statutes of Maintenance of the Database are established by a resolution of the government of the Republic of Estonia.

(2) The purpose of maintaining the visa register is to ensure public order and national security through processing data of the legal bases and conditions of a temporary stay in Estonia of aliens.

(3) With the purpose to meet the objective set to the maintenance of the database the data of the applications for the issue of a visa, extension of the period of stay, premature termination of the period of stay, annulment of visas, revocation of visas and coordination of visas and the data of the administrative acts issued and acts performed in the course of the respective proceedings are processed in the course of the implementation of the functions provided for in a legal act of the European Union, a treaty, an act and a regulation

(4) In private and public legal relations the data of the database regarding the administrative acts issued and acts executed in the proceedings indicated in subsection (3) of this section may be taken as a basis for the existence of the data regarding the legal basis of the temporary stay, residence and employment in Estonia of an alien and of the conditions of the temporary stay, residence and employment in Estonia.

(5) The data processed in the database are not public unless otherwise provided by this Act.

(6) The Police and Border Guard Board may enable verification of the validity of a visa on its public web page without disclosing the personal data of an alien thereby.

(7) The Visa Register is connected to the joint Visa Information System of the European Union according to the legislation of the European Union

§ 103. Organisation of exchange of information relating to uniform visa

The exchange of information relating to a uniform visa issued by a competent governmental authority of a member state of the Schengen Convention is organised, according to the competence, by the Ministry of the Interior or by an agency within the area of government of the Ministry of the Interior assigned by the minister responsible for the field and the Ministry of Foreign Affairs.

Division 3
Employment in Estonia of alien staying temporarily in Estonia

Subdivision 1
Permissibility of employment of alien staying temporarily in Estonia

§ 104. Legal bases for employment in Estonia of alien staying temporarily in Estonia

(1) An alien who is staying temporarily in Estonia may work in Estonia if he or she has registered his or her employment or his or her right to work in Estonia arises directly from the law or the treaty ratified by the Riigikogu.

(2) An alien who is staying temporarily in Estonia is prohibited to take employment in Estonia if an alien has not registered his or her employment, except in cases provided for by a treaty or law.

(3) An alien who is staying in Estonia without a legal basis, including who has been imposed an obligation to leave Estonia by an administrative Act or judicial decision, is prohibited to take employment in Estonia.
[RT I, 23.03.2015, 1 - entry into force 02.04.2015]

§ 105. Right to work in Estonia arising from law

(1) An alien who is a prisoner or a person in detention or custody and is staying in a custodial institution in Estonia is allowed to work in Estonia in the course of the period of stay in the custodial institution.

(2) An alien who is a member of a locomotive crew, or belongs to the service personnel of a locomotive or train, or is a driver of a motor vehicle engaged in the carriage of passengers or goods involving the crossing of the national border, or a member of an aircraft crew is permitted to work in Estonia although the alien does not have a residence in Estonia and his or her employer does not have a permanent establishment of the undertaking in Estonia but a legal basis exists for the temporary stay in Estonia of an alien..

(3) An alien who has a legal basis for a temporary stay in Estonia may be permitted to stay in Estonia for the purposes of performing directing or supervisory functions of a legal entity or a branch of a foreign company registered in Estonia for a period of up to six months during a year.
[RT I, 29.06.2012, 5 - entry into force 01.07.2012]

(4) An alien who has a visa or residence permit issued by a competent authority of a member state of the Schengen Convention and who has the right for employment in such member state may take employment in Estonia without a residence permit issued for employment if the employment in Estonia of the alien is related to the assumption of the company in Estonia, the alien has a legal basis for the stay in Estonia and the period of employment does not exceed 90 days within the period of 12 consecutive months.
[RT I, 23.03.2015, 1 - entry into force 02.04.2015]

Subdivision 2
Short-term employment in Estonia

§ 106. Registration of short-term employment in Estonia

(1) An alien who has a legal basis for temporary stay in Estonia and whose employment has been registered with the Police and Border Guard Board before the employment commences, and whose term of employment does not exceed the period of six months during a year may be permitted to take employment in Estonia without a residence permit in the following cases:
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]
1) persons engaged in creative activities who work in a performing arts institution for the purposes of the Performing Arts Institutions Act;
2) for employment as a teacher or a lecturer in an educational institution which complies with the requirements established by legislation in Estonia;
3) for research work if an alien has appropriate professional training or experience for such activities;
4) in the capacity of a sportsman, coach, referee or sports official in order to engage in professional activities, by summons of a respective sports federation;
5) for the purposes of vocational training for employment by way of an internship through the mediation of a foreign educational institution or a student organisation or by placement under guidance of a foreign educational institution if it is part of the training program;
6) employment within the framework of a youth project or program if the youth project or program is recognised by the Ministry of Education and Research;
7) for employment as service personnel of a foreign mission in the Republic of Estonia with the approval of the Ministry of Foreign Affairs;
8) for employment as *au pair*;
9) for employment as an expert, adviser or consultant, provided that an alien has appropriate professional training for such activities;
10) for employment as a fitter of equipment or a skilled worker if an alien has acquired professional training for working in this field;
11) for participation in seasonal work involving the processing of primary agricultural products;
12) for employment as a top specialist provided that an alien has acquired appropriate professional training for such activities.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

(2) An alien who has a legal basis for a temporary stay in Estonia and whose employment has been registered with the Police and Border Guard Board before the employment commences may take employment in Estonia without a residence permit for employment under the conditions provided for by a treaty.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

(3) For the purposes of clause (1) 12) of this section a top specialist is an alien who has acquired appropriate professional training in any field to whom an employer registered in Estonia undertakes to pay remuneration for professional work in the amount at least equal to the annual average gross monthly salary in Estonia, last published by Statistics Estonia, multiplied by a coefficient of 2.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

(4) Short-term employment may be registered on the basis specified in clause (1) 12) of this section if the company where the alien commences employment has been registered in Estonia for at least 12 months and at least one of the following conditions is met:
1) the company has a capital of at least 65,000 euros, which is invested into business activities in Estonia;
2) the sales revenue of the company is at least 200,000 euros per year;
3) the social tax paid in Estonia monthly for persons employed in the company is, in the case of remuneration in the amount of five times the annual average gross monthly salary in Estonia, at least equal to the social tax paid in Estonia monthly.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

(5) Short-term employment may be registered on the basis specified in clause (1) 12) of this section if the company where the alien commences employment has been registered in Estonia for less than 12 months and commences operation with the support of the state or private investments, having received investment or loan from the state or a private management company licensed by the Financial Supervision Authority or a support from a public support measure.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

(6) The company’s equity capital, subordinated liability and the amount of registered fixed assets shall be considered the capital invested in business activities by the company specified in this section.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

§ 107. Amount of remuneration paid to alien

(1) In the case specified in clauses 106 (1) 8)-11) of this Act an employer is obliged to pay an alien whose short-term employment in Estonia has been registered a remuneration in the amount equal to at least the annual

average gross monthly salary and wages of the main area of activity of the employer, last published by Statistics Estonia, but not less than the annual average salary in Estonia, last published by Statistics Estonia, multiplied by a coefficient of 1.24.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(1^1) In the case specified in clause 106 (1) 12) of this Act an employer is obliged to pay an alien whose short-term employment in Estonia has been registered a remuneration in the amount at least equal to the annual average gross monthly salary and wages of the main area of activity of the employer, last published by Statistics Estonia, but not less than the annual average salary in Estonia, last published by Statistics Estonia, multiplied by a coefficient of 2.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(2) If an employer is a natural person who is not registered as a self-employed person, the due amount of the remuneration of an alien is calculated on the basis of the average salary in the main activity in which an alien will be engaged instead of the main activity of the employer.

(3) The letter code of the Classification of the Activities of the Estonian Economy (EMTAK) of Statistics Estonia shall be taken as a basis for determining the main activity. The amount of remuneration to be paid to an alien shall, until the end of his or her short-term employment, correspond to the latest data published by Statistics Estonia at the moment of application for registration of short-term employment.

(4) The Tax and Customs Board shall provide, at the request of the Police and Border Guard Board, the data regarding the remuneration paid to an alien.

§ 107^1. Legal effect of registration of short-term employment in Estonia

(1) In the case specified in clauses 106 (1) 2), 3) and 12) of this Act an alien may commence employment in Estonia from the same calendar day when the employer has registered the short-term employment of an alien in Estonia with the Police and Border Guard Board.

(2) In the case specified in clauses 106 (1) 1) and 4)-11) of this Act an alien may commence employment in Estonia from the same calendar day when the Police and Border Guard Board has made a decision on registration of the short-term employment of the alien.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

§ 108. Refusal to register short-term employment in Estonia

(1) The registration of the employment in Estonia of an alien is refused if:
1) at least one of the conditions which is required for registration of the short-term employment is not complied with;
2) the remuneration of an alien does not correspond to the conditions provided for in this Act;
3) a prohibition on entry applies with regard to an alien;
4) an alien or his or her employer has violated an aliens Act and his or her criminal record for the specified violence has not expired;
5) the employer has tax arrears which have not been postponed;
6) bankruptcy proceeding or liquidation proceeding has been commenced with regard to the employer or the company has been declared bankrupt;
7) in case of an employer who is a legal person, a prohibition on business has been imposed with regard to a member of the management body, a partner of a general partnership or a general partner of a limited partnership or a sole proprietor;
8) there is doubt that the alleged purpose of an alien's employment in Estonia does not correspond to its actual purpose or;
9) there is reason to doubt the trustworthiness of an alien or his or her employer.
[RTI, 02.07.2013, 3 – entry into force 01.09.2013]

(2) If the condition specified in clause 106 (1) 2), 3) or 12) of this Act for registration of short-term employment in Estonia is not met, the Police and Border Guard Board shall, instead of refusal to register short-term employment in Estonia, revoke the registration of the short-term employment of an alien pursuant to provisions of § 109 of this Act.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

§ 109. Revocation of registration of short-term employment in Estonia

The registration of employment in Estonia of an alien shall be revoked if a circumstance that constitutes a basis for the refusal of registration of employment in Estonia becomes evident.

§ 110. Organisation of short-term employment in Estonia

(1) The minister responsible for the field shall establish by a regulation the procedure, terms, a list of information to be presented in the application and of evidence to be appended to the application and the format of an application for the registration of short-term employment in Estonia.

(1^1) The requirements set to private management companies specified in subsection 106 (5) of this Act or the list of private management companies shall be established by a regulation of the Minister of Economic Affairs and Communications.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(2) A visa that is issued for short-term employment in Estonia shall be formalised as a short stay or long-stay visa.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

§ 111. Database of registration of short-term employment in Estonia

(1) A database of registering short-term employment of aliens in Estonia is a database established by the Government of the Republic. The *Statutes*of theM *aintenance of the Database*shall be established by a regulation of the Government of the Republic .
*(2) The objective of the maintenance of the*database of the registering of short-term employment of aliens in Estonia is to ensure public order and national security through processing the data of the legal bases and conditions of short-term employment of aliens in Estonia.

(3) To meet the objective set for the maintenance of the database the data of the administrative acts issued and acts performed in the course of proceedings regarding the aliens who are being employed in Estonia for a short term and their registration applications for short-term employment in Estonia and the revocation of the short-term employment registration are processed in the course of the performance of the functions provided for in a legal act of the European Union, a treaty, an act and a regulation.

(4) In private and public legal relationships the data of the database regarding the administrative acts issued and the acts performed in the course of the proceedings specified in subsection (3) of this section may be taken as a basis for the data of the existence of the legal basis of the employment of an alien in Estonia and of the conditions of employment in Estonia.

(5) The data processed d in the database shall not be public unless otherwise provided for in this Act.

(6) The Police and Border Guard Board may enable verification of the validity of the registration of short-term employment in Estonia on the public web page without disclosing the personal data of an alien thereby.

Chapter 3
RESIDENCE AND EMPLOYMENT IN ESTONIA

Division 1
Temporary residence permit

Subdivision 1
Issue of and refusal to issue temporary residence permit

Sub-subdivision 1
Issue of temporary residence permit

§ 112. Temporary residence permit

A temporary residence permit is a permit issued to an alien for settling and living in Estonia in compliance with the conditions provided for in this Act and specified with the residence permit.

§ 113. Immigration quota

(1) The immigration quota limits the number of aliens who can settle in Estonia.

(2) The annual immigration quota is the quota for aliens immigrating to Estonia, which shall not exceed 0.1 per cent of the permanent population of Estonia annually.

§ 114. Competence for establishment of immigration quota

(1) The immigration quota shall be established by a regulation of the Government of the Republic.

(2) Within the limits of the immigration quota, the minister responsible for the field may, by a ruling, establish a distribution of the immigration quota according to the grounds for application and the basis for the issue of a residence permit, as well as the temporal distribution within a year.

§ 115. Calculation of fulfilment of immigration quota

(1) The following persons are not included in calculating the fulfilment of the immigration quota:
1) an Estonian;
2) the spouse of an Estonian citizen and of an alien who resides in Estonia on the basis of a residence permit to whom a residence permit is issued to settle with the spouse;
3) a minor and adult child, parent and grandparent and a ward of an Estonian citizen and of an alien who resides in Estonia on the basis of a residence permit to whom a residence permit is issued to settle with the close relative;
4) an alien who is granted a residence permit for study;
5) an alien who is granted residence permit for employment with the purpose of research activities on condition that he has appropriate professional training and education;
6) an alien who is granted a residence permit for the participation in criminal proceedings;
[RT I, 29.06.2012, 5 - entry into force 01.07.2012]
7) an alien to whom the issue of a residence permit is justified and who does not present a threat to the interests of Estonia and who settled in Estonia before 1 July in the year 1990 and has not left to settle in another state after the indicated deadline;
8) a citizen of the United States of America;
9) a citizen of Japan and;
10) an alien who has been granted the residence permit considering the fulfilment of immigration quota, and who thereafter has not left to settle in another state.
11) an alien who has been granted a residence permit for study if he or she is applying for a residence permit on any basis;
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]
12) an alien who has been granted a residence permit on the basis specified in clause 2) or 3) of this section if he or she is applying for a residence permit on any basis.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

§ 116. Requirements for issue of temporary residence permit

(1) An alien may be issued a temporary residence permit if the conditions of issue of a residence permit have been met and there are no facts which would result in the refusal to issue a residence permit;

(2) The requirements for the issue of a temporary residence permit must continue to be met during the period of validity of the residence permit.

§ 117. Conditions of issue of temporary residence permit

(1) The general conditions of the issue of a temporary residence permit to an alien are the following:
1) the purpose for settlement in Estonia is justified;
2) the actual place of residence is Estonia;
3) sufficient legal income which would enable an alien and the family members of an alien the subsistence in Estonia and;
4) insurance policy guaranteeing that any costs related to the medical treatment of an alien as a result of illness or injury will be met.

(2) The general conditions for the issue of a temporary residence permit must be met for the issue of a residence permit on any basis.

(3) The supplementary conditions for the issue of a temporary residence permit on a specific basis have been provided for in this Act separately.

(4) If the issue of a temporary residence permit on a specific basis does not require that some of the general conditions of the issue of a temporary residence permit be met, it is provided for separately in this Act

§ 118. Bases for issue of temporary residence permit

A temporary residence permit may be issued to an alien:
1) to settle with a spouse;
2) to settle with a close relative;

3) for study;
4) for employment;
5) for enterprise;
6) [Repealed - RT I, 29.06.2012, 5 - entry into force 01.07.2012];
6^1) for participation in criminal proceedings;
[RT I, 29.06.2012, 5 - entry into force 01.01.2015];
6^2) in case of substantial national interest.
[RT I, 29.06.2012, 5 - entry into force 01.01.2015];
7) on the basis of a treaty or;
8) in case of substantial public interest.
[Repealed - RT I, 29.06.2012, 5 - entry into force 01.01.2015];

§ 119. Establishment of period of validity of temporary residence permit

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

(2) The proof of facts that form the basis for the issue of the residence permit or of other relevant facts and the possibility that such facts may change during the period of validity of the residence permit to be issued are taken into account upon determination of the period of validity of a temporary residence permit.

§ 120. Insurance cover

(1) In order to meet the requirement for the insurance cover which is the general condition for the issue of a temporary residence permit, an alien is required to have an insurance policy guaranteeing that any costs related to his or her medical treatment as a result of illness or injury will be met to the same extent as for a person covered by health insurance during the period of validity of the residence permit that is applied for.

(2) An alien does not need an insurance policy provided by law which would guarantee that any costs related to his or her medical treatment as a result of illness or injury will be met if he or she is a person insured with the compulsory health insurance in compliance with the Health Insurance Act or in a case provided for by a treaty.

§ 121. Registration of place of residence in Population Register

(1) An alien is required to register his or her place of residence in the procedure prescribed by the Population Register Act within one month from the date of arrival into Estonia on the basis of the residence permit.

(2) An alien who is residing in Estonia during the issue of a residence permit is obliged to register his or her place of residence in the procedure prescribed by the Population Register Act within one month from the date of notification of the decision on the issue of the residence permit.

(3) An alien is required to have a place of residence registered in Estonia during the whole period of validity of the residence permit.

(4) The requirement of a registered place of residence shall not be applied to an alien during his or her stay in a prison or a custodial institution. An alien is obliged to register his or her place of residence within one month after he or she is released from prison or after a departure from the custodial institutions.

§ 121^1. Sending alien to participate in adaptation programme

The Police and Border Guard Board is sending an alien who has been granted a residence permit or whose residence permit has been extended to participate in the adaptation programme.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

Sub-subdivision 2
Refusal to issue temporary residence permit

§ 122. Application of bases for refusal to issue temporary residence permit

(1) The issue of a temporary residence permit shall be refused on the bases specified in this sub-subdivision.
1) The issue of a temporary residence permit shall be refused on the bases specified in this sub-subdivision.

(2) The complementary bases for refusal to issue a temporary residence permit, in addition to the bases for refusal to issue a temporary residence permit specified in subdivision, are provided for separately in this Act under the basis for the issue of a respective temporary residence permit.

(3) If the issue of a temporary residence permit is not refused on some of the bases specified in this sub-subdivision, this is provided for separately in this Act under the basis for the issue of a respective temporary residence permit.

§ 123. General bases for refusal to issue temporary residence permit

The issue of a temporary residence permit shall be refused if:
1) the basis for the issue of a residence permit has ceased to exist;
2) an alien does not comply with the requirements for the issue of a temporary residence permit;
3) the application for the issue of a residence permit is not justified;
4) the immigration quota has been fulfilled by the time of making the decision with regard to the application;
5) a person has committed to leaving the Republic of Estonia, has received a dwelling in a foreign state through an international aid programme or has received support for leaving Estonia.

§ 124. Refusal to issue temporary residence permit for considerations of ensuring public order and national security and protection of public health

The issue of a temporary residence permit may be refused if:
1) there is reason to believe that the entry into or the stay in Estonia of an alien may constitute a threat to public order;
2) a circumstance which is the basis for applying the prohibition on entry exists in respect of an alien;
3) there is reason to believe that the stay of an alien in Estonia may endanger the morality or the rights or interests of other persons;
4) there is reason to believe that the stay of an alien in Estonia may constitute a risk to public health;
5) an alien has been punished for an offence;
6) an alien has violated the conditions regarding the entry into Estonia, temporary stay in Estonia, residence in Estonia, departure from Estonia, employment in Estonia of aliens or crossing the state border or the temporary control line of aliens;
7) there is reason to believe that the actual purpose of the entry of an alien into Estonia does not correspond to the alleged purpose;
8) there is reason to believe that an alien shall not depart from Estonia upon the expiry of the basis of stay or;
9) an alien has failed to pay for the costs of his or her stay in Estonia or the departure from Estonia.

(2) A temporary residence permit shall not be issued if:
1) an alien has submitted falsified documents or false information regarding the relevant matters in the proceeding, including information concerning his or her earlier activity upon application for a visa or a residence permit or work permit or upon application for extension of the residence permit or work permit or upon application for the citizenship of Estonia or for a personal identification document of the Estonian citizen;
2) an alien does not observe the constitutional order and does not act in compliance with the Estonian laws;
3) the activity of an alien has been directed or is being directed or there is good reason to believe that such activity has been or is being directed against the Estonian state and the security thereof;
4) an alien has incited or is inciting or there is good reason to believe that an alien has incited or is inciting or may incite national, racial, religious or political hatred or violence;
5) an alien has served in a career position in the armed forces of a foreign state, has been assigned to the reserve forces thereof or has retired therefrom;
6) an alien is in the active service or in the contractual service of the armed forces of a foreign state;
7) an alien has committed a criminal offence for which he or she has been sentenced to imprisonment for a term for more than one year and his or her criminal record has not expired;
8) an alien has been repeatedly punished in Estonian for intentionally committed crime against the state and his punishment has not expired;
9) an alien has been repeatedly punished pursuant to criminal procedure for intentionally committed criminal offences;
10) there is information about an alien or a good reason to believe that he or she belongs to a criminal organisation, or is connected with the illegal conveyance of narcotics, psychotropic substances or persons across the border or the temporary control line, or he or she is a member of a terrorist organisation, or he or she has committed or there is a good reason to believe that he or she may commit an act of terrorism, or he or she is involved in financing or supporting terrorism or money laundering;
11) an alien is employed or there is a good reason to believe that he or she is employed by an intelligence or security service of a foreign state, or he or she has been or there is good reason to believe that he or she has been employed by an intelligence or security service of a foreign state, and his or her age, rank or other facts do not preclude his or her conscription into service in the security forces or armed forces or other armed units of a foreign state;
12) an alien has received or there is good reason to believe that he or she has received special training or special preparation in landing operations, or in diversion or sabotage activities, or other special training, and the knowledge and skills acquired in the process of such training can be directly applied in the formation or training of illegal armed units;
13) an alien has participated or there is good reason to believe that he or she has participated in punitive operations against civil population or;
14) with regard to an alien there is good reason to believe that he or she has committed crimes against humanity or a war crimes.

(3) The facts listed in clauses (2) 1)-4), 6) and 9)-14) of this section shall be considered as a threat to the national security. This shall not preclude considering other facts as a threat to the national security.

(4) The provisions of subsections (1) and (2) of this section shall not preclude considering other facts as a threat to a public order.

(5) Clauses (2) 5), 6) and 11) of this section do not apply to the citizens of the member states of the NATO.

§ 125. Issue of temporary residence permit as exception

(1) If no other basis exists with regard to an alien for refusal to issue the residence permit due to the threat to public order and the national security specified in § 124 of this Act, the temporary residence permit may be issued as an exception if:
1) an alien has provided falsified documents or false information regarding the facts relevant in the proceedings, including information concerning his or her earlier activity upon application for a visa, a residence permit or work permit, or upon application for extension of the residence permit or work permit, or upon application for the citizenship of Estonia or a personal identification document of the Estonian citizen;
2) an alien has committed a criminal offence for which he or she has been sentenced to imprisonment for a term for more than one year and his or her criminal record has not expired;
3) an alien has been punished in Estonia for an intentionally committed crime against the state and his punishment has not expired;
4) an alien has been repeatedly punished pursuant to criminal procedure for intentionally committed criminal offences;
5) an alien has served in a career position in the armed forces of a foreign state or has been assigned to the reserve forces thereof or has retired therefrom;
6) an alien is in the active service of the armed forces of a foreign state or;
7) an alien has been or there is good reason to believe that he or she has been employed by an intelligence or security service of a foreign state, and his or her age, rank or other facts preclude his or her conscription into service in the security forces or armed forces of a foreign state or into other armed units.

(1^1) If an alien has committed to leaving the Republic of Estonia, has received a dwelling in a foreign state through an international aid programme or has received support for leaving Estonia, the alien may be issued a temporary residence permit as an exception if he or she is applying for a residence permit to settle with a close relative on the basis provided for in clause 150 (1) 3) of this Act.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(2) If an alien is issued a temporary residence permit as an exception, his or her spouse and a minor child may also be issued a temporary residence permit as an exception.

§ 126. Refusal to issue temporary residence permit due to prohibition on entry

(1) The issue of a temporary residence permit shall be refused if the prohibition on entry applies with regard to an alien.

(2) The issue of a temporary residence permit shall be refused if the prohibition on entry into the Schengen area is applied with regard to an alien by a member state belonging to the common visa area of the European Union and the alert has been entered into the Schengen information system pursuant to Regulation (EC) No.1987/2006 of the European Parliament and of the Council on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 381, 28.12.2006, pp.4-23).
[RT I, 23.03.2015, 1 - entry into force 02.04.2015]

(3) As an exception, an alien indicated in subsection (2) of this section, may be issued a temporary residence permit if the entry of an alien into Estonia or his or her residence in Estonia is necessary on humanitarian grounds or for the performance of international obligations.

§ 127. Refusal to issue temporary residence permit to family member of alien

If an alien is refused the issue of a temporary residence permit, generally his or her spouse and minor child shall also be refused the issue of a residence permit.

Subdivision 2
Extension and refusal to extend temporary residence permit

§ 128. Requirements for extension of temporary residence permit

A temporary residence permit may be extended if the conditions of the extension of the residence permit are met and there is no basis for refusal to extend the residence permit.

§ 129. Conditons of extension of temporary residence permit

(1) The requirements for the extension of a temporary residence permit shall be met for the extension of the temporary residence permit on any basis **.**

(2) The conditions of the issue of a temporary residence permit must be continuously met for the extension of a temporary residence permit unless otherwise provided in this Act.

(3) A prerequisite for the extension of the temporary residence permit is the registration of the place of residence in Estonia in the Population Register.
The additional conditions of the extension of a temporary residence permit are provided for separately in this Act under the basis for the issue of a respective temporary residence permit.

(4) The additional conditions of the extension of a temporary residence permit are provided for separately in this Act under the basis for the issue of a respective temporary residence permit.

(5) If upon the extension of a temporary residence permit on a respective basis it is not required to meet some the general condition for the extension of a temporary residence permit, this is provided separately in this Act under the basis of the issue of a respective temporary residence permit.

§ 130. Stay of alien in country during application proceeding

If an alien has applied for the extension of the residence permit or for a long-term resident's residence permit during the period of validity of his or her residence permit, his or her stay in Estonia is deemed to be legal during the review of his or her application.

§ 131. Bases for refusal of extension of temporary residence permit

(1) The bases for refusal to issue a temporary residence permit are applied as the bases for refusal to extent a temporary residence permit unless otherwise provided in this Act.

(2) The additional bases for refusal to extend a temporary residence permit are provided separately in this Act under the basis for the issue of a respective temporary residence permit.

(3) If the extension of a temporary residence permit is not refused on some of the bases for the refusal to extend a temporary residence permit provided for in this subdivision, this is provided for separately in this Act under the basis for the issue of a respective temporary residence permit.

§ 132. Term for extension of temporary residence permit

(1) A temporary residence permit may be extended up to five years at a time.

(2) Upon determining the period of validity of the temporary residence permit to be extended, the proof of the facts forming the basis for the extension of a residence permit or proof of other facts relevant to the matter and the possibility of change during the period of validity of the residence permit shall be taken account of.

Subdivision 3
Validity of temporary residence permit

§ 133. Validity of temporary residence permit

A temporary residence permit is valid until the period of validity of the residence permit expires or until revocation of the residence permit.

§ 134. Expiry of period of validity of temporary residence permit

The period of validity of temporary residence permit expires:
1) on the date of expiry;
2) upon the grant of the Estonian citizenship to an alien or upon his or her resumption of the Estonian citizenship;
3) upon the death or declaration of death of an alien;
4) upon receipt of a long-term resident's residence permit or upon receipt of a new temporary residence permit or;
5) upon the grant of the citizenship of a member state of the European Union, a member state of the European Economic Area or the Swiss Confederation to an alien or upon his or her resumption thereof.

§ 135. General bases for revocation of temporary residence permit

(1) A temporary residence permit may be cancelled if:
1) an alien has failed to register his or her place of residence in the Population Register within the term provided by law;
2) an alien does not have an actual place of residence in Estonia or;
3) an alien does not have an insurance contract guaranteeing that any costs related to his or her medical treatment as a result of illness or injury during the period of validity of the residence permit will be met.

(2) A temporary residence permit shall be cancelled if:
1) a circumstance which is a prerequisite for the issue of a residence permit to an alien or extension thereof is not complied with;
2) a basis for refusal to issue or extend the temporary residence permit exists in respect of an alien;
3) the activity of an alien constitutes a threat to public order or national security;
4) the conditions of the issue of a residence permit have not been met during the period of validity of the temporary residence permit;
5) an alien submits a personal request therefor or;
6) an alien stays outside Estonia more than 183 days in total during a year and has not registered his or her stay away from Estonia.

(3) An administrative authority that is competent to cancel the temporary residence permit may during the proceedings to cancel the temporary residence permit appoint a term to an alien for the elimination of the deficiencies specified in subsection (1) of this section.

(4) If an alien eliminates a deficiency indicated in subsection (1) of this section within the term appointed by an administrative authority, the temporary residence permit shall not be cancelled.

§ 136. Application of bases for revocation of temporary residence permit

(1) A temporary residence permit shall be cancelled pursuant to the bases for revocation of a temporary residence permit indicated in this subdivision.

(2) Additional bases for revocation of a temporary residence permit are provided for separately in this Act under the basis for the issue of a respective temporary residence permit.

(3) If some basis for the revocation of a temporary residence permit provided for in this subdivision is not applied upon revocation of a temporary residence permit issued on a respective basis, this is provided for separately in this Act under the basis for the issue of a respective temporary residence permit.

Subdivision 4
Bases for issue of temporary residence permit

Sub-subdivision 1
Issue of temporary residence permit to settle with spouse

§ 137. Alien's spouse

(1) A temporary residence permit may be issued to an alien to settle with his or her spouse who resides in Estonia permanently and who is an Estonian citizen or to settle with his or her spouse who is an alien who has resided in Estonia on the basis of a residence permit for at least two years.

(2) The requirement to reside in Estonia permanently does not apply to a spouse who is an Estonian citizen for the purposes of settling with whom the residence permit is applied for if the family settles in Estonia together.

(3) The requirement specified in subsection (1) of this section for prior residence of a spouse in Estonia for at least two years shall not be applied if the spouse for the purposes of settling with whom the residence permit is issued, has received a residence permit for enterprise, for study in Master's or Doctoral studies or for employment in one of the following cases:
[RT I, 02.07.2013, 3 – entry into force 01.09.2013
1) persons engaged in creative activities who work in a performing arts institution for the purposes of the Performing Arts Institutions Act;
2) for employment as a teacher or lecturer in an educational institution which complies with the requirements established by the Estonian law;
3) for research activities if an alien has appropriate professional training or experience;
4) for employment as a sportsman, coach, referee or sports official for professional activities on the basis of a summons from a respective sports federation;
5) for employment as a member of the management body of a legal person registered in Estonia with the duty to perform directing or supervisory functions;

6) for employment as an expert, adviser or consultant provided that an alien has appropriate professional training for such activities in the respective field;
7) for employment as a fitter of equipment or a skilled worker provided that an alien has the required professional training in the respective field;
8) for employment as a top specialist on the basis of clause 181 (2) 3) of this Act provided that an alien has appropriate professional training for such activities in this field.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013

(3^1) The requirement specified in subsection (1) of this section for prior residence of a spouse in Estonia for at least two years shall not be applied if the spouse for the purposes of settling with whom the residence permit is issued, has received a residence permit for study in Bachelor's studies in the framework of an international program of cooperation or a treaty or an international cooperation agreement of a higher educational institution or if the alien has been designated a scholarship which is financed by the Estonian state or is internationally recognized.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013

(4) With regard to an alien who resides in Estonia on the basis of the Blue Card of the European Union and with regard to an alien who holds a long-stay resident's residence permit that he or she has received as a former alien who is residing in Estonia on the basis of the European Union Blue Card, on the basis of the residence permit specified in subsection (1) of this section the requirement for at least two years of prior residence in Estonia is not applied as a requirement for the issue of a residence permit to his or her spouse.
[RT I, 09.03.2011, 3- entry into force 19.06.2011]

§ 138. Requirements for family life

(1) A residence permit may be issued to settle with his or her spouse if the spouses share close economic ties and a psychological dependence, the family is stable and the marriage is not fictitious.

(2) The marriage is fictitious if the marriage has been contracted with the purpose of getting a residence permit and there is no real family life between the persons.

§ 139. Requirement for legal income of family

If an alien applies to settle with his or her spouse who resides in Estonia, his or her spouse is required to have permanent legal income that shall ensure the subsistence of the family in Estonia, or the joint permanent legal income of the spouses shall ensure the subsistence of the family in Estonia.

§ 140. Requirement for registered residence and actual dwelling

(1) If an alien applies to settle with his or her spouse who resides in Estonia, the family must have a registered place of residence and an actual dwelling in Estonia.

(2) If an alien is issued a residence permit to settle with his or her spouse in the case provided for in subsection 137 (3) of this Act, the requirement regarding the existence of a registered place of residence and an actual dwelling does not apply as a condition of the issue of a residence permit.

§ 141. Specification from bases for refusal of issue of temporary residence permit

If an alien applies for a temporary residence permit to settle with his or her spouse, the fact that the stay of an alien in Estonia may endanger morality or rights or interests of other people is not applied as the basis for refusal to issue a residence permit.

§ 142. Unjustified application for issue of temporary residence permit to settle with spouse

(1) An application for a residence permit to settle with a spouse who is an Estonian citizen may be considered unjustified if it is possible for the spouse who resides in Estonia to settle in the country of nationality or the country of location of his or her spouse or if it is possible for the spouses to settle in another country.

(2) An application for a residence permit to settle with a spouse who resides in Estonia and who is an alien shall be considered unjustified if an alien who applies for a residence permit and the spouse for the purposes of settling with whom the residence permit is applied for do not prove that it is not possible for them to settle in the country of their common nationality, or in the country of nationality or the country of location of an alien who applies for a residence permit.

(3) The provisions of subsections (1) and (2) of this section do not preclude considering the application for a residence permit to be unjustified under other facts.
§ 143 Period of validity of temporary residence permit to settle with spouse

(1) If an alien has been married for less than three years to a person who legally resides in Estonia, the period of validity of a temporary residence permit to be issued to an alien shall not exceed one year and the residence permit may be extended in each of the following three years for no longer than one year at a time.

(2) If an alien has been married for at least three years to a person who legally resides in Estonia, the period of validity of a residence permit to be issued to an alien shall not exceed three years and the residence permit shall be extended for no longer than three years at a time.

(3) If a residence permit is issued to an alien to settle with the spouse residing in Estonia on the basis of a temporary residence permit, the period of validity of the residence permit to be issued to an alien shall not exceed the period of validity of a residence permit of the spouse for the purposes of settling with whom the residence permit was issued.

§ 144. Additional bases for refusal to extend temporary residence permit to settle with spouse

The extension of a temporary residence permit to settle with a spouse shall be refused if:
1) the basis or grounds for the issue of the residence permit has ceased to exist;
2) the marriage has been terminated;
3) one or both spouses do not reside in Estonia permanently;
4) the legal income of a spouse or the joint income of the family does not ensure subsistence of the family in Estonia;
5) the family does not have a registered place of residence in Estonia or;
6) the family does not have an actual dwelling in Estonia.

§ 145. Specifications for bases for refusal to extend temporary residence permit

If an alien applies for a temporary residence permit to settle with his or her spouse, the circumstance that the stay of an alien in Estonia may endanger morality or rights or interests of other people is not applied as a basis for refusal to extend a residence permit.

§ 146. Additional bases for revocation of temporary residence permit issued to settle with spouse

(1) A temporary residence permit to settle with a spouse shall be cancelled if:
1) the basis or grounds for the issue of the residence permit has ceased to exist;
2) the marriage has been terminated;
3) one or both spouses do not reside in Estonia permanently;
4) the legal income of a spouse or the joint income of the family do not ensure subsistence of the family in Estonia;
5) the family does not have a registered place of residence in Estonia or;
6) the family does not have an actual dwelling in Estonia.

(2) A temporary residence permit that was issued to settle with a spouse shall be cancelled concurrently with the revocation of the residence permit of the spouse for the purposes of settling with whom the residence permit was issued.

(3) A residence permit that was issued to settle with a spouse may be cancelled on the basis specified in subsection (1) of this section within four years as of the issue of the residence permit.

§ 147. Specifications for bases for annulment of temporary residence permit

If an alien has a temporary residence permit to settle with his or her spouse, the circumstance that the stay of an alien in Estonia may endanger morality or the rights or interests of other people, shall not be applied as a basis for revocation of a residence permit.

§ 148. Obligations of sponsor

The spouse for the purposes of settling with whom the residence permit was issued to an alien has the obligations of a sponsor provided for in this Act.

§ 149. Specification from requirements of issue of residence permit to settle with spouse

(1) If an alien has been issued a temporary residence permit to settle with his or her spouse and has lived at least four years in Estonia on this basis thereof, he or she may be issued a residence permit under the conditions and with the period of validity which are not related to his or her spouse for the purposes of settling with whom the residence permit was issued.

(2) An alien who has been issued a temporary residence permit to settle with his or her spouse and their marriage ends before four years have passed as of the issue of a residence permit but his or her obligation to leave Estonia would be clearly too burdensome for him or her, may be issued a residence permit under the conditions and with the period of validity which are not related to his or her spouse for the purposes of settling with whom the residence permit was issued.

3) In the cases indicated in subsections (1) and (2) of this section, the conditions and requirements for the issue of a residence permit that are to be met for the issue of a temporary residence permit on any basis shall be applied upon the issue of a temporary residence permit to an alien.

§ 149[1]. Specification of legal status of alien applying for residence permit to settle with spouse

The stay in Estonia of a spouse of an alien who is a holder of the EU Blue Card of another member state of the European Union and is applying for the EU Blue Card in Estonia is legal until the decision with regard to the application is made if he or she holds a residence permit issued by another member state of the European Union to a family member of an alien holding the European Union Blue Card and he or she is applying for a residence permit in Estonia to settle with spouse for the purpose of settling with an alien who is applying for the EU Blue Card.
[RT I, 09.03.2011, 3- entry into force 19.06.2011]

Sub-subdivision 2
Temporary residence permit to settle with close relative

§ 150. Close relative

(1) A temporary residence permit may be issued to an alien to settle with a close relative who is an Estonian citizen or who is an alien who permanently resides in Estonia and holds a residence permit in one of the following cases:
1) to a minor child in order to settle with a parent who permanently resides in Estonia;
2) to an adult child in order to settle with a parent who permanently resides in Estonia if the child is unable to cope independently due to health reasons or a disability;
3) to a parent or grandparent in order to settle with his or her adult child or grandchild who permanently resides in Estonia if the parent or grandparent needs care which he or she cannot receive in the country of his or her location or in another country and if the permanent legal income of his or her child or grandchild who legally stays in Estonia ensures the subsistence of him or her in Estonia and;
4) to a ward in order to settle with the guardian who permanently resides in Estonia if the permanent legal income of the guardian ensures the subsistence of the ward in Estonia.

(2) In the case specified in clause (1) 3) of this section, a close relative for the purposes of settling with whom the residence permit is applied for is required to have a long-stay resident's residence permit.

(3) The requirement for prior permanent residence in Estonia shall not be applied if:
the close relative has a temporary residence permit and an alien and the close relative for the purposes of settling with whom the residence permit is applied for enter into Estonia together or
the close relative has the EU Blue Card.
[RT I, 09.03.2011, 3- entry into force 19.06.2011]

§ 151. Requirement of registered place of residence and actual dwelling of close relative

(1) A close relative for the purposes of settling with whom a residence permit is applied for is required to have a registered place of residence and an actual dwelling in Estonia.

(2) Upon application of a residence permit to settle with close relative the requirement for a registered place of residence and an actual dwelling specified in subsection (1) of this section shall not be applied as a condition of the issue of a residence permit provided that an alien and the close relative for the purposes of settling with whom the residence permit is applied for enter into Estonia together.

§ 152. Requirement for covering maintenance and treatment costs

If the residence permit has been issued to an adult child in order to settle with a parent who permanently resides in Estonia, to a parent or grandparent in order to settle with his or her adult child or grandchild who permanently resides in Estonia, to a ward in order to settle with the guardian who permanently resides in Estonia, the close relative for the purposes of settling with whom the residence permit is issued is required to cover the maintenance and treatment costs of an alien.

§ 153. Specification of bases for refusal to issue temporary residence permit

If an alien applies for a temporary residence permit to settle with his or her close relative, the circumstance that the stay of an alien in Estonia may endanger morality or the rights or interests of other people shall not be applied as a basis for the refusal to issue a residence permit.

§ 154. Consideration of rights and interests of child

(1) Upon the issue of a temporary residence permit to a minor child to settle with his or her parent the rights and interests of the child shall be taken into consideration in particular.

(2) A temporary residence permit shall not be issued if the settling of the child in Estonia damages his or her rights and interests and if the legal, financial or social status of him or her may deteriorate as a result of settling in Estonia.

(3) In case of shared custody the consent of the party sharing custody is necessary before issue of a residence permit.

(4) The residence permit of a minor child shall not be cancelled and extension thereof shall not be refused if this does not correspond to the rights and interests of the child.

(5) If a minor child has been issued a residence permit to settle with a close relative and reaches the age of majority during the period of validity of the residence permit, his or her residence permit shall be valid until its expiry.

(6) Upon reaching the age of majority an alien who has been issued a temporary residence permit to settle with a close relative as a minor may be issued a residence permit under the conditions and with the period of validity which are not related to the close relative for the purposes of settling with whom the residence permit is issued. In that case the conditions and requirements for the issue of a residence permit that are to be met for the issue of a temporary residence permit on any basis shall be applied upon the issue of a temporary residence permit to an alien.

§ 155. Period of validity of temporary residence permit issued to settle with close relative

If a temporary residence permit is issued to settle with a close relative who holds a temporary residence permit, the period of validity of the residence permit issued to an alien shall not exceed the period of validity of the residence permit of the close relative for the purposes of settling with whom the residence permit was issued.

§ 156. Additional bases for refusal to extend temporary residence permit issued to settle with close relative

The extension of a temporary residence permit to settle with a close relative residing in Estonia shall be refused if:
1) the close relative for the purposes of settling with whom the residence permit was issued or an alien does not reside in Estonia permanently;
2) the close relative for the purposes of settling with whom the residence permit was issued cannot guarantee the subsistence of an alien in Estonia for no good reason or;
3) the close relative for the purposes of settling with whom the residence permit was issued fails to have a registered place of residence or an actual dwelling.

§ 157. Specifications of bases for refusal to extend temporary residence permit

(1) If an alien holds a temporary residence permit to settle with his or her close relative, the circumstance that the stay of an alien in Estonia may endanger morality or the rights or interests of other people shall not be applied as a basis for refusal to issue a residence permit.

(2) If an alien was issued a temporary residence permit as a minor child to settle with a parent, the extension of his or her residence permit shall not be refused due to his or her reaching the age of majority if he or she is a dependant of his or her parent.

§ 158. Additional bases for revocation of the temporary residence permit issued to settle with close relative

(1) The temporary residence permit which was issued to settle with a close relative who resides in Estonia shall be cancelled if:
1) the close relative for the purposes of settling with whom the residence permit was issued or an alien does not reside in Estonia permanently;
2) the close relative for the purposes of settling with whom the residence permit was issued fails to ensure, for no good reason, the subsistence of an alien in Estonia;
3) the close relative for the purposes of settling with whom the residence permit was issued fails to have a registered place of residence or the actual dwelling.

(2) A temporary residence permit that was issued to settle with a close relative shall be cancelled concurrently with the revocation of the residence permit of the close relative for the purposes of settling with whom the residence permit was issued.

§ 159. Specifications of bases for revocation of temporary residence permit

(1) If an alien holds a temporary residence permit to settle with his or her close relative, the circumstance that the stay of an alien in Estonia may endanger morality or the rights or interests of other people shall not be applied as the basis for revocation of the residence permit.

(2) If an alien was issued a temporary residence permit as a minor child to settle with a parent, his or her residence permit shall not be cancelled after he or she has reached the age of majority.

§ 160. Obligations of sponsor

The close relative for the purposes of settling with whom the residence permit was issued to an alien has the obligations of a sponsor provided for in this Act.

§ 161. Specification of requirements for residence permit issued to settle with close relative

(1) An alien who has been issued a residence permit to settle with his or her close relative and the basis or grounds for the issue of the residence permit have ceased to exist but the obligation to leave Estonia would be clearly too burdensome for an alien may be issued a residence permit under the conditions and with the period of validity which are not related to his or her close relative for the purposes of settling with whom the residence permit was issued.

(2) In the case referred to in subsection (1) of this section the conditions and requirements for the issue of a residence permit that are to be met for the issue of a temporary residence permit on any basis shall be applied upon the issue of a temporary residence permit to an alien.

§ 161[1]. Specification of legal status of alien applying for residence permit to settle with close relative

The stay in Estonia of a close relative of an alien who is a holder of the EU Blue Card of another member state of the European Union and is applying for the EU Blue Card in Estonia is legal until making the decision with regard to the application if he or she holds a residence permit issued to a family member of an alien holding the European Union Blue Card by another member state of the European Union and he or she is applying for a residence permit in Estonia to settle with close relative for the purpose of settling with an alien who is applying for the EU Blue Card.
[RT I, 09.03.2011, 3- entry into force 19.06.2011]

Sub-subdivision 3
Temporary residence permit for study

§ 162. Requirements for educational institution and voluntary service

A temporary residence permit for study may be issued to an alien:
1) for study in a basic school, gymnasium or vocational educational institution or, on the basis of the state-recognised higher education curriculum, in a vocational educational institution, an institution of applied higher education or a university;
{RT I 2010, 41, 240 – entered into force 01.09.2010]
2) for participation in a traineeship at a state-recognised basic school or gymnasium for pedagogical or other study purposes
{RT I 2010, 41, 240 – entered into force 01.09.2010]
3) for participation in foundation courses offered by institutions of vocational education and applied higher education or a university recognised by the state.
4) for participation in traineeship intermediated by a state-recognised institution of vocational education institution or applied higher education institution or university or an international student organisation or;
5) for voluntary service within the framework of a youth project or program recognised by the Ministry of Education and Research.
6) for study in an educational institution founded on the basis of a treaty.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

(2) A temporary residence permit for study shall be issued for covering the full-time curriculum of the educational institution specified in subsection (1) of this section.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

§ 163. Requirement of proof of commencement of studies

Upon application for a residence permit for study, the relevant educational institution or international student organisation shall provide the Police and Border Guard Board with documentary evidence in proof that an alien

commences his or her studies, indicating the title and the estimated duration of the study programme, course or traineeship.

§ 164. Requirements for traineeship

A temporary residence permit for study may be issued forparticipation in traineeship that is intermediated by a state-recognised vocational education institution, institution of applied higher education, university or an international student organisation under the following conditions:
1) the traineeship is related to the education to be acquired;
2) the traineeship is not compensated for and;
3) a contract of traineeship has been concluded between an alien and the institution conducting the traineeship.

§ 165. Additional requirements for voluntary service

A temporary residence permit for study may be granted for voluntary service within the framework of a youth project or program recognised by the Ministry of Education and Research under the following conditions:
1) the activity of an alien in the framework of a youth project or program shall not be employment for the purposes of this Act, including that an alien shall not get remuneration for the activity;
2) a youth association for voluntary service in the framework of whose youth project or program an alien is applying for residence permit shall bear the subsistence costs of an alien during his or her residence in Estonia;
3) a youth association for voluntary service in the framework of whose youth project or program an alien is applying for residence permit, has entered into an insurance contract which would cover all medical costs caused by illness or injuries of an alien and;
4) a contract of voluntary service has been concluded between an alien and the youth association for voluntary work within the framework of whose youth project or program an alien is applying for residence permit.

§ 166. Requirements for voluntary service contract

The contract of voluntary service entered into between an alien and the youth association for voluntary service in the framework of whose youth project or program an alien is applying for residence permit, shall reflect the following information:
1) the duties of an alien;
2) the tutoring conditions related to performance of the duties;
3) working time of an alien;
4) means for covering travelling, subsistence and accommodation costs and for allowances during the whole stay in Estonia and;
the training provided to an alien for better performance of voluntary service if necessary.

§ 167. Requirement for use of dwelling

[Repealed – RT I, 02.07.2013, 3 – entry into force 01.09.2013]

§ 168. Requirement for language proficiency in language of instruction

(1) A temporary residence permit for study may be issued if the purpose of the stay of an alien in the state is study according to the curriculum of a higher education and his or her proficiency in the language of instruction is sufficient.

(2) The proficiency in the language of instruction of an alien is considered to be sufficient if it corresponds to the minimum requirements set by the educational institution for language of instruction or if an alien commences in-depth studies in the national language.

(3) The procedure for submitting evidence of conformity to the requirements set to the proficiency in the language of instruction shall be established by a regulation of the minister responsible for the field Education and Research.

§ 168[1]. Specification of requirement for legal income

The requirement of sufficient legal income for the issue of a residence permit for study, for holding and extension thereof may also be complied with the income not specified in § 9 of this Act.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

§ 169. Requirement for submission of evidence of holding long-term resident's residence permit of member state of European Union

An alien who is holding a long-term resident's residence permit of a member state of the European Union and who is applying for a temporary residence permit for study shall submit additional documentary evidence of holding the long-term resident's residence permit of the European Union.

§ 170. Period of validity of temporary residence permit for study

(1) A residence permit for study may be issued to an alien for a period of up to one year but not longer than the estimated duration of the studies.

(2) The temporary residence permit for study may be extended by one year at a time if an alien continues his or her studies.

(3) Upon extension of a temporary residence permit for study for the last study year the temporary residence permit may be extended for longer than one year but not for longer than six months after the completion of studies.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

§ 171. Right of representation of alien

The educational institution for commencement of study wherein an alien was granted a residence permit for study has the right of representation of a minor alien in the proceedings related to his or her stay in Estonia and the departure from Estonia if the legal representative of an alien does not stay in Estonia.

§ 172. Health insurance

Clauses 5 (4) 2) and 5) of the Health Insurance Act shall not be applied with regard to an alien who has been issued a temporary residence permit for study.

§ 173. Additional basis for annulment of temporary residence permit for study

A temporary residence permit for study shall be annulled if an alien has failed to complete the study programme to the extent required for holding a residence permit for study, has terminated his or her studies or has failed to perform to a significant extent an obligation arising from this Act or any other legislation.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

§ 174. Obligations of sponsor

The educational institution where an alien who was granted a residence permit for study, the institution conducting the traineeship, international student organisation who intermediated the traineeship of an alien in Estonia and a youth organisation, for voluntary service in the framework of whose youth project or program an alien was issued a temporary residence permit for voluntary service, shall have the obligations of a sponsor provided for in this Act.

§ 175. Conditions of employment in Estonia on basis of temporary residence permit for study

An alien who has been issued a residence permit for study may take employment in Estonia without a specific permit on condition that such employment does not interfere with the studies.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

Sub-subdivision 4
Issue of temporary residence permit for employment

§ 176. Purpose of issue of temporary residence permit for employment

(1) The purpose of the granting of a temporary residence permit is to further the development of the Estonian economy, research, education or culture by creating a possibility to employ aliens with the necessary knowledge and skills in Estonia.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

(2) In order to take employment on the basis of a temporary residence permit an alien shall be granted the right to stay in Estonia and be employed by an employer registered in Estonia under the conditions determined by the residence permit.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

§ 177. Requirement for permission of Estonian Unemployment Insurance Fund

(1) A temporary residence permit for employment may be issued to an alien for employment with an employer registered in Estonia in a place of employment, filling of which with an alien has been permitted by the Estonian Unemployment Insurance Fund because it is impossible to fill the vacant position by employing an Estonian citizen or a citizen of the European Union or an alien residing in Estonia on the basis of a residence permit, who

would comply with the requirements for qualification and professional skills for such position and filling the place of employment with an alien is justified taking account of the labour market and based on the data of the Estonian Unemployment Insurance Fund.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

(2) [Repealed - RT I, 02.07.2013, 3 - entry into force 01.09.2013]

(3) The requirement for the permission of the Estonian Unemployment Insurance Fund is not applied for the extension of the temporary residence permit for employment.
[RT I, 09.03.2011, 3- entry into force 19.06.2011]

§ 178. Requirements for remuneration to be paid

(1) An employer shall pay an alien a salary that is at least equal to the latest annual average wages in Estonia published by Statistics Estonia, multiplied by the coefficient 1.24.

(1^1) An employer is required to pay remuneration to an alien who has been issued a residence permit for employment on the basis of clause 181 (2) 3) of this Act in the amount at least equal to the annual average gross monthly salary and wages in Estonia, last published by Statistics Estonia, multiplied with the coefficient 2.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

(1^2) With regard to an alien who has acquired a higher education in Estonia in the Bachelor's, Master's or Doctoral studies the rate of remuneration specified in subsections (1) and (1^1) of this section shall not apply.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

(2) The amount of the remuneration to be paid to an alien shall be in compliance with the data last published by Statistics Estonia, valid at the moment of commencement of proceedings of an application for a temporary residence permit, this shall be adjusted upon the extension of the temporary residence or application for a new temporary residence permit.

(3) The Tax and Customs Board shall provide at the request of the Police and Border Guard Board the data concerning the remuneration paid to an alien.

(4) In case of the issue of a temporary residence permit for employment, the salary or wages earned by an alien must be sufficient for his or her subsistence in Estonia.

§ 179. Requirements to alien

(1) For the issue of a temporary residence permit for employment an alien is required to have the requisite qualifications, training, state of health, work experience and the necessary professional skills and knowledge to assume such position.

(2) If an alien complies with the conditions specified in subsection (1) of this section and the employer submits a confirmation about employment of an alien, the Police and Border Guard Board may issue a temporary residence permit to an alien or employment for commencement of work in the position for filling of which the Estonian Unemployment Fund has granted approval to the employer.

§ 180. Trustworthiness of employer

The issue of a temporary residence permit for employment shall be refused if the employer has failed to meet the conditions provided for in this Act for searching an employee, the salary or wages earned by an alien does not guarantee his or her subsistence in Estonia, the employer has tax arrears or a punishment in force for misdemeanour provided for in §§ 301 and 302 of this Act or for a criminal offence provided for in § 260^1 of the Penal Code, he or she has failed to perform the notification obligation provided by law or there is a ground to doubt the employer's trustworthiness for any other reason.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

§ 181. Specification of conditions of issue of temporary residence permit for employment

(1) A temporary residence permit for employment may be issued without meeting the requirement for permission of the Estonian Unemployment Insurance Fund and without meeting the requirement for the amount of remuneration to be paid to an alien in one of the following cases:
1) to an alien who is a minister of religion, nun or monk, who is invited to Estonia by a religious association and this invitation has been approved by of the Ministry of the Interior;
2) to an alien who is a journalist accredited by the Ministry of Foreign Affairs;
3) to an alien whose right to take employment in Estonia without a specific permit arises from a treaty;
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]
4) an alien who works in a performing arts institution as a person engaged in creative activities for the purposes of the Performing Arts Institutions Act;
5) for employment as a teacher or lecturer in an educational institution which complies with requirements established by the Estonian legislation;

6) for employment as a researcher if an alien has appropriate professional training or experience and the research and development institution has signed a hosting agreement with an alien;
7) for employment as a sportsman, coach, referee or sports official for professional activities on the basis of a summons from a respective sports federation;
8) for employment for the purposes of performing directing or supervisory functions of a legal person governed by public law registered in Estonia;
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]
9) an alien is a posted worker for the purposes of the Working Conditions of Workers Posted in Estonia Act;
10) an alien has been issued a long-term resident's residence permit of a member state of the European Union;
11) an alien has acquired a higher education in Estonia in the Bachelor's, Master's or Doctoral studies.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

(2) A temporary residence permit for employment may be issued without meeting the requirement of the permission of the Estonian Unemployment Insurance Fund:
1) for employment as an expert, adviser or consultant provided that an alien has appropriate professional preparation for such activities;
2) for the purposes of performing directing or supervisory functions of a legal person governed by private law and a branch of a foreign company (hereinafter in this subsection a legal person governed by private law) registered in Estonia;
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]
3) for employment as a top specialist provided that an alien has appropriate professional preparation for such activities.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

(3) For the purposes of performing directing or supervisory functions of a legal person governed by private law registered in Estonia, specified in clause (2) 2) of this section, a temporary residence permit for employment may be given to a partner of a general partnership or a general partner of a limited partnership, a member of the management board or supervisory board of a private limited company, public limited company, foundation and commercial association, a member of the management board of a non-profit association, a procurator, liquidator, trustee in bankruptcy, auditor, financial inspector, member of the audit committee and manager of a branch of a foreign company.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

(4) For the purposes of clause (2) 3) of this section a top specialist is an alien who has acquired appropriate professional training in any field to whom an employer registered in Estonia undertakes to pay remuneration for professional work in the amount at least equal to the annual average gross monthly salary in Estonia, last published by Statistics Estonia, multiplied by a coefficient of 2.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

(5) On the basis specified in clause (2) 3) of this section a residence permit for employment may be issued if the company where an alien commences employment has been registered in Estonia for at least 12 months and at least one of the following conditions is complied with:
1) the company has a capital of at least 65,000 euros, which is invested into business activities in Estonia;
2) the sales revenue of the company is at least 200,000 euros per year;
3) the social tax paid in Estonia monthly for persons employed in the company is, in the case of remuneration in the amount of five times the annual average gross monthly salary in Estonia, at least equal to the social tax paid in Estonia monthly.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

(6) The equity capital, subordinated liability and registered amount of fixed assets of a company are deemed to be included in the invested capital by a company specified in this section.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

(7) A residence permit for employment may be issued on the basis of clause (2) 3) of this section if the company where the alien commences employment has been registered in Estonia for less than 12 months and commences operation with the support of the state or with the support of private investments, having received investment or loan from the state or a private management company licenced by the Financial Supervision Authority or a support from a public support measure.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

§ 181[1]. Additional conditions for temporary residence permit for employment for purposes of performing directing or supervisory functions of legal person governed by private law

(1) A temporary residence permit for employment for the purposes of performing directing or supervisory functions of a legal person governed by private law may be granted if the following conditions are met:
1) the legal person governed by private law has been entered into the register in Estonia for at least five months before the submission of an application for the residence permit;

2) the legal person governed by private law has been engaged in activities in Estonia for at least five months before the decision is made with regard to the application;
3) for the purposes of performing directing or supervisory functions of the legal person governed by private law the activities of the legal person governed by the private law and the settling of an alien in Estonia shall significantly contribute to achieving the purpose of the grant of a temporary residence permit for employment.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

(2) A company or a branch of a foreign company for the purposes of performing directing or supervisory functions of which the temporary residence permit for employment is applied for is required to have been engaged in actual economic activities in Estonia for at least five months before the submission of the application for residence permit.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

§ 181[2]. Specifications of employment in Estonia of alien who has been granted temporary residence permit for employment

(1) An alien who has been granted a temporary residence permit for employment may be employed by several employers concurrently, taking account of the specifications provided for in this section and following the conditions determined in the residence permit for employment.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

(2) If an alien holding a residence permit for employment commences employment with another employer, the requirement for the permission of the Estonian Unemployment Insurance Fund and the remuneration to be paid shall be applied to the commencement of work and employment with another employer if such requirements would be prescribed for the issue of a residence permit for employment under the corresponding conditions.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

(3) If an alien is holding a residence permit for employment and the employer for the employment with whom the alien has been issued a residence permit is required to pay remuneration provided for in § 178 of this Act to the alien, the other employer shall have no obligation to pay the remuneration referred to also if it were the requirement for the issue of residence permit for employment.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

(4) An alien who commences employment with another employer is required to notify the Police and Border Guard Board before the commencement of employment with that employer.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

(5) An alien who is holding a valid residence permit under the conditions specified in clauses 181 (1) 1)-8) of this Act may commence employment with another employer without complying with the notification obligation specified in subsection (4) of this section.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

§ 182. Temporary residence permit for employment as researcher

A temporary residence permit for employment for the purposes of research shall be issued if an alien has appropriate professional preparation or experience for such activities and if:
1) the research and development activities of the research and development institution which is recognised by the Ministry of Education and Research have been positively evaluated in at least one field and;
2) an alien has signed a hosting agreement with the research and development institution for carrying out research and development work

§ 183. Conditions of concluding hosting agreement

(1) The research and development institution may conclude a hosting agreement if:
1) an alien has a permanent legal income for subsistence in Estonia;
2) an alien has a valid insurance policy which guarantees that any costs related to his or her medical treatment as a result of illness or injury will be met to the same extent as for a person covered by health insurance *during the period of validity of the residence permit applied*for, if exemption from the holding thereof does not arise from law or a treaty and;
3) there are finances for research work for the purpose of which the residence permit of an alien is applied for.

(2) Upon conclusion of the hosting agreement the research and development institution shall undertake the obligations of an employer provided for in this sub-subdivision.

§ 184. Information included in hosting agreement

(1) The hosting agreement shall include the following information:
1) the name and qualification of an alien;
2) the name and registry code of the hosting institution, the name and position of the contact person;
3) the duration of the research or development work for the purposes of which the residence permit of an alien is applied for and;
4) the funding source.

(2) If the data listed in subsection (1) of this section are included in the employment contract of an alien, a copy of the employment contract may be submitted to the Police and Border Guard Board instead of the hosting contract.

§ 185. Conditions determined in temporary residence permit for employment

(1) The conditions of employment of an alien in Estonia are determined in the temporary residence permit for employment, including at least an employer, the location of employment and the position.

(2) If an alien is a posted worker in Estonia for the purposes of the Working Conditions of Workers Posted in Estonia Act, a natural or legal person for whom the service is provided in Estonia shall be determined in the temporary residence permit for employment in addition to the conditions provided for in subsection (1) of this section.

(3) An alien who has been issued a temporary residence permit for employment is allowed to work in Estonia only under the conditions determined in the residence permit unless otherwise provided for in this Act.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

§ 186. Period of validity of temporary residence permit issued for employment

(1) A temporary residence permit for employment shall be issued for the period of employment in Estonia planned by the employer with the period of validity for up to two years.

(2) A temporary residence permit for employment can be extended for the period of employment planned by the employer for up to five years at a time from the issue or extension of the temporary residence permit for employment.

(3) In addition to the provisions of subsection 132 (2) of this Act, a temporary residence permit for employment can also be granted for the purposes of performing directing or supervisory functions of a legal person governed by private law in the case provided for in § 1891 of this Act and can be extended for a length of the period which is shorter that the term provided for in subsections (1) and (2) of this section.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

§ 187. Additional condition of extension of temporary residence permit for employment

A temporary residence permit for employment may be extended if the current activities of an alien have been so far in compliance with the conditions of the issue of a residence permit.

§ 188. Additional bases for refusal to extend temporary residence permit issued for employment

(1) The extension of a temporary residence permit for employment shall be refused if:
1) an alien has not fulfilled an obligation related to the temporary stay, residence or employment in Estonia of an alien arising from this Act or other legislation or
2) a condition of employment determined in the residence permit has changed.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

(2) If a post of an alien with the same employer is changed during the period of validity of the residence permit in the case provided for in clauses 181 (1) 5) and 6) of this Act, it is not deemed to be the change of the condition of employment determined in the residence permit specified in clause (1) 2) of this section.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

§ 189. Additional bases for annulment of temporary residence permit for employment

(1) A temporary residence permit for employment shall be revoked if:
1) an alien has not fulfilled an obligation related to the temporary stay, residence or employment in Estonia of an alien arising from this Act or other legislation or
2) a condition of employment determined in the residence permit has changed.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

(2) If a post of an alien with the same employer is changed during the period of validity of the residence permit in the case provided for in clauses 181 (1) 5) and 6) of this Act, it is not deemed to be the change of the condition of employment determined in the residence permit specified in clause (1) 2) of this section.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

§ 189[1]. Additional bases for refusal to grant or extend and revocation of temporary residence permit for employment for purposes of performing directing or supervisory functions of legal person governed by private law

The grant or extension of a temporary residence permit for employment which is granted for the purposes of performing the directing and supervisory functions of a legal person governed by private law may be refused or the residence permit revoked if:
1) an alien does not provide evidence of the trustworthiness of the current and planned activities of the legal person governed by private law, the partners thereof or the sources of financing;
2) the explanations of the alien about the current and planned activities of the legal person governed by private law are not convincing or are controversial;
3) an alien does not provide evidence that his or her stay in Estonia on the basis of the residence permit would significantly contribute to the achievement of the purpose of the temporary residence permit granted for employment;
4) an alien does not provide evidence of how the activities of a legal person governed by private law would contribute to the achievement of the purpose of the temporary residence permit granted for employment;
5) the current activities of an alien or a legal person governed by private law are not in accordance with the purpose of the temporary residence permit granted for employment;
6) an alien has failed to comply with the obligation related to the temporary stay, residence or employment of an alien in Estonia arising from this Act or any other law.
[RT I 29.06.2012, 5 – entry into force 01.07.2012]

§ 190. Obligations of sponsor

(1) The employer for the purposes of whose employment the temporary residence permit has been issued to an alien has the obligations of a sponsor provided for in this Act.

(2) The obligations of a research and development institution as a sponsor for the purposes of employment for whom an alien is issued a residence permit for carrying out science or research work shall terminate after a lapse of six months from performance of the notification obligation of the research and development institution provided for in this Act or from expiry of the hosting agreement.

Sub-subdivision 4[1]
European Union Blue Card

[RT I, 09.03.2011, 3 - entry into force 19.06.2011]

§ 190[1]. European Union Blue Card

The European Union Blue Card (hereinafter the EU Blue Card) is a residence permit for employment that is issued to an alien for residence and employment in Estonia in a job or position that requires higher qualification.

§ 190[2]. Employment that requires higher qualification

For the purposes of this Act employment that requires higher qualification is employment the knowledge and skills for performance of which are attested by a higher professional qualification.

§ 190[3]. Higher professional qualification

(1) For the purposes of this Act a higher professional qualification which is required for applying for the EU Blue Card is with the nominal study period of at least three years to obtain and evidenced by a document certifying a higher education or at least five years of professional experience.

(2) If an alien applies for a EU Blue Card for settling to work in a regulated position or profession, the professional qualification of an alien shall be assessed on the basis of the Recognition of Foreign Professional Qualifications Act.

(3) If an alien applies for a EU Blue Card for settling to work in an unregulated position or profession, the compliance of the document attesting his or her higher education shall be assessed on the basis of subsection 28[1](2) of the Education Act pursuant to the conditions and procedure established by a regulation of the Government of the Republic for the assessment and academic recognition of documents attesting education completed in a foreign state and for the use of a title of qualification acquired in the educational system of a foreign state by an agency competent to assess foreign and cross-border qualifications that enable access to higher education and attestation thereof and the study periods.

(4) The documents, appended to the application for the EU Blue Card by an alien, that provide proof of work experience which is required to provide proof of a higher professional qualification shall be assessed by the Police and Border Guard Board.

(5) In the case specified in subsection (2) of this section an alien or his or her employer shall submit an application for the assessment of the documents attesting a higher professional qualification to the specified competent agency on the basis of the Recognition of Foreign Professional Qualifications Act regulating.

(6) In the case specified in subsection (3) of this section an alien or his or her employer shall submit an application for the assessment of documents attesting a higher education of an alien on the basis of subsection 28^{1}(2) of the Education Act, pursuant to the conditions and procedure established by a regulation of the Government of the Republic for the assessment and academic recognition of documents attesting education completed in a foreign state and for the use of a title of qualification acquired in the educational system of a foreign state, by an agency competent to assess foreign and cross-border qualifications that enable access to and attestation of higher education and the study periods.

(7) In the case specified in subsections (2) and (3) of this section the compliance of the qualification of an alien with the requirements is assessed prior to the submission of an application for the EU Blue Card by an alien.

§ 190^{4}. Provisions applied with regard to EU Blue Card

Upon the issue, extension and revocation of the EU Blue Card a regulation regarding a residence permit for employment is applied, taking into account the specification of this sub-subdivision.

§ 190^{5}. Specification of requirements regarding aliens

An EU Blue Card can be issued to an alien only for employment in such a position which requires a higher professional qualification.

§ 190^{6}. Specification of requirements for issue of residence permit

For the issue of a EU Blue Card an employer shall enter into an employment contract with the length of at least one year with an alien before the lodging of the application for residence permit, or make a job offer by which the employer expresses his or her will to be legally bound with the employment contract to be concluded and undertakes to employ an alien for at least one year period in a position requiring a higher qualification which is determined in the contract entered into or a job offer made.

§ 190^{7}. Specification of requirements regarding payment of remuneration

(1) An employer is required to pay remuneration to an alien during the period of validity of an EU Blue Card the amount of which is at least equal to 1.5 times the annual average gross monthly salary, as last published by Statistics Estonia.

(2) An employer is required to pay remuneration to an alien during the period of validity of an EU Blue Card the amount of which is at least equal to 1.24 times the annual average gross monthly salary, as last published by Statistics Estonia, in the following cases:
1) employment as a top specialist or a supervisor;
2) employment as a top specialist in natural or technical science;
3) employment as a top specialist in health service;
4) employment as a specialist in pedagogics;
5) employment as a specialist in business or administration;
6) employment as a specialist in information or communication or
7) employment as s specialist in legal, cultural or social sphere.

§ 190^{8}. Commencement of work for another employer

(1) In case an alien is residing in Estonian on the basis of an EU Blue Card and wishes during the first two years of the period of validity of the EU Blue Card to terminate the employment with the employer for employment with whom the EU Blue Card was issued to an alien and to commence employment with another employer, then such other employer shall need a consent of the Estonian Unemployment Insurance Fund for employing an alien.

(2) At the request of an employer the Estonian Unemployment Insurance Fund may grant a permission to the employer to fulfil the position with an alien if the employer with whom an alien wishes to commence employment has not found a suitable employee under the conditions and procedure provided for in § 177.

(3) In the case an alien has been residing in Estonia on the basis of an EU Blue Card for at least two consecutive years and he or she holds a valid EU Blue Card, he or she can commence employment with another employer and terminate employment with the present employer. In such case the new employer who wishes to employ and alien need not get consent of the Estonian Unemployment Insurance Fund to fulfil the position with an alien.

§ 190[9]. Temporary unemployment

(1) During the period of validity of the EU Blue Card an alien can be unemployed once for up to three months.

(2) The date following the day of terminating the work relations of an alien is deemed to be the date of starting the temporary unemployment.

§ 190[10]. Specification of bases of revocation of EU Blue Card

An EU Blue Card issued to an alien shall not be revoked due to unemployment of an alien:
1) during the review by the Estonian Unemployment Insurance Fund of the application to be submitted for commencement of employment with another employer;
2) in the course of three months as of the date of becoming unemployed if he or she has become unemployed for the first time during the period of validity of an EU Blue Card.

§ 190[11]. Specification of period of validity of temporary residence permit for employment

(1) If an alien is issued an EU Blue Card, the period of validity thereof is determined for three months longer than the period of employment guaranteed by an employer taking into account that the period of validity of an EU Blue Card cannot exceed two years and three months.

(2) An EU Blue Card may be extended for up to four years and three months at a time.

§ 190[12]. Specification of bases for refusal to extend temporary residence permit for employment and revocation thereof

The extension of an EU Blue Card is refused or an EU Blue Card is revoked if:
1) during two first years of the period of validity of an EU Blue Card an alien has commenced employment with another employer who did not have a consent of the Estonian Unemployment Insurance Fund to fulfil the position by an alien;
2) an alien has been unemployed for longer than three consecutive months during the period of validity of an EU Blue Card;
3) an alien has been unemployed for more than once during the period of validity of an EU Blue Card or
4) a subsistence allowance has been assigned to an alien during the period of validity of an EU Blue Card.

§ 190[13]. Specification regarding legal status of alien applying for EU Blue Card

If an alien who holds an EU Blue Card issued by another member state of the European Union is applying for an EU Blue Card in Estonia, his or her stay in Estonia is legal until the making of a decision with regard to the application.
[RT I, 09.03.2011, 3- entry into force 19.06.2011]

Sub-subdivision 5
Temporary residence permit for enterprise

§ 191. Temporary residence permit for enterprise

The purpose of the grant of a temporary residence permit for enterprise is to contribute to the establishment of such companies and branches of foreign companies (hereinafter in this subdivision companies) in Estonia and the settling of sole proprietors and their activities in Estonia which would significantly contribute to the development of the Estonian economy.
[RT I 29.06.2012, 5 – entry into force]

§ 192. Requirements for business activity

(1) A temporary residence permit for enterprise may be issued if the settling of an alien in Estonia shall significantly contribute to the achievement of the purpose of the residence permit granted for enterprise and the following conditions are met:
1) an alien has a holding in a company or he or she operates as a sole proprietor;
2) the company or the sole proprietor is entered into the commercial register of Estonia;
3) an alien has sufficient monetary resources for engaging in enterprise in Estonia

(2) An alien who has a holding in a company is required to have the capital in the amount of at least 65,000 euros, which is invested in business activity in Estonia.

(2[1]) The requirement of the amount of investment specified in subsection (2) of this section shall not be applied if the company has been registered in Estonia for less than 12 months and commences operation with the support of the state or private investments, having received investment or loan from the state or a private

management company licenced by the Financial Supervision Authority or a support from a public support measure.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(3) An alien who is applying for a temporary residence permit for enterprise as a sole proprietor is required to have the capital in the amount of at least 16,000 euros invested in Estonia.

(4) The equity capital, subordinated liability and registered amount of fixed assets of a company are deemed to be included in the invested capital as a condition for the grant and extension of a temporary residence permit for enterprise.

(5) An alien shall submit the description of the business plan on the basis of which it is possible to assess if the grant of a residence permit to him or her shall be in compliance with the purpose of the grant of the residence permit for enterprise and provide evidence, in addition to other facts which are relevant in the proceeding, that there are no circumstances which would preclude his or her nomination as a member of the management body, procurator or the acquisition of a major holding or prohibit to be an actual beneficiary.

(6) An alien is required to submit the business plan in the Estonian or English language.

(7) After one year has passed from the issue of a residence permit, one of the following conditions may be met during the period of validity of a temporary residence permit for enterprise instead of the possession condition of a residence permit provided for in subsection (2) of this Section:
1) the sales revenue of the company shall be at least 200,000 euros per year or
2) the social tax paid in Estonia monthly for the persons employed by the company shall be at least equal with the social tax paid in Estonia monthly on the remuneration equalling fivefold Estonian annual average gross wages.

(8) At the request of the Police and Border Guard Board the Tax and Customs Board shall submit the data of the remuneration on which the company has paid social tax.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

§ 193. Conditions determined in temporary residence permit for enterprise

A temporary residence permit for enterprise shall set out the areas of activity permitted for the undertaking and, where necessary, also the licensed territory.

§ 194. Additional condition for extension of temporary residence permit for enterprise

(1) A temporary residence permit for enterprise can be extended if the previous activities of an alien have been in compliance with the requisite conditions set for the grant and extension of the residence permit and with the purposes of the temporary residence permit for enterprise.

(2) Instead of the condition provided for in subsection 192 (2) of this Act, an alien may meet one of the following conditions as a condition for the extension of a residence permit for enterprise:
1) the sales revenue of a company shall be at least 200,000 euros per year or
2) the social tax paid in Estonia monthly for the persons employed by the company shall be at least equal with the social tax paid in Estonia monthly on the remuneration equalling fivefold Estonian annual average gross wages.

(3) If several aliens have been granted a temporary residence permit for enterprise related to the activity of the company, the requirement provided for in subsection (2) of this section shall apply to each alien who has been granted the temporary residence permit for enterprise separately.

(4) At the request of the Police and Border Guard Board the Tax and Customs Board shall submit the data about the remuneration on which the company has paid social tax.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

§ 195. Additional bases for revocation of temporary residence permit for enterprise

The grant or extension of a temporary residence permit for enterprise may be refused or residence permit may be revoked if:
1) an alien does not provide evidence of the trustworthiness of his or her own current and planned business activities or of the company, of the business associates or financial resources;
2) the explanations of an alien about his or her own current and planned business activities or about the company are not convincing or are controversial;
3) an alien does not provide evidence that his or her stay in Estonia on the basis of the residence permit would significantly contribute to the achievement of the purpose of the temporary residence permit for enterprise;

4) an alien does not provide evidence of how his or her own activities or the activities of a company would contribute to the achievement of the purpose of the temporary residence permit for enterprise;
5) the current activities of an alien or a company are not in accordance with the plans in the description of the business plan;
6) the current activities of an alien or a company are not in accordance with the purpose of the temporary residence permit for enterprise;
7) an alien has failed to meet the condition related to the temporary stay, residence and employment in Estonia of an alien arising form this Act or any other law.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

§ 196. Obligation of notification of change in facts

An alien who has been issued a temporary residence permit for enterprise is required to inform the Police and Border Guard Board of any change in the facts on the basis of which the residence permit was issued, of difficulties in the performance of the assumed duties or of the impossibility to perform the assumed duties.

§ 197. Restrictions on employment in Estonia

(1) An alien who has been issued a temporary residence permit for enterprise for participation in a company may be employed by the company indicated in the residence permit for the performance of directing and supervisory functions without getting paid.

(2) An alien who has been issued a temporary residence permit for enterprise may perform directing or supervisory functions in a legal person governed by private law, unspecified in subsection (1) of this section, if at least one legal person governed by private law, for whom he or she shall perform directing or supervisory functions, shall pay remuneration in accordance with the conditions provided for in § 178 of this Act.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

§ 197[1]. Period of validity of temporary residence permit for enterprise

A temporary residence permit for enterprise shall be granted with the period of validity of up to five years and shall be extended by five years at a time from the date of the grant or extension of the temporary residence permit for enterprise.
In addition to the provisions of subsection 132 (2) of this Act a temporary residence permit for enterprise may be granted and extended for a shorter period than five years in the case provided for in § 195 of this Act.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

Sub-subdivision 6
Temporary residence permit in case of sufficient legal income

§ 198. Temporary residence permit issued in case of sufficient legal income

A temporary residence permit in case of sufficient legal income may be issued to an alien whose legal income ensures his or her subsistence in Estonia if the issue of the residence permit does not damage public interests.

§ 199. Period of validity of temporary residence permit in case of sufficient legal income

A temporary residence permit in case of sufficient legal income may be issued for up two years at a time and it may be further extended for two years at a time.

§ 200. Restrictions on employment in Estonia

An alien who has been issued a temporary residence permit in case of sufficient legal income is prohibited to work in Estonia.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

Sub-subdivision 6[1]
Temporary residence permit in case of substantial national interest

[RT I, 29.06.2012, 5 - entry into force 01.01.2015]

§ 200[1]. Purpose of issue of temporary residence permit in case of substantial national interest

The purpose of the issue of a temporary residence permit in case of substantial national interest is to create an opportunity to settle in Estonia for an alien who does not have a basis for application for a residence permit provided for in clauses 118 1)-5) and 7) of this Act but whose settling in Estonia is in the national interests.

[RT I, 29.06.2012, 5 – entry into force 01.01.2015]

§ 200[2]. Additional conditions for issue and extension of temporary residence permit in case of substantial national interest

In case of substantial national interest a temporary residence permit may be issued or extended if the following conditions are met:
1) the issue of a temporary residence permit in Estonia to an alien or the extension thereof is supported by the Government of the Republic or a governmental authority according to whose assessment the residence of the alien in Estonia on the basis of a residence permit is in the national interests;
2) issue of a residence permit to an alien corresponds to the purpose of the issue of a residence permit vin case of substantial national interest.
[RT I, 29.06.2012, 5 – entry into force 01.01.2015]

§ 200[3]. Period of validity of temporary residence permit issued in case of substantial national interest

A temporary residence permit in case of substantial national interest may be issued for up two years at a time and it may be further extended by up to two years at a time.
[RT I, 29.06.2012, 5 – entry into force 01.01.2015]

§ 200[4]. Restrictions on employment in Estonia

An alien who has been issued a temporary residence permit in case of substantial national interest shall be prohibited to work in Estonia and the alien shall not be given permission for employment in Estonia.
[RT I, 29.06.2012, 5 – entry into force 01.01.2015]

Sub-subdivision 7
Temporary residence permit on basis of treaty

§ 201. Temporary residence permit on basis of treaty

A temporary residence permit on the basis of a treaty may be issued to an alien whose application for residence permit is based on a provision in a treaty concluded by Estonia or the European Union.

§ 202. Justification of temporary residence permit on basis of treaty

Upon application for residence permit an alien must refer to the provision of the treaty that is the basis for his or her application for residence permit and provide a justification.

Sub-subdivision 8
Temporary residence permit in case of substantial public interest

§ 203. Cases of temporary residence permits issued for participation in criminal proceedings

[RT I, 29.06.2012, 5 – entry into force 01.01.2015]
An alien may be issued a temporary residence permit for participation in criminal proceedings for assistance in the ascertaining of the facts of the subject of proof of a criminal offence if:
[RT I, 29.06.2012, 5 – entry into force 01.01.2015]
1) he or she is a victim or a witness in a criminal procedure, the object of which is a criminal offence provided for in §§ 133-133 [3], 138-140 or 175 of the Penal Code;
[RT I, 18.04.2013, 2 - entry into force 28.04.2013];
2) a victim who was illegally employed or a witness was a minor child;
3) [Repealed – RT I, 18.04.2013, 2 – entry into force 28.04.2013]
4) the health and life of a victim who was illegally employed or of a witness was endangered or their human dignity was violated.
[RT I, 30.06.2011, 1- entry into force 20.07.2011]
In case of the issue of a temporary residence permit for participation in criminal proceedings the victim or witness specified in subsection (1) of this section shall have previously facilitated the ascertaining of facts relating to the subject of proof of a criminal offence or has given consent for doing so and has broken off all the relations with the persons who are being suspected or accused of committing the respective offence.
[RT I, 29.06.2012, 5 – entry into force 01.01.2015]

§ 204. Notification of alien

Upon the existence of the bases provided for in subsection 203 (1) of this Act the prosecutor's office or an investigative authority on the order of the prosecutor's office shall notify an alien of the services offered during the cooling-off period, of the possibilities and conditions of the issue of a temporary residence permit for participation in criminal proceedings and the grant of international protection.
[RT I, 02.07.2013, 3 – entry into force 01.01.2015]

§ 205. Cooling-off period

Upon the decision of the prosecutor's office a cooling-off period of 30 to 60 calendar days is granted to an alien from the moment when he or she is notified of the facts provided for in § 204 of this Act in order that an alien could make a decision whether he or she wishes to cooperate with the investigative authority or the prosecutor's office.
[RT I, 18.04.2013, 2 - entry into force 28.04.2013]

§ 206. Revocation of cooling-off period

(1) A prosecutor's office may revoke the decision for granting a cooling-off period to an alien prematurely if an alien has voluntarily and on his or her own initiative renewed contacts with a person who is being suspected or accused of committing a criminal offence, or if an alien constitutes a threat to public order or national security.

(2) The revocation of the decision for granting a cooling-off period shall not be justified.

(3) Upon revocation of the decision on granting a cooling-off period to an alien, the alien's obligation to leave is immediately executed according to the procedure provided for in the Obligation to Leave and Prohibition on Entry Act.

§ 207. Conditions of issue of temporary residence permit for participation in criminal proceedings

(1) A temporary residence permit for participation in criminal proceedings shall be issued if the conditions of issue of temporary residence permit provided for in this subdivision are met with regard to an alien and the alien does not constitute a threat to public order or national security.

(2) A minor or a person with restricted active legal capacity may be issued a temporary residence permit for participation in criminal proceedings if the issue of the residence permit is in compliance with her or his rights and interests.
[RT I, 29.06.2012, 5 – entry into force 01.01.2015]

§ 208. Period of validity of temporary residence permit issued for participation in criminal proceedings

(1) A temporary residence permit for participation in criminal proceedings shall be issued for the term stated in the application of the prosecutor's office, but for not longer than for one year.

(2) A temporary residence permit for participation in criminal proceedings shall be extended for the term stated in the application of the prosecutor's office, but for not longer than for one year at a time.
[RT I, 29.06.2012, 5 – entry into force 01.01.2015]

§ 209. Conditions of extension of temporary residence permit issued for participation in criminal proceedings

(1) A temporary residence permit for participation in criminal proceedings shall be extended if the grounds for granting such a residence permit have been retained.

(2) An application of the prosecutor's office and the written consent of an alien are required for the extension of a temporary residence permit for participation in criminal proceedings.
[RT I, 29.06.2012, 5 – entry into force 01.01.2015]

§ 210. Revocation of temporary residence permit issued for participation in criminal proceedings

[RT I, 29.06.2012, 5 – entry into force 01.01.2015]
A temporary residence permit issued for participation in criminal proceedings may be revoked:
[RT I, 29.06.2012, 5 – entry into force 01.01.2015]
1) upon termination of criminal proceedings;
2) if an alien has abandoned contributing to the clarification of facts of the subject of proof of the criminal offence, or has voluntarily renewed contacts with the person being suspected or accused of committing the criminal offence or;
3) if an alien constitutes a threat to public order or national security.

(2) In cases provided for in clauses (1) 1) and 2) of this section the temporary residence permit for participation in criminal proceedings shall be revoked on the initiative of the prosecutor's office.
[RT I, 29.06.2012, 5 – entry into force 01.01.2015]

Subdivision 5
Proceeding of temporary residence permits

Sub-subdivision 1
Competence

§ 211. Competence for issue and extension of temporary residence permit

The issue or refusal to issue, the extension or refusal to extend of a temporary residence permit shall be decided by the Police and Border Guard Board unless otherwise provided for by a treaty.

§ 212. Competence for revocation of temporary residence permit

The Police and Border Guard Board shall decide revocation of a temporary residence permit unless otherwise provided for by a treaty.

Sub-subdivision 2
Application

§ 213. Application for temporary residence permit

(1) In order to apply for a temporary residence permit an alien shall submit an application for a temporary residence permit personally.

(2) A minor child who resides permanently in a foreign state and who is at least 15 years of age may submit an application for a temporary residence permit personally only with the notarised consent of a legal representative.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(3) Upon the application for a residence permit to a minor child the notarised consent of a parent who is not moving to Estonia or a consent thereof that is officially certified at a foreign mission of Estonia shall be submitted. The consent of the parent shall be presumed if he or she submits an application for a residence permit on behalf of the minor child.

§ 214. Specification of application for temporary residence permit

(1) An official or employee of a custodial institution who is authorised by an alien shall forward a formal application for the temporary residence permit on behalf of a prisoner or aperson in detention or custody staying in the custodial institution. In addition to the power of attorney of the imprisoned person an official or employee of the custodial institution shall present his or her identification for the performance of such acts.
[RT I, 23.03.2015, 1 - entry into force 02.04.2015]

(2) A prisoner or a person in detention or custody staying in a custodial institution may send the application indicated in subsection (1) of this section by post through the custodial institution with the cover letter of the custodial institution if an official or employee of the custodial institution has verified his or her identity.
[RT I, 23.03.2015, 1 - entry into force 02.04.2015]

§ 215. Lodging of application for temporary residence permit at foreign mission of Estonia

An alien shall submit an application for a temporary residence permit at a foreign mission of Estonia which shall send it, if necessary, to the Police and Border Guard Board for proceedings after the person has been identified or the identity verified and after the taking of biometric data.
[RT I, 09.12.2010, 1 – entry into force 01.01.2011]

§ 216. Submission of application for temporary residence permits to Police and Border Guard Board

The following persons may apply for a temporary residence permit at the Police and Border Guard Board:
1) a spouse of an Estonian citizen, a minor child and an adult child who due to health condition or disability is not able to cope independently;
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]
2) an Estonian;
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]
3) for children under one year of age descending from aliens who reside in Estonia on the basis of a residence permit;

4) aliens for activities in the framework of an international program of cooperation involving agencies with state or local government participation;
5) aliens who are staying in Estonia on the basis of a temporary residence permit and are applying for a new temporary residence permit;
6) an alien who is unable to apply for a residence permit at a foreign representation of Estonia for good reason;
[RT I, 23.03.2015, 1 - entry into force 02.04.2015]
7) aliens to whom the Police and Border Guard Board has granted a permission therefor on the basis of a reasoned proposal of a member of the Government of the Republic on the grounds that their entry into Estonia is necessary in the public interests;
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]
8) aliens who are citizens of a state with which Estonia has entered into an agreement for visa-free travel or whose citizens are relieved of the visa requirement in Estonia;
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]
9) citizens of the United States of America or Japan;
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]
10) aliens who settled in Estonia before 1 July 1990 and have not thereafter left Estonia to reside in another country and to whom issue of a residence permit or extension of a residence permit has not been refused or whose residence permit has not been revoked;
11) aliens who hold a long-term resident's residence permit of a member state of the European Union, except Estonia, and who applies for a temporary residence permit for study, employment or enterprise;
12) a spouse or a minor child or an adult child of an alien who due to health condition or disability is not able to cope independently who holds a residence permit of a member state of the European Union indicated in clause 11) of this section if the family has been founded in a member state which issued a long-term resident's residence permit to an alien;
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]
13) an alien whose long-term resident's residence permit has been revoked for the reason that he or she has submitted false information for the issue of the long-term resident's residence permit or used deceit within two months from the revocation of the long-term resident's residence permit;
14) an alien who is staying in Estonia legally but is applying for a residence permit for study in Master's or Doctorate programs on the basis of the state-recognised curriculum.
15) an alien who is staying in Estonia legally if he or she is applying for the EU Blue Card;
[RT I, 09.03.2011, 3 - entry into force 19.06.2011]
16) an alien who is holding the EU Blue Card issued by another member state of the European Union who is applying for the EU Blue Card in Estonia;
[RT I, 09.03.2011, 3 - entry into force 19.06.2011]
17) a spouse of an alien who is holding the EU Blue Card issued by another member state of the European Union, who holds a residence permit issued by another member state of the European Union for a family member of an alien holding the EU Blue Card, who is applying for a residence permit in Estonia to settle with spouse;
[RT I, 09.03.2011, 3 - entry into force 19.06.2011]
18) a close relative of an alien who is holding the EU Blue Card issued by another member state of the European Union, who holds a residence permit issued by another member state of the European Union for a family member of an alien holding the EU Blue Card, who is applying for a residence permit in Estonia to settle with close relative.
[RT I, 09.03.2011, 3 - entry into force 19.06.2011]
19) an alien who is applying for a temporary residence permit for the purposes of performing the directing or supervisory functions of a legal person governed by private law or a branch of a foreign company if the legal person governed by private law or the branch of a foreign company has been entered into the register in Estonia for at least four months before the submission of the application for a residence permit and he or she has been engaged in activities in Estonia during at least four previous months and the alien is staying in Estonia on the basis of a visa or visa-free in relation to the activities of the legal person governed by private law or the branch of a foreign company.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]
20) an alien who is applying for a temporary residence permit for enterprise if the company or the branch of a foreign company has been entered into the register in Estonia for at least four months before the submission of the application for a residence permit and he or she has been engaged in business activities in Estonia during at least four previous months and the alien is staying in Estonia on the basis of a visa or visa-free in relation to the activities of the company or the branch of a foreign company.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]
21) an alien who is applying for a residence permit for enterprise and whose company is in compliance with the conditions for a starting company provided for in subsection 192 (2^1) of this Act;
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]
22) an alien whose short-term employment in Estonia has been registered;
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]
23) an alien who is applying for a residence permit on the basis of clause 181 (1) 5) or 6) or clause 181 (2) 3) of this Act;
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]
24) an alien who is applying for a residence permit for study in the Bachelor's studies and who commences studies in the framework of an international program of cooperation or a treaty or an international cooperation agreement of a higher educational institution or if the alien has been designated a scholarship which is financed by the Estonian state or is internationally recognized;
[RT I, 02.07.2013, 3 – entry into force 01.01.2014]

25) the spouse, a minor child and an adult child who due to his or her health status or disability is unable to cope independently of an alien specified in clauses 2), 8), 9), 14) and 20)-24) of this subsection.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(1^1) The person specified in clauses (1) 16)-18) of this section is required to, at the latest within one month as of the entry into Estonia, apply for the EU Blue Card, a residence permit to settle with a spouse or a residence permit to settle with close relative.
[RT I, 09.03.2011, 3 - entry into force 19.06.2011]

(2) [Repealed - RT I, 09.03.2011, 3 - entry into force 19.06.2011]

§ 217. Application for temporary residence permit issued for participation in criminal proceedings

(1) For participation in criminal proceedings the proceedings for the issue of a temporary residence permit shall be initiated at the written request of the prosecutor's office, which is added the written consent of an alien. An alien does not need to submit the specified application for a residencepermit personally.

(2) An alien is involved in the proceeding of the issue of a temporary residence permit for participation in criminal proceedingsas a third person for the purposes of clause 11 (1) 3) of the Administrative Procedure Act.

(3) To clarify the facts of the cases of the issue of a temporary residence permit for participation in criminal proceedings the prosecutor's office or an investigative authority on the order by the prosecutor's office is entitled to interview an alien, make enquiries to the agencies administering databases and use the assistance of psychologists, general practitioners or specialist physicians and interpreters.
[RT I, 29.06.2012, 5 – entry into force 01.01.2015]

§ 217^1. Application for extension of temporary residence permit

(1) An alien shall personally lodge an application for the extension of a temporary residence permit to the Police and Border Guard Board in order to extend the temporary residence permit.

(2) An alien need not appear before the Police and Border Guard Board in person to lodge the application for the extension of a temporary residence permit in the cases provided for in § 277 and in case he or she has undergone fingerprinting in the proceedings concerning a residence permit, a work permit, the right of residence or the issue of a personal identification document and less than two years have passed from the last time the person's fingerprints were captured and his or her biometric data have not changed.

(3) Upon application for a temporary residence permit to a minor child the notarised consent of a parent residing in a foreign country or a consent officially certified in a foreign mission of Estonia, shall be submitted. The consent of a parent shall be presumed if he or she lodges the application for the extension of a temporary residence permit on behalf of the minor child.

(4) An official or employee of a custodial institution who is authorised by an alien for that purpose shall forward a formal application of a prisoner or a person in detention or custody staying in a custodial institution for the extension of a temporary residence permit. Upon performance of these acts an official or employee of the custodial institution shall present his or her identification in addition to the power of attorney of the imprisoned person.
[RT I, 19.03.2015, 2 - entry into force 29.03.2015]

(5) A prisoner or a person in detention or custody staying in a custodial institution may send the application indicated in subsection (1) of this section by post through the custodial institution with the cover letter of the custodial institution which confirms that an official or employee of the custodial institution has verified the applicant's identity.
[RT I, 19.03.2015, 2 - entry into force 29.03.2015]

Sub-subdivision 3
Procedure

§ 218. Concurrent review of several applications for temporary residence permits

If several applications for a residence permit with regard to an alien are processed concurrently, the decision shall be made with regard to only one application for a residence permit chosen by an alien. If an alien fails to notify an administrative authority which is competent to make a decision about which application for a residence permit the decision should be made, the decision shall be made regarding the application for a residence permit which was last submitted and the remaining applications for residence permits shall be dismissed.

§ 219. Refusal to review application for temporary residence permit

An application for a temporary residence permit is deemed to be clearly unfounded and its contents shall not be reviewed if::
1) an alien has been refused the issue of a residence permit on the basis of this Act and an alien has not produced any new essential evidence of the facts of which an alien was unaware during the proceeding regarding the previous application;
2) an alien has submitted an application for a temporary residence permit in order to avoid the enforcement of return, expulsion or extradition procedure and it has been possible for him or her to submit an application for a temporary residence permit earlier;
3) an alien has not provided credible evidence regarding the reason for application for a temporary residence permit;
4) the explanations of an alien or a person obliged to give explanations are inconsistent, conflicting, improbable or lacking in circumstantial or personal details;
5) a basis for the refusal to review an application provided for in the Administrative Procedure Act has become evident or;
6) an alien is not required to hold a temporary residence permit in Estonia.

§ 220. Refusal to review application for extension of temporary residence permit

(1) An application for the extension of a temporary residence permit is deemed clearly unfounded and its review is refused if a basis for refusal provided for in § 219 of this Act becomes evident.

(2) If the information of the place of residence in Estonia of an alien has not been registered in the Population Register, an alien shall be given a term for the registering of the information of the place of residence in the Population Register. In case of a failure to register the information of the place of residence in the Population Register the application for the extension of a temporary residence permit shall be not be reviewed.

§ 221. Prohibition on restoration of term

The term prescribed for application for the extension of a temporary residence permit shall not be restored if the period of validity of the temporary residence permit has expired.

§ 222. Filing of complaint

(1) A complaint may be filed against a decision regarding the issue and refusal to issue, the extension and refusal to extend, the revocation of a temporary residence permit or the refusal to review an application with an administrative court within ten days as of the date of notification of the decision, or such decision may be challenged. A decision on an appeal may be contested in an administrative court within the same term.

(2) If making a decision on the issue of, refusal to issue, the extension of or refusal to extend a temporary residence permit is within the competence of the Government of the Republic, an appeal cannot be filed.

(3) A complaint or an appeal may be filed by an alien against a decision on the issue or refusal to issue, the extension or refusal to extend or revocation of a temporary residence permit for participation in criminal proceedings pursuant to subsections (1) and (2) of this section.
[RT I, 29.06.2012, 5 – entry into force 01.01.2015]

Subdivision 6
Organisation of temporary residence permit

§ 223. Identification code

An alien who has been issued a residence permit shall be given a personal identification code pursuant to the procedure provided for in the Population Register Act.

§ 223[1]. Adaptation programme for aliens

(1) The adaptation programme for aliens who have been issued a residence permit or whose residence permit has been extended shall be established by a regulation of the minister responsible for the field.

(2) The minister responsible for the field may conclude a civil law or public law contract in the procedure provided for in the Administrative Co-operation Act for the performance of the duty provided for in the adaptation programme for aliens.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

§ 224. Organisation of proceedings of temporary residence permits

(1) The Government of the Republic shall establish by a regulation:

1) the procedure and terms for application, issue, extension and revocation of a temporary residence permit, a list of information to be provided in the application and of evidence to be appended to the application;
2) the rates of legal income and remuneration provided for in this Act;
3) the minimum age limit under which the fingerprints of a person are not captured;
4) other persons or categories of persons whose fingerprints are not captured;
5) the procedure for capturing fingerprints of an alien who applies for issue of a temporary residence permit or extension thereof and
6) a standard format of a temporary residence permit;
7) a list of data in the description of the business plan to be submitted upon application for a temporary residence permit for enterprise.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

(1^1) The minister responsible for the field shall establish by a regulation the requirements set to a private management company specified in subsection 181 (7) and subsection 192 (2^1) of this Act or a list of private management companies.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(1^2) The minister responsible for the field shall establish by a regulation a list of scholarships which are financed by the Estonian state or recognised internationally, treaties or international cooperation agreements or international programmes of cooperation of higher educational institutions, referred to in subsection 137 (3^1) and clause 216 (1) 24) of this Act, or of the requirements set for them.
[RT I, 02.07.2013, 3 - entry into force 01.01.2014]

(2) The minister responsible for the field shall establish by a regulation:
1) the standard format of an application for a temporary residence permit and for extension thereof;
2) [Repealed - RT I, 09.12.2010, 1 - entry into force 01.01.2011]
3) [Repealed - RT I, 09.12.2010, 1 - entry into force 01.01.2011]

(3) The information of administrative acts issued and the procedural acts performed in the course of proceedings concerning applications for a temporary residence permit and for the extension thereof, applications for the transfer of the data of a temporary residence permit to a travel document of a foreign country and applications for the registration of the absence from Estonia, as well as the data of administrative acts issued and procedural acts performed concerning revocation of residence permits and work permits shall be processed in the Register of Residence and Work Permits.

§ 225. Organisation of issue of temporary residence permits for participation in criminal proceedings

[RT I, 29.06.2012, 5 – entry into force 01.01.2015]
The list of information to be provided upon application of the Prosecutor's Office to initiate proceedings concerning the issue of a temporary residence permit as well as the evidence to be added to the application and a standard format of the application of the Prosecutor's Office shall be established by a regulation of the minister responsible for the field .

§ 226. Place of stay of alien and services provided to alien

An alien shall be placed with his or her consent, for the period of the cooling-off period provided for in § 205 of this Act, of the review of the application for a temporary residence permit for participation in criminal proceedings and upon the issue of the specified residence permit for the period of validity of the residence permit to a place designated by the Social Insurance Board.
[RT I, 02.07.2013, 3 – entry into force 01.01.2015]

(2) The Social Insurance Board shall provide the services specified in §§ 3 and $3^1$of the Victim Support Act to an alien with his or her consent.

(3) Upon the provision of services to an alien the specific needs of minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.

(4) Upon the assignment of the place of stay of an unaccompanied minor alien and the provision of services the priority is given to the rights and interests of the minor.
[RT I, 18.04.2013, 2 – entry into force 28.04.2013]

§ 227. Representation of unaccompanied minor and adult alien with a restricted legal capacity

(1) The provisions of the Act on Granting International protection to Aliens regarding the representation of unaccompanied minor or adult with restricted legal capacity applying for or receiving international protection

shall apply correspondingly to the representation of an unaccompanied minor and adult alien with a restricted legal capacity in the proceedings provided for in this Act.
[RT I, 18.04.2013, 2 – entry into force 28.04.2013]

§ 228. Register of Residence and Work Permits

(1) The Register of Residence and Work Permits is a database established by the Government of the Republic of Estonia. The Government of the Republic shall establish by a regulation the Statutes for Maintenance of the database.

(2) The purpose of maintaining a database of residence and work permits is to ensure public order and national security through processing data of the legal bases and the conditions of the residence and employment in Estonia of an alien.

(3) To meet the purposes of the maintenance of the database, in the course of the performance of functions provided for by a legal act of the European Union, a treaty, an act or a regulation, the data are processed of the administrative acts issued and procedural acts performed in the course of proceedings concerning applications for residence permits and work permits and the applications for a temporary residence permit and the extension thereof, applications for the issue of a long-term resident's residence permit and the restoration thereof, applications for a work permit and the extension thereof, applications for the transfer of information of a residence permit into a travel document of a foreign country, the registration of the absence from Estonia, the revocation of a residence permit and a work permit, as well as of the data concerning the temporary right of residence and the extension thereof of a family member of a citizen of the European Union and the registration of the right of permanent residence and the right of residence of a citizen of the European Union and his or her family member and the data of the proceedings related to adaptation programme.
[RT I, 23.03.2015, 1 - entry into force 01.08.2015]

(4) In private and public relationships the data of the database concerning administrative acts issued and procedural acts performed in the proceedings specified in subsection (3) of this section may be used as a basis for the data on the existence of the legal basis for the temporary stay, residence and employment in Estonia of an alien and of the conditions of the temporary stay, residence and employment in Estonia.

(5) The data processed in the database are not public unless otherwise provided for in this Act.

(6) The Police and Border Guard Board may enable the verification of the validity of a residence permit and the right of residence on the public web page without disclosing the personal data of an alien.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

§ 229. Formalisation of temporary residence permit

A temporary residence permit is formalised on the basis of the data of the decision on the issue of a temporary residence permit or extension thereof.

Division 2
Residence permit for long-term resident

Subdivision 1
Issue and refusal to issue residence permit for long-term resident

§ 230. Residence permit for long-term resident

A residence permit for a long-term resident is a permit issued to an alien for entry into Estonia and residence in Estonia for an unspecified term pursuant to the conditions provided for in this Act and determined by the residence permit **.**

§ 231. Rights of alien with residence permit for long-term resident

(1) A residence permit for a long-term resident shall grant an alien the rights provided for in Chapter III of Council Directive 2003/109/EU *concerning the status of third-country nationals*who are long-term residents, (*OJ L 016,23.01.2004, pp.44-53)*.
(2)Subsection (1) of this section shall not be applied:
1) [Repealed – RT I, 02.07.2013, 3 – entry into force 12.07.2013]
2) with regard to an minor child under five years of age who is a child of a citizen of Estonia residing in Estonia or an alien who is holding a residence permit for a long-term resident of Estonia if the child is given a residence permit for long-term residents.

(3) An alien who is holding a residence permit for a long-term resident in Estonia does not need a specific permit for employment and engagement in business activities in Estonia.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

§ 232. Conditions of issue of residence permit for long-term resident

(1) A residence permit for a long-term resident may be issued to an alien who corresponds to the following conditions:
1) he or she has resided in Estonia permanently on the basis of a residence permit for at least last five years before the submission of the application for a residence permit for a long-term resident;
2) he or she has a valid temporary residence permit;
3) he or she has a permanent legal income which ensures his or her own subsistence in Estonia;
4) he or she is deemed to be an insured person for the purposes of the Health Insurance Act or a treaty of the Republic of Estonia;
5) he or she has met the integration requirement;
6) the information of his or her place of residence has been registered in the Population Register;
7) no facts which are the basis for the refusal to issue a residence permit for a long-term resident exist in respect of him or her.

(2) Clauses (1) 1)-3) of this section shall not be applied with regard to a child under one year of age who is a child of a citizen of Estonia permanently residing in Estonia or an alien who has a residence permit for a long-term resident of Estonia.

(2^1) The requirement that immediately before the lodging of an application for a residence permit for a long-term resident an alien has resided in the member states of the European Union on the basis of the EU Blue Card permanently for at least five years, including the last two years in Estonia on the basis of the EU Blue Card, may be applied with regard to an alien who holds the EU Blue Card in Estonia instead of the requirement for residence on the basis of a residence permit provided for in clause (1) 1) of this section
[RT I, 09.03.2011, 3- entry into force 19.06.2011]

(2^2) Upon meeting the requirement provided for in clause (1) 1) of this section the period of residing as an asylum seeker immediately before the grant of international protection and the period of permanent residence in Estonia as a person enjoying international protection shall be included into the period of permanent residence in Estonia prior to the lodging of an application for a residence permit for a long-term resident.
[RT I, 02.07.2013, 3 – entry into force 12.07.2013]

(3) The requirement of residence on the basis of a residence permit provided for in clause (1) 1) of this section and clause 2) shall not apply with regard to an alien who has lost the citizenship of Estonia or who has been issued a personal identification document of the citizen of Estonia by mistake within six months as of the loss of the Estonian citizenship or the revocation of the document certifying the identity of an Estonian citizen.

(4) Subsection (3) of this section shall not be applied with regard to an alien who, upon application for the Estonian citizenship or for a document certifying the identity of the Estonian citizen, has submitted false information or falsified documents regarding the facts which are relevant to the proceedings.

§ 233. Calculation of period of residence in Estonia

(1) The period of permanent residence in Estonia required for the issue of a residence permit for long-term residents shall include his or her temporary stay outside Estonia that does not exceed six consecutive months and in total ten months within five last years immediately before the lodging of the application for a residence permit for long-term residents.

(1^1) The period of permanent residence in Estonia required for the issue of a residence permit for long-term residents to an alien who holds the EU Blue Card shall include his or her temporary stay outside member states of the European Union that does not exceed twelve consecutive months and in total eighteen months within five last years immediately before the lodging of the application for a residence permit for long-term residents.
[RT I, 09.03.2011, 3– entry into force 19.06.2011]

(2) The period of the stay in Estonia on the basis of a temporary residence permit for study shall be taken into account in half in the calculations of the period of stay required for the issue of a residence permit for long-term residents if an alien has been issued a residence permit on another basis later.

(3) If an alien's stay outside Estonia within five last years before the lodging of an application for a residence permit for a long-term resident has lasted longer than six consecutive months and in total ten months within five last years and an alien has registered his or her absence earlier at the Police and Border Guard Board or the Police and Border Guard Board has considered his or her stay outside Estonia justified retrospectively, the period of residence in Estonia required for the issue of a residence permit for long-term residents shall extend by the length of the period of stay away which exceeds the allowed time period provided in subsection (1) of this section.

§ 234. Integration requirement

(1) An alien who is applying for a residence permit for long-term residents is required to have the Estonian language proficiency at least at the elementary level – language proficiency level B1 or a corresponding level.

(2) The integration requirement need not be complied with by:
1) an alien under 15 years of age;
2) an alien over 65 years of age and
3) an adult alien who has restricted active legal capacity.

(3) The Estonian language proficiency is evaluated at the Estonian language proficiency level exam under the conditions provided for in the Language Act.

(4) An alien who has acquired the basic, secondary and higher education in the Estonian language is not required to take the Estonian language examination.

§ 235. Release from taking of Estonian language proficiency examination

(1) An alien who, for health reasons, is permanently unable to comply with the requirements of the Estonian language proficiency level examination shall be released from the examination.

(2) An alien who, for health reasons, is permanently unable to fully comply with the requirements of the Estonian language proficiency level examination shall pass the examination to such extent and in such manner as his or her state of health allows.

(3) In cases specified in subsections (1) and (2) of this section the expert committee shall decide on the partial or total release of an alien from the Estonian language proficiency examination.

§ 236. Contestation of decision of expert committee

An appeal against a decision of the expert committee may be filed with an administrative court within thirty days as of the date of receipt of the decision.

§ 237. Refusal to issue residence permit for long-term residents

(1) The issue of a residence permit for a long-term resident may be refused if:
1) an alien may constitute a threat to public order or national security;
2) an alien has submitted false information concerning the facts which are relevant to the proceedings or has used deceit upon application for the issue of a residence permit for long-term residents;
3) an alien has been punished in Estonia for intentionally committed crime against the state and his or her criminal record has not expired.

(2) The issue of a residence permit for a long-term resident shall be refused if:
1) an alien has been issued a temporary residence permit for study;
2) an alien has been issued a temporary residence permit in case of substantial public interest;
[RT I, 02.07.2013, 3 – entry into force 12.07.2013]
3) an alien does not comply with the conditions of the issue of a residence permit for a long-term resident provided for in this Act;
[RT I, 02.07.2013, 3 – entry into force 12.07.2013]
4) an alien is holding a valid temporary residence permit on the basis of the Act on Granting International Protection to Aliens before the decision is made with regard to the application for residence permit for a long-term resident and with regard to him or her a basis for the ending or revocation of the refugee status or supplementary protection status of an alien provided for in that act has become evident.
[RT I, 02.07.2013, 3 – entry into force 12.07.2013]

(3) In case of the refusal to issue a residence permit for a long-term resident for the reason that the person my constitute a threat to public order or national security or has submitted false information or used deceit or an alien has been punished in Estonia for an intentional criminal offence against the state and his or her criminal record has not expired, the gravity or type of the offence committed by an alien or the threats related to the relevant person are considered, taking into account the length of the period of stay in Estonia of an alien and connections with Estonia and the county of origin.

(4) The provisions of § 124 of this Act are applied upon refusal to issue a residence permit for long-term residents on the grounds that the person constitutes a threat to public order or national security.

Subdivision 2

Resumption of residence permit for long-term resident

§ 238. Conditions of resumption of residence permit for long-term resident

(1) Upon revocation of a residence permit for long-term resident due to staying outside Estonia or other member state of the European Union or due to the acquisition of a long-term resident status in a member state of the European Union the long-term resident's residence permit of an alien may be resumed if he or she complies with the following conditions:
1) he or she has lived in Estonia on the basis of a temporary residence permit and permanently for at least last two years immediately before the submission of an application for the resumption of a residence permit for a long-term resident;
2) he or she has a valid temporary residence permit;
3) he or she has a permanent legal income for his or her subsistence in Estonia;
4) he or she is deemed to be a person insured for the purposes of the Health Insurance Act or a treaty;
5) no facts which are the basis for the refusal to issue a residence permit for a long-term resident exist in respect of him or her.

(2) The period of permanent residence in Estonia required for the resumption of a residence permit for a long-term resident shall include his or her temporary stay outside Estonia, not exceeding four months within the last two years immediately before the submission of an application for the resumption of a residence permit for a long-term resident.

Subdivision 3
Validity of residence permit for long-term resident

§ 239. Validity of long-term residence permit

A residence permit for a long-term resident is valid until the expiry of the period of validity of the residence permit or revocation of the residence permit.

§ 240. Expiry of residence permit for long-term resident

(1) The period of validity of a residence permit for a long-term resident shall expire:
1) upon the grant of the Estonian citizenship to an alien or upon his or her resumption of the Estonian citizenship;
2) upon the grant of the citizenship of a member state of the European Union to an alien or upon his or her resumption thereof;
3) upon the death or declaration of death of an alien.

(2) Upon the grant of the citizenship of a member state of the European Union to an alien or upon his or her resumption of the Estonian citizenship the person shall obtain the right of permanent residence of a citizen of the European Union for the purposes of the Citizen of European Union Act.

§ 241. Revocation of the residence permit for long-term resident

(1) A residence permit for a long-term resident may be revoked if:
1) an alien has submitted false information concerning facts which are relevant in the proceedings or used fraud upon application for issue of a residence permit for a long-term resident;
2) an alien constitutes a threat to public order or national security;
[RT I, 02.07.2013, 3 – entry into force 12.07.2013]
3) an alien has been punished in Estonia for intentionally committed crime against the state and his or her criminal record has not expired;
[RT I, 02.07.2013, 3 – entry into force 12.07.2013]
4) an alien has held a valid temporary residence permit on the basis of the Act on Granting International Protection to Aliens immediately before the application for residence permit for a long-term resident and with regard to him or her a basis for the ending or revocation of the refugee status or supplementary protection status of an alien provided for in that act has become evident.
[RT I, 02.07.2013, 3 – entry into force 12.07.2013]

(2) A residence permit for a long-term resident shall be revoked:
1) at the personal request of an alien;
2) if an alien stays outside member states of the European Union for twelve consecutive months during a year;
3) if an alien has acquired a status of a long-term resident in another member state of the European Union;
[RT I, 09.03.2011, 3 - entry into force 19.06.2011]
4) if the stay of an alien outside Estonia has lasted for at least six consecutive years;

5) if an alien who holds a residence permit of a long-term resident as a person who resided in Estonia on the basis of the former EU Blue Card stays outside member states of the European Union for twenty-four consecutive months or
[RT I, 09.03.2011, 3 - entry into force 19.06.2011]
6) if an alien holds a residence permit of a long-term resident which is issued to him or her as a family member of a person who resided in Estonia on the basis of the former EU Blue Card and stays outside the member states of the European Union for twenty-four consecutive months.
[RT I, 09.03.2011, 3 - entry into force 19.06.2011]

(3) The revocation of a residence permit a long-term resident on the grounds that an alien has submitted false information or used deceit upon application for a residence permit of a long-term resident or an alien constitutes a threat to public order and national security or an alien has been punished in Estonia for an intentional criminal offence against the state and his or her criminal record has not expired, the gravity or type of the offence committed by an alien or the threats related to the person concerned shall be considered, taking into account the length of the stay in Estonia of an alien, the age of an alien, the consequences of the revocation of the residence permit of a long-term resident for an alien and his or her family and connections with Estonia and the county of origin.

(4) The facts specified in clauses (2) 2)-4) of this section do not constitute a basis for the revocation of a residence permit if an alien has previously registered his or her absence from Estonia in the Police and Border Guard Board or if the Police and Border Guard Board has retrospectively deemed his or her absence from Estonia to be reasoned/justified.

Subdivision 4
Procedure for granting residence permit for long-term resident

Sub-subdivision 1
Competence

§ 242. Competence for issue of residence permit for long-term resident

The Police and Border Guard Board shall decide on the issue or refusal to issue of a residence permit for a long-term resident unless otherwise decided by a treaty.

§ 243. Competence for revocation of residence permit for long-term resident

The Police and Border Guard Board shall decide the revocation of a residence permit for a long-term resident unless otherwise decided by a treaty.

§ 244. Competence for resumption of residence permit for long-term resident

The Police and Border Guard Board shall decide on the resumption of or refusal to resume a residence permit for a long-term resident unless otherwise decided by a treaty.

Sub-subdivision 2
Proceeding

§ 245. Application for resumption of long-term residence permit

(1) Upon application for the issue of a residence permit for a long-term resident or the resumption thereof an alien shall submit an application for the issue of a residence permit for a long-term resident or for the resumption thereof to the Police and Border Guard Board in person.

(2) An alien need not appear before the Police and Border Guard Board in person to submit the application for the issue of a residence permit for a long-term resident or the resumption thereof if it is not necessary to appear before the Police and Border Guard Board in person in the cases provided for in § 277 of this Act and less than two years have passed from the last time the person's fingerprints were captured and his or her biometric data have not changed.
[RT I, 09.12.2010, 1– entry into force 01.01.2011]

§ 246. Specification of application for residence permit for long-term resident and resumption thereof

(1) An official or employee of a custodial institution who is authorised by an alien for that purpose shall forward a formal application for a residence permit of a long-term resident or for the resumption thereof of a prisoner or a person in detention or custody staying in a custodial institution. Upon performance of these acts the official or employee of the custodial institution shall present his or her identification in addition to the power of attorney of the imprisoned person.

[RT I, 19.03.2015, 2 - entry into force 29.03.2015]

(2) A prisoner or a person in detention or custody staying in a custodial institution may send the application indicated in subsection (1) of this section by post through the custodial institution with the cover letter of the custodial institution, which confirms that an official or employee of the custodial institution has verified the applicant's identity.
[RT I, 19.03.2015, 2 - entry into force 29.03.2015]

§ 247. Refusal to review application

If the information of the place of residence in Estonia of an alien has not been entered in the Population Register, an alien shall be given a term for registration of the information of the place of residence in the Population Register. In case of a failure to register the information of the place of residence in the Population Register, the application for the issue of a residence permit for a long-term resident and for the resumption thereof, shall be refused.

§ 248. Filing of complaint

An appeal may be filed with an administrative court against a decision on the issue of the residence permit for a long-term resident or the resumption thereof, the refusal to issue a long-term resident or of the resumption thereof, the revocation of the residence permit for a long-term resident or the refusal to review of an application or such decision may be appealed within ten days as of the date of notification of the decision. A decision on the appeal may be appealed in an administrative court within the same term.

§ 249. Formalisation of residence permit for long-term resident

(1) A residence permit for a long-term resident shall be formalised on the basis of the information of the decision on the issue of a residence permit for a long-term resident.

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

Subdivision 5
Organisation of affairs related to residence permit for long-term resident

§ 250. Organisation of issue of residence permit for long-term resident

(1) The Government of the Republic shall establish by a regulation:
1) the procedures and terms for application, issue, resumption and revocation of a residence permit for a long-term resident and the list of information to be submitted in the application and the evidence to be added to the application;
2) the rate of legal income required for the issue of a residence permit for a long-term resident and for the resumption thereof;
3) the extent and manner of the partial release from taking the Estonian language proficiency level examinations required for the issue of a residence permit for a long-term resident or the conditions and procedure for release from taking of the specified examinations;
4) the minimum age limit under which the fingerprints of a person are not captured;
5) a list of other persons or categories of persons whose fingerprints are not captured;
6) the procedure for capturing fingerprints of an alien who applies for the issue or resumption of a residence permit for a long-term resident and
7) the standard format of a residence permit for a long-term resident.

(2) The minister responsible for the field shall establish by a regulation:
1) the standard format of an application for a residence permit for a long-term resident and for the resumption thereof;
2) [Repealed -RT I, 09.12.2010, 1- entry into force 01.01.2011]
3) [Repealed -RT I, 09.12.2010, 1- entry into force 01.01.2011]

(3) An expert committee competent to assess the extent and manner of the release from the Estonian language proficiency level examination or of the partial release shall be formed and the organisation of work thereof shall be established by the minister responsible for the field in coordination with the minister responsible for the field.
[RT I, 29.06.2014, 109 – entry into force 01.07.2014, on the basis of subsection 107^3 (4) of the Government of the Republic the words the "Minister of Education and Research" are replaced with the words the" minister responsible for the field" in the middle of the sentence and the words the "Minister of Social Affairs" are replaced by the words the "minister responsible for the field" at the end of the sentence.]

(4) The data of administrative acts issued and procedural acts performed in the course of proceedings concerning applications for a residence permit for a long-term resident and for the resumption thereof, applications for the transfer of information concerning information of a residence permit of a long-term resident into the travel documents of a foreign country and applications for the registration of the absence from Estonia, as well as the data of administrative acts issued and procedural acts performed in the course of proceedings concerning revocation of a residence permit for a long-term resident shall be processed in the Register of Residence and Work Permits.

§ 251. Organisation of exchange of information

The exchange of information concerning a residence permit for a long-term resident with the member states of European Union shall be organised by the Ministry of the Interior or by an agency within the area of government of the Ministry of the Interior assigned by the Ministry of the Interior.

Division 3
Registration of absence from Estonia

§ 252. Registration of absence from Estonia

(1) If an alien, who holds a residence permit, wishes to stay outside Estonia for more than a total of 183 days during a year, he or she is required to register his or her absence from Estonia in the Police and Border Guard board.

(2) The absence can only be registered prospectively.

§ 253. Legal bases for registration of absence from Estonia

The Police and border Guard Board may register the absence of an alien from Estonia if an alien intends to stay temporarily in a foreign country for a following purpose:
1) study;
2) employment;
3) being in the active service of the armed forces of a foreign state or
4) other temporary reason which presumes the stay of an alien outside Estonia.

§ 253[1]. Legal bases for refusal to register absence from Estonia

The Police and Border Guard Board may refuse to register the absence from Estonia of an alien if:
1) the intended absence from Estonia of an alien is not grounded or
2) the intended absence from Estonia of an alien shall not enable fulfilling the purpose of the grant of the residence permit.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

§ 254. Legal consequences of registration of absence from Estonia

If an alien has registered his or her absence from Estonia, the period of his or her absence from Estonia is calculated into the period of permanent residence in Estonia.

§ 255. Term for registration of absence from Estonia

An alien may register the absence from Estonia for up to two years at a time **.**

§ 256. Absence from Estonia without registration of absence

If an alien stayed away from Estonia for more than a total of 183 days during a year but he or she has failed to register his or her absence for good reason, the Police and Border Guard Board may include the period of absence from Estonia into the period of permanent residence in Estonia.

§ 257. Justification of absence from Estonia

Upon the registration of the absence from Estonia or the lodging of an application for considering the absence from Estonia justified, an alien is required to submit proof of the reasons and facts of the absence.

§ 258. Organisation of registration of absence from Estonia

(1) The minister responsible for the field shall establish by a regulation the procedure and terms for the registration of the absence from Estonia, a list of information to be submitted in the application and evidence to be added to the application.

(2) The minister responsible for the field may establish by a regulation a standard format of the application for the registration of the absence from Estonia.

Division 4
Employment in Estonia on basis of residence permit

§ 259. Legal bases for employment in Estonia

(1) An alien who resides in Estonia on the basis of a residence permit has the right for employment in Estonia unless otherwise provided for in this Act.

(2) If the conditions of employment in Estonia of an alien who holds a temporary residence permit have been restricted or he or she has been prohibited to take employment in Estonia, this is provided for separately under the basis for the issue of a respective temporary residence permit.

§ 260. Work permit

[Repealed – RT I, 02.07.2013, 3 – entry into force 01.09.2013]

§ 261. Conditions of issue of work permit

[Repealed – RT I, 02.07.2013, 3 – entry into force 01.09.2013]

§ 262. Period of validity of work permit

[Repealed – RT I, 02.07.2013, 3 – entry into force 01.09.2013]

§ 263. Refusal to issue and extend work permit
[Repealed - RT I, 02.07.2013, 3 - entry into force 01.09.2013]

§ 264. Application for work permit

[Repealed – RT I, 02.07.2013, 3 – entry into force 01.09.2013]

§ 265. Refusal to review application for work permit

[Repealed – RT I, 02.07.2013, 3 – entry into force 01.09.2013]

§ 266. Competence for issue, extension and revocation of work permit

[Repealed – RT I, 02.07.2013, 3 – entry into force 01.09.2013]

§ 267. Contestation

[Repealed – RT I, 02.07.2013, 3 – entry into force 01.09.2013]

§ 268. Organisation of issue of work permit

[Repealed – RT I, 02.07.2013, 3 – entry into force 01.09.2013]

§ 269. Formalisation of work permit

[Repealed – RT I, 02.07.2013, 3 – entry into force 01.09.2013]

Chapter 4
PROCESSING OF PERSONAL DATA

§ 270. Admissibility of processing personal data

(1) In the proceedings concerning the application for a legal basis for the temporary stay, residence or taking employment in Estonia, the verification of the legality of the legal basis, the application for the extension or revocation of the legal basis, as well as in the proceedings regarding performance of the obligation to leave, an administrative authority which is conducting the proceedings may process personal data, including private and sensitive personal data, without a person’s consent and without separately notifying him or her thereof.

(2) An administrative authority may forward the personal data specified in subsection (1) of this section to third persons without a person’s consent and without separately notifying him or her thereof in order to clarify and

verify the facts relevant to the proceedings. Third persons may process the personal data communicated to them to the extent that is necessary for clarification of the facts relevant to the proceedings.

(3) A natural or legal person who has the obligations of a sponsor arising from this Act, a provider of accommodation services, a provider of transport services and a person providing housing to an alien may process the personal data of an alien, except delicate personal data, without the consent of an alien and without separately notifying him or her thereof, to perform obligations arising from this Act or the Obligation to Leave and Prohibition on Entry Act to the extent that is needed to fulfil the respective obligation.

(4) An administrative authority may request a person to submit an application in writing in order to explain to him or her the purposes, extent and manner of the processing of the personal data which are to be processed with regard to him or her, the contents and sources of the personal data and the admissibility of the communication of the data to third persons and disclose the information of third persons to whom his or her personal data have been communicated. **.**

§ 271. Communication and collection of personal data

(1) Upon carrying out the proceedings an administrative authority has the right to collect data about facts which may be relevant to the proceedings regarding aliens from databases, other public agencies and persons and legal persons governed by private law who perform public functions. Such persons and agencies are obliged to communicate these data to an administrative authority which has the right to process these data.

(2) The communication of personal data collected about an alien, including delicate personal data, to a foreign state, an international organisation, a European Union institution and a single database for the European Union may be permitted for the performance of obligations arising from a treaty, the legislation of the European Union, an act or a regulation.

(3) The personal data, including delicate personal data received from a foreign state or an international organisation, may be processed for the performance of obligations arising from a treaty, the legislation of the European union, an act or a regulation.

§ 272. Processing of biometric data

(1) In the conduct of proceedings in the matter 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, a signature or image of signature, and iris images.

(3) With regard to an alien who refuses to enable taking biometric data may be applied coercion with the use of physical force or bonds as long as it is needed for taking biometric data. Before application of coercion an alien shall be informed of the application thereof.

(4) Coercion shall not be applied if an alien refuses to enable taking biometric data upon application for visa.

(5) The processing of biometric data collected in the course of the proceedings provided for in this Act is only permitted in the cases and under the conditions provided by law.

§ 273. Data processed in proceedings of legal bases for temporary stay in Estonia

The data collected in the course of proceedings concerning applications for a visa and the extension of the period of stay, the premature termination of the period of stay, the revocation and annulment of a visa shall be processed without an alien’s consent in order to perform the functions provided for in a treaty, the legislation of the European Union, an act or a regulation.

§ 274. Data processed in proceedings of residence permit and work permit

The data collected in the course of proceedings concerning applications for residence and work permits and a temporary residence permit, the extension of a temporary residence permit, a residence permit of a long-term resident, the resumption of a residence permit for a long-term resident, a work permit, the extension of a work permit, the registration of the absence from Estonia, the transfer of the data of a residence permit into the travel document of a foreign state, as well as the data collected in the course of the procedure of revocation of a residence permit and a work permit shall be processed without an alien’s consent in order to perform functions specified in a treaty, the legislation of the European Union, an act or a regulation.

§ 275. Processing of DNA data

(1) DNA samples may be taken from an alien upon conducting the proceedings provided for in this Act and the respective data may be processed unless it is possible to identify a person otherwise.

(2) With regard to an alien who refuses to enable taking DNA samples, coercion may be applied with the use of physical force or braces as long as it is necessary for taking DNA samples. Before the coercion is applied an alien shall be notified about the application thereof.

(3) The processing of the DNA data collected in the course of the proceedings specified in this Act is only allowed in the cases and under the conditions provided by law.

(4) The data received as a result of taking DNA samples shall be entered into the National DNA Database.

§ 276. Capturing of fingerprints

(1) In visa proceedings and the proceedings of a residence and work permit fingerprints shall be captured from a person and the respective personal data shall be processed without the person's consent.

(2) The data collected by capturing fingerprints in visa proceedings shall be entered into the Visa Database.

(3) The data collected in the course of visa proceedings concerning a residence and work permit shall be entered into the Register of Residence and Work Permits

§ 277. Restrictions on fingerprinting

(1) An alien shall not undergo fingerprinting if:
1) an alien lacks all fingers;
2) his or her state of health has rendered the person unable to undergo fingerprinting or
3) an alien belongs under the category of persons from whom fingerprints are not captured arising from the provisions of the Visa Code or clauses 101 (1) 6) and 7), clauses 224 (1) 3) and 4), clauses 250 (1) 4) and 5) and clauses 268 (1) 2) and 3) of this Act.

(2) An alien must provide evidence of his or her state of health due to which the person is unable to undergo fingerprinting.

(3) An alien shall not undergo fingerprinting if his or her state of health does not enable him or her to appear before an administrative authority in person. An alien shall provide evidence of his or her state of health due to which he or she is unable to appear before an administrative authority in person.

§ 278. Fingerprinting in visa procedure

Upon the lodging of an application for a visa and an application for the extension of the period of stay the applicant's fingerprints shall be captured unless otherwise provided for by the Visa Code or this Act.

§ 279. Fingerprinting in proceedings of residence permit and work permit

Upon the submission of an application for the issue of a temporary residence permit, the extension of a temporary residence permit, the issue of a residence permit for a long-term resident and the resumption of a residence permit for a long-term resident the applicant shall undergo fingerprinting.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

(2) An alien need not undergo fingerprinting if he or she has undergone fingerprinting in a proceeding concerning a residence permit or work permit or the issue of a personal identification document and less than two years have passed from the last time the person's fingerprints were captured.
[RT I, 09.12.2010, 1– entry into force 01.01.2011]

(3) If an alien submitted an application for a temporary residence permit, the extension of a temporary residence permit, the issue of a residence permit for a long-term resident, the resumption of a residence permit for a long-term resident, the issue of a work permit or the extension thereof, and he or she did not undergo fingerprinting in the course of the proceeding, the provisions of the Identity Documents Act shall be applied upon the determination of the period of validity of a residence card.

§ 279[1]. Specification of taking biometric data from person staying in custodial institution

If in the course of the proceeding arising from this Act, the taking of biometric data from an alien is prescribed, an administrative authority may take biometric data from a prisoner or a person in detention or custody staying in a custodial institution in Estonia in the custodial institution.
[RT I, 09.12.2010, 1– entry into force 01.01.2011]

§ 279[2]. Specification of taking biometric data from applicant for temporary residence permit for participation in criminal proceedings

(1) If in the course of a proceeding arising from this Act, the taking of biometric data from an alien is prescribed, biometric data are taken from an applicant for a temporary residence permit for participation in criminal proceedings in the course of the proceeding of his or her application for a residence permit.

(2) An administrative authority may take biometric data from an applicant for a temporary residence permit for participation in criminal proceedings at the place of stay of the applicant in Estonia.
[RT I, 29.06.2012, 5 - entry into force 01.01.2015]

Chapter 5
OBLIGATIONS

§ 280. Notification obligation of alien

An alien is required to notify the Police and Border Guard Board of the following facts:
1) the change in marital or family status if such change has been registered in a foreign state;
2) the punishment under criminal procedure if the punishment was imposed on an alien by a law enforcement authority of a foreign state;
3) any change in the conditions of employment determined by the temporary residence permit for employment, of the termination of the contract and the end of work relations;
[RT I, 09.03.2011, 3- entry into force 19.06.2011]
4) the expiry or termination of an insurance contract covering any costs related to the medical treatment as a result of illness or injury of an alien;
5) his or her conscription into service in the armed forces of a foreign state, serving in a career position in the armed forces of a foreign state or entering into contractual service relations with the army, he or she has been assigned to the reserve forces thereof or has retired therefrom.

§ 281. Obligation to bear costs related to stay in Estonia or departure from Estonia

(1) An alien is required to bear the costs related to the stay in Estonia and the residence in Estonia, including to ensure covering the costs related to his or her accommodation, catering and the medical treatment as a result of illness or injury of an alien and other subsistence costs.

(2) An alien is required to bear the costs related to his or her departure from Estonia, including the costs of the compulsory enforcement of the duty to leave, of the stay in the detention centre and police detention house which are borne in connection with the expulsion of an alien.
[RT I, 03.07.2013, 2 - entry into force 01.10.2013]

§ 282. Obligation to bear proceeding costs

(1) The costs of participation in the proceedings, including the costs related to appearing before an administrative authority in person and the costs related to the lodging of evidence, shall be borne by the party to the proceeding.

(2) If an alien does not fulfil the obligation to co-operate or acts in bad faith in any other manner, causing additional costs of proceeding to an administrative authority, these costs shall be recovered from an alien, but in the amount not exceeding 6,400 euros.
[RT I 2010, 22, 108- entry into force 01.01.2011]

(3) The costs of the proceeding specified in subsection (2) of this section may be recovered from an alien in the procedure specified in the Code of Enforcement Procedure.

(4) In order to recover the proceeding costs an alien shall be issued a precept, which determines the term for voluntary compliance with the costs and a warning shall be given of the recovery of the costs in the procedure, provided for in the Code of Enforcement Procedure.

(5) The minister responsible for the field shall establish by a regulation the procedure for the recovery of proceeding costs.

§ 283. Organisation to fulfil obligation to participate in proceeding

(1) An alien who has failed to fulfil the obligation to participate in the proceeding, and who has been obligated by an administrative authority to appear before the administrative authority in person, may be searched for and detained and compelled attendance may be applied with regard to him or her, in order to verify the facts of the stay and employment in Estonia of an alien unless it is possible to carry out the procedure otherwise.

(2) Upon compelled attendance an alien is detained, his or her person is established or his or her identity is verified, the security clearance is conducted and he or she is transported to the location of an administrative authority in order to carry out the procedural acts.

(3) An alien may be detained without the permit of the administrative court to ensure fulfilment of the obligation to participate in the proceeding in the office rooms of the Police and Border Guard Board or the detention house of the police for up to 48 hours but not longer than necessary to perform the duty to participate in the proceeding.

(4) Upon using compelled attendance and detention of an alien the Police and Border Guard Board may apply the measures provided for in §§ 30-33 and 45-53 of the Law Enforcement Act taking account of the specifications provided for in this Act.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(5) The measures specified in §§ 50 and 51 of the Law Enforcement Act may only be applied if there is a reason to believe that without taking such measures the prevention of the assumed illegal stay or employment in Estonia of an alien shall not be effective and other measures have been depleted.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(6) A measure provided for in § 45 of the Law Enforcement Act may only be applied by a police officer.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(7) Upon the detention of an alien the documents, money, valuables and prohibited articles found upon the detention of an alien shall be received for deposit for the time of detention. Prohibited articles are items and substances which are not allowed in commerce and which may present a risk to an alien himself or herself or to other persons, or items and substances the holding of which is not permitted in the office of an administrative authority or a police detention house.

(8) The personal data related to an alien and the data concerning the search, detention and compelled attendance of an alien are public to the extent that is necessary for his or her performance of the obligation to participate in the proceeding.

(9) The personal data related to an alien and the data concerning the search, detention and compelled attendance of an alien may be processed in the Visa Register, the Register of Residence and Work Permits and in the database of aliens staying or having stayed in Estonia illegally.

§ 284. Recovery of costs of participation in proceeding

(1) The costs of the search, detention or compelled attendance of an alien may be recovered from an alien and a person or an institution that has the obligations of a sponsor (hereinafter referred to as ‘sponsor’) but not more than 6,400 euros.
[RT I 2010, 22, 108- entry into force 01.01.2011]

(2) The costs of the search, detention or compelled attendance of an alien may be recovered pursuant to the procedure provided for in the Code of Enforcement Procedure.

(3) In order to compensate for the costs, an administrative authority shall issue a precept to an alien or his or her sponsor to Estonia to compensate for the costs of the search, detention and compelled attendance of an alien.

(4) A person shall have 90 days for voluntary compliance with the precept.

(5) The precept shall include a warning of compulsory enforcement of the precept pursuant to the procedure provided for in the Code of Enforcement Procedure.

(6) The procedure for the search, detention and compelled attendance of an alien, the list of the costs of the search, detention and compelled attendance of an alien and the procedure for calculation and recovery of the costs shall be established by a regulation of the minister responsible for the field .

§ 285. Notification obligation of employer

(1) An employer is required to notify the Police and Border Guard Board of the commencement of employment by an alien holding a residence permit for employment, of a failure to commence employment, of any change in the conditions of employment determined by the temporary residence permit for employment, of the premature termination of the contract forming the basis for work relations and of the actual termination of employment of an alien.
[RT I, 30.06.2011, 1- entry into force 01.07.2011]

(2) An employer is required to notify the Police and Border Guard Board of a failure to conclude the contract that is a basis for wok relations with an alien who has registered a short-term employment, of a failure of an alien to commence employment, of a premature termination of the respective contract and of the actual termination of employment of an alien.
[RT I, 30.06.2011, 1- entry into force 01.07.2011]

(3) The research and development institution is required to immediately notify the Police and Border Guard Board of the termination of the hosting contract concluded with an alien.

§ 286. Employer's obligation regarding employment of alien

(1) An employer is required to verify that an alien who is employed by him or her would have a legal basis to take employment in Estonia.

(2) An employer is prohibited to enter into an employment contract with an alien who lacks a legal basis for employment in Estonia.

(3) An employer is required to terminate the contract with an alien who lacks a legal basis for employment in Estonia.

(4) An employer is required to preserve during the employment of an alien and within ten years after termination of the employment of an alien the copies of the data and documents that prove the existence of the legal basis for employment in Estonia of an alien during recruitment and employment.
[RT I, 30.06.2011, 1- entry into force 01.07.2011]
A list of the data and documents necessary for fulfilment of the preservation obligation specified in subsection (4) of this section shall be established by a regulation of the minister responsible for the field.
[RT I, 30.06.2011, 1 – entry into force 20.07.2011]

§ 287. Notification obligation of educational institution

An educational institution is required to notify the Police and Border Guard Board of a failure of an alien who has received a temporary residence permit for study to commence the studies within the prescribed term, of noncompliance with the curriculum to the extent required for holding a residence permit for study, of the exmatriculation from the educational institution, of the discontinuation or disruption of studies or of the conclusion of the contract of traineeship with an alien or the discontinuation of the concluded contract of traineeship.
[RT I, 02.07.2013, 3 – entry into force 01.09.2013]

§ 288. Obligation of accommodation establishment

An alien is accommodated in an accommodation establishment pursuant to the requirements of the Tourism Act. The accommodation establishment is required to submit a visitor's card with the information on the accommodated alien, at the request of the Police and Border Guard Board or the Estonian Internal Security Police, to an agency that demands information.

§ 289. Obligation of person providing housing for alien

(1) A person who provides housing for an alien or concludes a commercial lease agreement with an alien is required to verify the legal basis for the stay in Estonia of an alien.

(2) This section shall not apply to the provider of accommodation service.

§ 290. Obligations of transporter

(1) A person who transports or whose representative transports an alien to the Estonian border, to the temporary border line or to the transit zone (hereinafter transporter) is required to verify before accepting a foreigner onto their transport vehicle if an alien who is admitted to the means of transport has a legal basis for entry into Estonia or stay in the transit zone and a document necessary for crossing the border.

(2) A transporter who transported or whose representative transported to the Estonian border an alien who, upon arrival at the Estonian border, lacked a legal basis for temporary stay or residence in Estonia or a document necessary for crossing the border, is required to transport an alien who is to be returned from the Estonian border, back to the same place where an alien boarded the means of transport of the transporter, or back to the country of location of an alien.

(3) Upon a failure of an alien to compensate for the costs of the compulsory enforcement of an obligation to leave and of the stay in the detention centre and police detention house relating to an alien, a transporter is required to compensate for the specified costs but not more than 32,000 euros.
[RT I, 03.07.2013, 2 - entry into force 01.10.2013]

§ 291. Obligations of sponsor

(1) A sponsor is required to verify if an alien who has been invited to Estonia by sponsor has a legal basis for the stay in Estonia.

(2) A sponsor is required to host an alien in Estonia, guarantee his or her accommodation and bear the costs of the stay of an alien in Estonia and of his or her departure from Estonia.

(3) If an alien does not bear the proceeding costs or the costs of the compulsory enforcement of the obligation to leave or of the stay in the detention centre or police detention houses, the sponsor is obligated to compensate for the specified costs, but not more than 32,000 euros.
[RT I, 03.07.2013, 2 - entry into force 01.10.2013]

(4) A sponsor is required to certify the compliance with the conditions set with regard to the sponsor.

§ 292. Precept to compensate for costs

(1) In order to compensate for the costs, an administrative authority shall issue a precept to a sponsor or a transporter to compensate for the costs of the stay in Estonia of an alien and for the costs of the departure from Estonia, including compulsory enforcement of the duty to leave of an alien and the proceeding costs.

(2) A sponsor or transporter shall have 90 days for voluntary compliance with the precept.

(3) The precept shall include a warning of compulsory enforcement of the precept pursuant to the procedure provided for in the Code of Enforcement Procedure.

(4) Upon a failure to comply with the precept, the precept shall be compulsorily enforced and the costs shall be recovered pursuant to the procedure provided for in the Code of Enforcement Procedure.

(5) If an alien did not have a sponsor in Estonia, the costs of the compulsory enforcement of the obligation to leave may be recovered from an alien pursuant to the procedure provided for in this Chapter, but not more than 32,000 euros.
[RT I 2010, 22, 108- entry into force 01.01.2011]

(6) The minister responsible for the field shall establish by a regulation a list of the costs of the stay in Estonia and the departure from Estonia of an alien to be collected and the procedure and rates of the costs for calculating the costs to be recovered related to the stay of an alien in the detention centre or the police detention house.
[RT I, 03.07.2013, 2 - entry into force 01.10.2013]

§ 293. Burden of proof

(1) Upon application for a legal basis of the temporary stay, residence and employment in Estonia an alien is required to prove the facts forming the basis for the issue of a visa, the facts of the extension of the period of stay and the urgency thereof, the facts of the registration of short-term employment in Estonia, the facts of the issue of a temporary residence permit and the extension thereof, the facts of the issue of a residence permit for a long-term resident and the resumption thereof and the facts of the registration of the absence from Estonia and other facts which may be relevant for the legal basis of the temporary stay, residence and employment in Estonia of an alien.
[RT I, 02.07.2013, 3 - entry into force 01.09.2013]

(2) The Ministry of Foreign Affairs, the Police and Border Guard Board, the Estonian Internal Security Police and the Estonian Unemployment Insurance Fund have, according to their competence, the right to interview an alien, his or her family members and other persons and agencies concerned, and enter a person’s dwelling or other room or area with the permission of the person in order to verify the facts of the application for, holding, application for extension and revocation of the legal basis for a temporary stay, residence and employment in Estonia of an alien and of the facts for registration of the absence from Estonia.

(3) An alien, his or her family member, his or her employer and other person or agency concerned are required, at the request of the Ministry of Foreign Affairs, the Police and Border Guard Board and the Estonian Internal Security Police, to verify the facts of the application for, holding, application for extension and revocation of the legal basis for the temporary stay, residence and employment in Estonia of an alien and of the facts for registration of the absence from Estonia.

(4) An employer is required to provide the Police and Border Guard Board and the Estonian Internal Security Police officers with immediate access to the workrooms, employees, data and documents pertaining to aliens employed by the employer. The results of the previous checks conducted on the premises of the employer shall be taken into account upon the assessment of the trustworthiness of an employer if the residence permit or registration of the short-term employment is applied for employment with this employer.

§ 294. Obligations of local government

(1) A local government is required to ensure that the residence permit of an alien who is staying in the territory of a local government would be formalised pursuant to this Act.

(2) A local government is required to notify the Police and Border Guard Board about an alien who is staying and is being employed in the territory of the local government illegally without a legal basis..

§ 295. Fulfilment of notification obligation

(1) The procedure and terms for fulfilment of the notification obligation provided for in this Act and a list of information and documents to be submitted upon notification shall be established by a regulation of the minister responsible for the field.

(2) The minister responsible for the field may establish by a regulation the format for the fulfilment of the notification obligation provided for in this Act.

Chapter 6
STATE SUPERVISION

§ 296. State supervision

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

(1) The Police and Border Guard Board, Estonian Internal Security Police and the Estonian Unemployment Insurance Fund have, according to their competence, the right to interview an alien, his or her family members and other persons and agencies concerned, and enter, with the permission of a person, a person's dwelling or other room or area or a territory of a legal entity to perform supervisory functions of the facts regarding the temporary stay, residence and employment in Estonia of an alien and the absence from Estonia of an alien.

(2) An alien, his or her family member, his or her employer and other person or agency concerned are required to cooperate, be subject to the supervisory measures applied to him or her and, at the request of the Police and Border Guard Board and the Estonian Internal Security Police, to verify the facts of the temporary stay, residence and employment in Estonia and of the absence from Estonia of an alien.

(3) The Estonian Unemployment Insurance Fund shall exercise state supervision over the compliance with the requirements provided for in § 177 of this Act upon employment of an alien in Estonia.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 297. Special measures of state supervision

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

(1) Upon exercise of supervision over the facts of the stay, residence and employment in Estonia of an alien and the absence from Estonia of an alien the Police and Border Guard Board and the Estonian Internal Security Service may apply special measures of state supervision provided for in §§ 30-33 and 45-53 of the Law Enforcement Act, taking account of the specifications provided for in this Act.

(2) The Estonian Unemployment Insurance Fund may apply special measures of state supervision provided for in §§ 30, 50 and 51 of the Law Enforcement Act upon the exercise of state supervision provided for in this Act on the basis and pursuant to the procedure provided for in the Law Enforcement Act.

(3) The measures provided for in §§ 50 and 51 of the Law Enforcement Act may only be applied in the case when there is a reason to believe that without applying such measures the prevention of the assumed illegal stay and employment in Estonia of an alien is not efficient and other measures have been depleted.

(4) A measure provided for in § 45 of the Law Enforcement Act may only be applied by a police officer.

(5) The Estonian Internal Security Service may apply direct coercion upon exercise of state supervision on the basis of and in the procedure provided for in the Law Enforcement Act.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

Chapter 7
LIABILITY

§ 298. Stay in Estonia of alien without legal basis

The stay in Estonia of an alien without a legal basis is punishable by a fine of up to 300 fine units or detention.

§ 299. Delivery of alien to transit zone, state border or temporary borderline

(1) A direct delivery, by a natural person engaged in transport operations, of an alien who has no legal basis for the stay in Estonia or in the transit zone to the state border of Estonia, transit zone or temporary borderline is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 6,400 euros per each person delivered.
[RT I 2010, 22, 108- entry into force 01.01.2011]

§ 300. Employment of alien in Estonia with no legal basis to take employment in Estonia

(1) An employer who enables employment to an alien who does not have a legal basis to take employment in Estonia is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3,200 euros.
[RT I 2010, 22, 108- entry into force 01.01.2011]

§ 301. Violation of conditions of employment of alien in Estonia

(1) If an employer enables violation of conditions of employment in Estonia of an alien, including employment of an alien that is not in compliance with the conditions determined on the legal basis, it is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3,200 euros.
[RT I 2010, 22, 108- entry into force 01.01.2011]

§ 302. Payment of remuneration less than wage rate specified in Act

(1) The payment of the remuneration that is lower than the wage rate provided for in this Act for employment of an alien in Estonia by an employer or a failure to pay remuneration is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3,200 euros.
[RT I 2010, 22, 108- entry into force 01.01.2011]

§ 303. Employment in Estonia of alien without legal basis

The taking of employment in Estonia by an alien who does not have a legal basis for employment in Estonia is punishable by a fine of up to 300 fine units or by detention.

§ 304. Violation of conditions of employment in Estonia of alien

The violation of the conditions of employment in Estonia, including taking employment that is not in compliance with the conditions determined on the legal basis by an alien is punishable by a fine of up to 300 fine units or by detention.

§ 305. Submission of false information or falsified documents
[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

(1) Submission of false information or falsified documents with the purpose of obtaining a legal basis for an alien to stay in the territory of Estonia or a member state of the Schengen Convention –
is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, –
is punishable by a fine of up to 3,200 euros.
[RT I, 17.12.2015, 3 - entry into force 27.12.2015]

§ 306. Failure to perform notification obligation

(1) A failure to perform the notification obligation provided for in this Act is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3,200 euros.
[RT I 2010, 22, 108- entry into force 01.01.2011]

§ 307. Proceeding

The Police and Border Guard Board shall conduct the extra-judicial proceedings concerning the misdemeanours provided for in this Chapter.
[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

Chapter 8
IMPLEMENTATION PROVISIONS

§ 308. Review of requests and applications submitted earlier

The requests and applications submitted before the entry into force of this Act shall be reviewed under the conditions and procedure valid during the submission of the request or application.

§ 308[1]. Transitional provisions related to issue of residence card

(1) An application which is submitted before 1 January 2011 for a temporary residence permit, the extension of a temporary residence permit, a residence permit of a long-term resident, the resumption of a residence permit of a long-term resident, a work permit or the extension of a work permit shall be reviewed under the terms and conditions and in the procedure that were valid upon the lodging of the application.

(2) If an application for a temporary residence permit, the extension of a temporary residence permit, a residence permit of a long-term resident, resumption of a residence permit of a long-term resident, a work permit or extension of a work permit has been sumitted before 1 January 2011 but the decision with regard to the application is made later than the specified term, the data of the decision regarding the issue, extension or resumption of the residence permit are entered into the residence card.

(3) If an application for a temporary residence permit, the extension of a temporary residence permit, a residence permit of a long-term resident, the resumption of a residence permit of a long-term resident, a work permit or the extension of a work permit is submitted before 1 January 2011 but the decision regarding the issue, extension or resumption of a residence permit and the issue of a work permit or extension thereof is made later than the specified term, a residence card may be issued without the fingerprint images until 20 May 2012 on the basis of a specified application.

(4) The sticker of a residence permit entered into the travel document of a foreign state before 1 January 2011 shall be valid until the expiry of the period of validity marked on the sticker or until the annulment of the residence permit sticker.

(5) If the decision regarding the transfer of the residence permit data into a travel document of a foreign state has been made before 1 January 2011, the data of the residence permit are entered into the travel document of a foreign state until 20 May 2011 pursuant to the procedure that was valid upon the lodging of an application for the transfer of the data of a residence permit into the travel document of a foreign state.

(6) After 1 January of 2011 the transfer of the residence permit data into a travel document of a foreign state shall be refused pursuant to the procedure that was valid during the submission of an application for the transfer of the data of the residence permit into the travel document of a foreign state.

(7) If an application for the transfer of the data of the residence permit into a travel document of a foreign state has been submitted less than 30 calendar days before 1 January of 2011 but the decision regarding the application for the transfer of the data of the residence permit is made after the specified term, the review of the application for the transfer of the data of the residence permit into the travel document of a foreign state shall be refused.

(8) In the case specified in subsection (7) of this section a person who has paid a state fee for the review of an application for the transfer of the data of the residence permit into a travel document of a foreign state has the right to apply for the refund of the state fee.
[RT I, 09.12.2010, 1- entry into force 01.01.2011]

§ 309. Time limit for commencement of fingerprinting

(1) The time limit for commencement of fingerprinting of aliens in visa proceedings shall be established by the Government of the Republic.
[RT I, 09.12.2010, 1- entry into force 01.01.2011]

(2) The capturing of fingerprints of aliens in proceedings of a residence permit and a work permit shall be commenced from 1 January 2011.
[RT I, 09.12.2010, 1- entry into force 01.01.2011]

§ 309[1]. Requirements set to educational institutions for study on basis of state-recognised curriculum

(1) In addition to the provisions of §162 of this Act, a temporary residence permit for study may be issued to an alien until 31 December 2011:

1) for study in the master's degree programme if the master's degree curriculum is not recognised by the state but is included in the list of master's degree curricula approved by a decree of the Minster of Education and Research on the basis of the results of the competition of master's degree programs marketed internationally and supported from the national budget or
2) for study in the doctorate program if the curriculum of the doctorate studies is not recognised by the state but the research and development field of the doctorate study program is positively evaluated at the university.

(2) In cases specified in subsection (1) of this section a temporary residence permit for study may be extended until the completion of the study that is based on the curriculum taking into account the provisions of this Act.
[RT I 2010, 34, 184- entry into force 01.10.2010]

§ 309[2]. Specifications of grant or extension of temporary residence permit on basis of sufficient legal income

(1) From 1 July 2012 a temporary residence permit shall not be granted on the basis of the existence of the sufficient legal income.

(2) If an alien has been granted a temporary residence permit in case of a sufficient legal income before 1 July 2012, that residence permit may be extended, applying the conditions of the extension of a temporary residence permit on that basis.
[RT I 29.06.2012, 5 – entry into force 01.07.2012]

§ 309[3]. Specifications of extension and revocation of temporary residence permit for employment and temporary residence permit for enterprise

(1) Upon extension and revocation of a temporary residence permit for employment for the purposes of performing the directing and supervisory functions of a legal person governed by private law and a temporary residence permit for enterprise granted before 1 July 2012, the bases and conditions of the extension and the refusal to extend and revocation of the respective residence permit, which are valid from 1 July 2012, shall be applied.

(2) Upon extension of a temporary residence permit for employment for the purposes of performing the directing and supervisory functions of a legal person governed by private law granted before 1 July 2012, the requirement of the payment of a fee in accordance with the conditions provided for in § 178 of this Act shall be applied as an additional condition for the extension of a residence permit.

(3) The requirement of the payment of a fee in accordance with the conditions provided for in § 178 of this Act shall not be applied to a temporary residence permit for employment for the purposes of performing the directing and supervisory functions of a legal person governed by private law granted before 1 July 2012 until the extension of the residence permit or the expiry of the period of validity thereof determined as of 1 July 2012.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

§ 309[4]. Calculation of immigration quota in 2012

If the application for a temporary residence permit for employment for the purposes of performing the directing and supervisory functions of a legal person governed by private law or on the basis of the existence of a sufficient legal income has been submitted before 1 July 2012, the rate of the immigration quota established until 1 July 2012 on the basis of subsection 114 (2) of this Act shall be applied to such applications.
[RT I, 29.06.2012, 5 – entry into force 01.07.2012]

§ 309[5]. Alien who received residence permit for long-term resident before 20 May 2013 and who held residence permit granted on basis of Refugees Act or Act on Granting International Protection to Aliens previously

(1) If an alien held a residence permit in Estonia granted on the basis of the Refugees Act or the Act on Granting International Protection to Aliens and he or she received the residence permit for a long-term resident before 20 May 2013, his or her residence permit for a long-term resident shall be deemed to be a residence permit for a long-term resident granted on the basis of subsection 231 (1) of this Act from that date.

(2) At the request of an alien he or she shall be issued a residence permit card which proves the grant of a residence permit for a long-term resident as a person who has been previously granted international protection.
[RT I, 02.07.2013, 3 - entry into force 12.07.2013]

§ 309[6]. Work permits issued before 1 September 2013 and submitted applications for work permit

A work permit issued before 1 September 2013 shall cease to have legal effect with regard to the right of an alien for employment in Estonia or the absence thereof from 1 September 2013.

The applications for a work permit submitted before 1 September 2013 and pending shall be dismissed by the Police and Border Guard Board.
[RT I, 02.07.2013, 3 – entry into force 12.07.2013]

§ 310.–§ 316.[Omitted from this text]

§ 317. Entry into force of Act

(1) This Act shall enter into force on 1 October 2010.

(2) Clause 310 1), § 311, § 311, clauses 312 3)-9) and § 315 of this Act shall enter into force on 5 April 2010.

(3) Clause 310 2) of this Act shall enter into force in the general order.

[1] Regulation (EC) No 767/2008 of the European Parliament and of the Council concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218,13.08.2008, pp.60-81); Regulation (EC) No 810/2009 of the European Parliament and of the Council establishing a Community Code on Visas (Visa Code) (OJ L 243,15.09.2009, pp.1-58); 2008/633/JHA Council Decision concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences. (OJ L 218, 13.08.2008, p.129); Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 81, 21.03.2001, pp.1-7)