

# First instance determination - Estonia

## | DIP EUAA

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### Overview of first instance procedures

### Relevant EU legislation

Estonia is bound by the recast Asylum Procedures Directive (APD), the recast Reception Conditions Directive and the Dublin III Regulation and has transposed their provisions through the Act on Granting International Protection to Aliens (AGIPA) | [Välismaalasele rahvusvahelise kaitse andmise seadus](#), RT I 2006, 2, 3, (14 December 2005).

### National legislation

**Admissibility procedure:** the [Act on Granting International Protection to Aliens](#) (AGIPA) does not provide for an admissibility procedure. In practice, a refusal to

review an application can be justified on the grounds listed in Section 21 of AGIPA.

**Accelerated procedure:** The accelerated procedure may be applied when an application is deemed manifestly unfounded (Sections 201 and 202 AGIPA).

**Border procedure:** The border procedure is not defined in Estonian law.

## **Competent authority and other stakeholders**

The International Protection Group in the Migration Proceedings Division of the Police and Border Guard Board (PBGB) is responsible for managing the entire first instance asylum procedure and for processing requests for international protection in the regular asylum procedure and in special procedures. The PBGB is a government entity forming part of the Ministry of the Interior.

**Staff:** The officers responsible for conducting the interview also carry out the assessment of the application.

In order to perform its tasks, the PBGB may request assistance from the EUAA (Section 76 AGIPA).

In this case:

- An official seconded by the EUAA is not entitled to make decisions on the granting, refusal or revocation of international protection or residence permits, nor can they compel the applicant to comply with supervision measures.
- An official seconded by the EUAA has competence and authority to perform duties provided for in AGIPA, in accordance with an international agreement or EU legislation.

## **Types of procedures and case processing**

The [Act on Granting International Protection to Aliens](#) (AGIPA) does not provide for an admissibility procedure. In practice, a refusal to review an application can be justified on the grounds listed in Section 21 of the AGIPA.

The accelerated procedure may be applied when an application is deemed manifestly unfounded (Sections 20<sup>1</sup> and 20<sup>2</sup> AGIPA).

The border procedure is not defined in Estonian law.

## **Time limit for a decision and length of the procedure**

### **Regular procedure**

An application must be reviewed within 6 months of submission (Section 181(1), (2), (3) and (5) AGIPA). In practice, applications are reviewed within a shorter period.

The deadline may be extended for up to 9 months under the following circumstances:

- Complex issues of fact or law are involved;
- A large number of applicants simultaneously seek international protection;
- An applicant fails to fulfil their obligations under AGIPA, preventing a timely decision.

If necessary, the time limit can be further extended by an additional 3 months to ensure the complete and adequate examination of the application.

Proceedings may also be postponed if the determining authority cannot reasonably make a decision within the established timeframe due to an uncertain situation in the applicant's country of origin, which is expected to be temporary. In such cases, the PBGB must:

- Assess the situation in the applicant's country of origin at least every 6 months;
- Notify the applicant within a reasonable period about the postponement and the reasons for it;

- Notify the European Commission of the delay in the proceedings related to an applicant from the affected country of origin.

In any case, the application must be reviewed within 21 months.

If the PBGB cannot issue a decision on the application within 6 months of its submission, the applicant will be informed of the delay. Upon request, the applicant will also be informed about the reasons for the delay and the anticipated timeline for the decision.

### **Special procedures**

Admissibility procedure: A decision must be made within 30 days (Section 202(4) AGIPA), though this may be extended if necessary.

Accelerated procedure: A decision must be made within 30 days (Section 202(4) AGIPA), though this may be extended if necessary.

Border procedure: Not applicable.

Subsequent application: The time limit for decision-making is the same as in the regular procedure (Section 24(1) and (2) AGIPA).

Measures to enforce the legal time limit for processing an application: No specific provisions are foreseen by law.

Penalty payment for exceeding processing time: No specific provisions are foreseen by law.

Prioritisation policies: Refer to Types of procedures and case processing.

### **Quality assurance of first instance procedures**

Quality assurance of first-instance decisions is ensured through requirements of detailed reasoning in the decisions, discussions among case officers, and occasional review by the head of unit. Additional layers of review are foreseen upon implementation of the Pact.

## **Interinstitutional cooperation**

Regular meetings are held between the Police and Border Guard Board (PBGB) and UNHCR.

## **Regular asylum procedure at first instance**

### **Legal basis**

The regular asylum procedure at first instance is outlined in Section 18 of the [Act on Granting International Protection to Aliens](#) (AGIPA).

### **Competent authority and stakeholders**

The International Protection Group in the Migration Proceedings Division of the Police and Border Guard Board (PBGB) is responsible for the regular first instance asylum procedure.

### **Personal interview**

An authority responsible for handling an application for international protection must conduct an interview with the applicant (Section 18(4) AGIPA). During the interview, the applicant is given the opportunity to present facts and explanations that are crucial to the proceedings of their application for international protection. This includes circumstances that may prevent the applicant's expulsion from the country.

Section 18(41) further establishes that the procedure for conducting the interview is determined through a regulation issued by the minister responsible for the relevant policy sector.

## **Assessment of an application**

The International Protection Group in the Migration Proceedings Division of the Police and Border Guard Board (PBGB) is required to assess each application for international protection individually and impartially (Section 18(2) AGIPA). This includes verifying the accuracy of the evidence and information provided, evaluating the credibility of the applicant's statements and considering other relevant circumstances. The PBGB is also responsible for carrying out any procedural acts necessary to ensure a comprehensive review of the application.

## **Scope and outcomes of a decision**

The International Protection Group in the Migration Proceedings Division of the Police and Border Guard Board (PBGB) may grant the applicant either refugee status or subsidiary protection based on the evaluation of the application.

If the application is deemed unfounded, in accordance with Section 20 of AGIPA, it will be rejected if evidence shows that the applicant does not meet the criteria for international protection. In accordance with Section 25(2<sup>2</sup>) of AGIPA, a rejection of international protection must include a precept to leave Estonia.

## **Withdrawal of an application**

## **Competent authority to withdraw an application**

The International Protection Group in the Migration Proceedings Division of the Police and Border Guard Board (PBGB) is competent in cases of implicit and explicit withdrawals.

### **Implicit withdrawal**

The grounds for an implicit withdrawal of an asylum application include (Section 23 AGIPA):

The applicant has failed to provide oral and written information, explanations, or relevant documents and evidence, unless they can demonstrate, within a reasonable time, that they were unable to do so for good reason.

The applicant is in hiding or has left their residence, detention centre or accommodation centre for asylum seekers without permission and without informing the PBGB and the relevant centre within a reasonable time.

The applicant has failed to appear at the PBGB for a procedural act within 1 month without good reason.

For an implicit withdrawal, the PBGB will issue a decision rejecting the application. The applicant retains the right to request a new review of the application, except in the case of subsequent applications, which are considered a continuation of the previous asylum proceedings. If the request for a new review is made more than 9 months after the decision to reject the application due to an implicit withdrawal, the new application may be treated as a subsequent application. If no decision has been made, the PBGB will continue reviewing the asylum application. Otherwise, a decision to reject the application and a precept to leave the country will be issued.

An appeal against a decision to discontinue the examination due to an implicit withdrawal is not foreseen in the national law.

## **Explicit withdrawal**

An applicant has the right to withdraw their application for international protection at any stage of the proceedings (Section 23(1) AGIPA). The wish to withdraw may be expressed through a written request, or through an oral or written request submitted and confirmed in person.

As consequence of an explicit withdrawal, the proceedings for the granting of international protection will be terminated.

An appeal against a decision to discontinue the examination due to an explicit withdrawal is not foreseen by the national law.

## **Personal interview**

### **Competent authority: Interviewers**

The PBGB is responsible for conducting personal interviews. Requirements for case officers vary by profile and are set out in the respective job descriptions.

### **Special procedural guarantees during the interview**

In most cases, accompanied minors are interviewed, except for children younger than 9 years old. The accompanying adults are present during the interview, and a legal representative may be included if it is deemed to be in the best interests of the

child.

Unaccompanied minors, including victims of trafficking in human beings, are interviewed. In principle, all unaccompanied minors over the age of 9 are interviewed. However, exceptions can be made for younger unaccompanied minors if their maturity permits, with the agreement of the social worker. All interviews and proceedings are conducted in the Children's House, using child-friendly methods to safeguard the rights of the child and prevent re-victimisation.

**Victims of trafficking or other forms of violence:** Case officers are specifically trained to interview victims of trafficking or other forms of violence. Specific arrangements are made on an ad-hoc basis.

**Applicants with disabilities or other health issues:** Case officers are specifically trained to interview applicants with disabilities or other health issues. Specific arrangements are made on an ad-hoc basis.

### **Possibility to omit the personal interview**

<b>Positive decision</b>	Yes (Section 18(6) AGIPA). There is a possibility to omit the personal interview if the determining authority has enough information to grant international protection without interviewing the applicant.
<b>Previous meeting - essential information</b>	No
<b>Issues raised are not relevant or of minimal relevance</b>	Yes
<b>Safe country of origin</b>	Yes
<b>Safe third countries</b>	Yes

<b>Inconsistent, contradictory, improbable, insufficient representations</b>	Yes
<b>Subsequent application</b>	Yes
<b>Application to merely delay/frustrate enforcement</b>	No
<b>Not reasonably practical to conduct it</b>	No
<b>Applicant unfit or unable to be interviewed</b>	Yes (Section 18(6) AGIPA). There is a possibility to omit the personal interview if the applicant is unable to be interviewed due to enduring circumstances beyond their control. Moreover, if the applicant is under 9 years old and their development does not permit conducting an interview, exceptions can be made.

According to the law (Section 18(6) AGIPA), the personal interview may be omitted in the following cases:

- if the determining authority has enough information to grant international protection without interviewing the applicant.
- if the applicant is unable to be interviewed due to enduring circumstances beyond their control.
- if the applicant is under 9 years old and their development does not permit conducting an interview.

## **Organisational aspects**

**Preparation and timing of the interview:** According to Section 18(4) of AGIPA, the Police and Border Guard shall conduct an interview with the applicant to present statements concerning the circumstance relevant to the processing of their application. The procedure for conducting the personal interview are established by the Ministry of Interior's Regulation on procedure for conducting an interview with an applicant for international protection, adopted 02.05.2016 No 13 | [Rahvusvahelise kaitse taotlejaga vestluse läbiviimise kord Vastu võetud 02.05.2016 nr 13.](#)

Interviewers may access the case file as soon as the application is lodged, and they may also review relevant COI reports prior to the interview.

**Information provision (before the personal interview):** The applicant is informed about the interview in writing, sent by regular mail to the address provided during the procedure. Before the interview, the applicant is informed by the legal counsellor of the purpose of the personal interview, the procedure, and their rights and obligations during it.

**Modalities of carrying out the interview:** Personal interviews are conducted in Tallinn by the PBGB. While interviews may be conducted remotely, this is not common practice. In any case, personal interviews are never conducted over the phone; however, video-conferencing or Skype may be used.

**Choice of gender of the interviewer/interpreter:** Upon the applicant's request, and if necessary and possible, an interviewer of the same gender will be assigned to interview the applicant. The authority will assess the need for this on a case-by-case basis. The same provision applies to interpreters. Moreover, the interviewer is obliged not to wear a military or police uniform during the interview.

**Objecting to the interviewer/interpreter:** There is no provision in national legislation allowing an objection to the choice of interviewer or interpreter for the interview.

**Language and interpretation:** When submitting the application, the applicant declares the language in which they wish to conduct the interview. Interpreters undergo a security check and are bound by a code of conduct. In general,

interpreters also attend EUAA training modules. Where no interpreter is available in the applicant's preferred language, interpretation is provided online.

**Persons present during the interview:** The applicant, case officer and interpreter are present during the personal interview. Family members of the applicant are generally not present during the personal interview unless the case handler deems it necessary.

The following third parties may be allowed to be present:

- A lawyer or counsellor (with no right to intervene before the interview is concluded).
- The legal representative or guardian of minors (they have the right to submit questions and make comments with the consent of the interviewer). Minors may also be represented in cases of recognised marriage.

### **Structure/steps of the interview**

The interview follows a structure consisting of an introductory phase, main phase, and closing phase. A template is used and adapted on a case-by-case basis.

The interview includes the following key elements:

- Information about the procedure, the applicant's rights and obligations, the next steps in the procedure, confidentiality assurance, and communication with the interpreter, along with an introduction of the participants.
- Validation of personal details.
- In the closing phase, the applicant is asked to provide any additional information, is informed about the possibility of submitting further evidence, timeframes and the next procedural steps.

During the interview, the applicant has the opportunity to present a comprehensive justification for their application, providing facts and explanations relevant to the assessment of their case, including circumstances that may prevent their removal from the country.

The interviewer takes into account the applicant's personal circumstances, including cultural background, gender, and sexual or gender identity.

Breaks are planned throughout the interview, and the applicant may request additional breaks.

The average duration of a personal interview is approximately four hours; however, interviews may last longer depending on the specifics of the case.

**Audio/video recording and written report:** A report or record is created for each interview and included in the applicant's file. The written report is a verbatim transcript of the interview. The PBGB officer informs the applicant about the recording of the interview. The applicant and their representative or counsel have the right to access the interview report or record. They are given the opportunity to review and comment on it once the interview is concluded or within a specified timeframe, before the relevant authority makes a decision on the application. When reviewing the interview report or record, the applicant is asked to confirm the accuracy of its content. However, failure to approve the report does not affect the PBGB's decision on the application. If the applicant refuses to confirm that the report accurately reflects the interview, the reason for the refusal will be noted in the applicant's file. If the interview was recorded, the applicant does not have the opportunity to comment on the recording.

**Postponing the personal interview:** Interviews may be postponed, for example, for medical or other personal reasons. If an interview is not conducted, this fact and the reason for not conducting it are documented in the interview report or record and also included in the decision.

**Failure to appear:** If the applicant fails to attend the interview without providing a valid explanation, it is considered to be an implicit withdrawal of the application for international protection.

## **Other aspects**

If necessary, a second interview may be conducted.

# **Special asylum procedures at first instance**

## **Admissibility procedure**

### **Legal basis and grounds**

There is no defined admissibility procedure under Estonian law. However, in practice, an application for international protection may not be reviewed if any of the following grounds apply (Section 21 AGIPA):

- Another country may be considered the first country of asylum for the applicant in accordance with Article 35 of the recast Asylum Procedures Directive;
- The applicant has been granted international protection by another Member State, and this protection is still valid and accessible;
- The applicant arrived in Estonia through a country that can be deemed as a safe third country;
- The application is considered subsequent;
- A dependent family member of the applicant has lodged an application after consenting to have their case included in the proceedings of the applicant's application, and there are no grounds that would justify the submission of a separate application;
- Another country is responsible for examining the application for international protection in accordance with the Dublin III Regulation.

### **Competent authority and other stakeholders**

The competent authority to determine whether an application is admissible into the asylum procedure is the International Protection Group in the Migration Proceedings Division of the Police and Border Guard Board.

### **Procedural aspects**

The personal interview is not conducted. The inadmissibility provisions apply to an unaccompanied minor only if the country the applicant entered from can be considered to be a safe third country and if it is determined to be in the best interests of the minor (Section 21(4) AGIPA).

### **Decision and time limits to decide**

A decision must be made within 30 days (Section 202(4) AGIPA), though this period may be extended if necessary, taking into account the provisions of subsections 1-5 of Section 181 of AGIPA. The proceedings for international protection are terminated through a decision to reject the application, which explicitly states that the content of the application has not been reviewed (Section 21(2) AGIPA). As a result, the PBGB is not required to assess whether the applicant meets the criteria for international protection. If the PBGB refuses to review the application on grounds that the country the applicant entered from is considered to be a safe third country, the PBGB provides the applicant with a document (Section 21(3) AGIPA). This document notifies the authorities of the third country, in the official language of that state, that the content of the applicant's application has not been reviewed.

### **Appeal**

The appeals procedure is governed by Section 251(1) of AGIPA, and the administrative courts | [Halduskohtud](#) are competent. The time limit to lodge an appeal is the same as for the regular procedure (Section 251(1) AGIPA). While the suspensive effect is not automatic, it may be requested before the court (Section 21(1) AGIPA). The procedure on appeal, as well as the provision of legal assistance and interpretation services, follows the same guidelines as in the regular procedure. The time limit to decide on the appeal and the potential outcomes are also the same as in the regular procedure, and a second appeal may be lodged under the same conditions as in the regular procedure.

### **Impact on reception conditions**

The reception conditions are not impacted when an applicant is under an admissibility procedure.

## **Accelerated procedure**

### **Legal basis and grounds**

An application for international protection may be examined under the expedited procedure if it is deemed clearly unfounded based on the grounds outlined in Section 201 of AGIPA (Section 202 AGIPA). These grounds include:

- The applicant's country of origin is considered to be a safe country of origin;
- The applicant has knowingly provided incorrect information, made false explanations, failed to provide essential information or submitted falsified documents during the processing of their application for international protection;
- There is reason to believe that the applicant has destroyed or disposed of documents or evidence that could establish their identity or citizenship;
- The applicant has made false or clearly improbable statements that contradict verified country of origin information, making their claim unconvincing to meet the criteria for international protection;
- The application is a subsequent one and Section 24(1) of AGIPA applies;
- The applicant has submitted an application to avoid compliance with the obligation to leave;
- The applicant has entered or stayed in Estonia illegally or failed to submit an application for international protection at the earliest opportunity;
- The applicant has refused to be fingerprinted; or
- The applicant poses a threat to national security or public order, or has been expelled from Estonia for reasons related to these threats.

### **Competent authority and other stakeholders**

The competent authority for administering accelerated procedures is the International Protection Group in the Migration Proceedings Division of the Police and Border Guard Board.

### **Procedural aspects**

The accelerated procedure is part of the regular asylum process, but the application is not reviewed in substance.

An application is not reviewed under the accelerated procedure or the application of the accelerated procedure is terminated if it is impossible to take into account the special needs of the applicant (Section 202(2) AGIPA). This applies especially when the applicant is a victim of torture, rape or has suffered other serious forms of psychological, physical or sexual violence.

An application by unaccompanied minors can only be reviewed under the accelerated procedure if (Section 202(3) AGIPA):

- It is in the best interests of the minor; and
- One of the following conditions applies:
  - There is reason to consider the applicant's country of origin as a safe country of origin;
  - The applicant poses a threat to national security or public order, or has been expelled from Estonia for these reasons;
  - During the processing of the application, the applicant knowingly provided incorrect information, made false statements, failed to provide essential information or submitted falsified documents, or there is reason to believe the applicant has destroyed or disposed of documents that could help establish their identity or nationality. In these cases, the special needs of the unaccompanied minor must be taken into account, and the applicant must be given an opportunity to justify their actions and consult with a representative;
  - The applicant has submitted the application solely to avoid the obligation to leave, provided that the content of the application is not rejected based on Section 24(1) or Section 21(1)4 of AGIPA;
  - The country the applicant entered from is considered to be a safe third country.

## **Decision and time limits to decide**

A decision must be made within 30 days (Section 202(4) AGIPA), though this may be extended if necessary. For all other aspects regarding the decision, the procedure is the same as for the regular procedure (Section 25 AGIPA).

## **Appeal**

The appeals procedure for the accelerated procedure is governed by Section 251(1) of AGIPA, and appeals are heard by the administrative courts | Halduskohtud. The time limit to lodge an appeal is the same as for the regular procedure (Section 251(1) AGIPA). While the appeal does not automatically suspend the decision, the applicant may request a suspensive effect from the court (Section 201(5) AGIPA). The procedure on appeal, including legal assistance and interpretation services, follows the same rules as the regular procedure. The time limit for the court to decide on the appeal and the potential outcome is also the same as for the regular procedure. In addition, the possibility of a second appeal follows the same process as in the regular procedure.

## **Impact on reception conditions**

The reception conditions are not impacted when an applicant is under an accelerated procedure.

## **Border procedure**

### **Legal basis and grounds**

Estonia does not apply any border procedures.

### **Competent authority and other stakeholders**

Estonia does not apply any border procedures.

### **Procedural aspects**

Estonia does not apply any border procedures.

## **Decision and time limits to decide**

Estonia does not apply any border procedures.

## **Appeal**

Estonia does not apply any border procedures.

## **Impact on reception conditions**

Estonia does not apply any border procedures.

## **Subsequent application procedure**

### **Legal basis and grounds**

The processing of subsequent applications follows the regular procedure. Subsequent applications are regulated by Section 24 of AGIPA.

### **Competent authority and other stakeholders**

The International Protection Group in the Migration Proceedings Division of the Police and Border Guard Board is responsible for administering procedures for subsequent applications.

### **Procedural aspects**

If an applicant submits additional explanations or a subsequent application, the PBGB reviews these explanations or accompanying documents within the framework of the previous asylum application, essentially continuing the original international protection proceedings (Section 24(1) AGIPA). However, if new facts or documents are provided that the applicant was unable to submit during the previous proceedings for reasons beyond their control, and these significantly increase the likelihood of the applicant qualifying for international protection, the PBGB will review the application in accordance with the procedures for new applications (Section 24(2) AGIPA). In such cases, a personal interview is conducted and priority

may be given to applications from individuals with special needs (Section 18 AGIPA). If it is determined that no new facts or documents are provided and the application does not significantly alter the likelihood of qualifying for international protection, the PBGB will not review the subsequent application (Section 24(3) AGIPA).

### **Decision and time limits to decide**

The time limit to make a decision for a subsequent application is the same as in the regular procedure (Section 24(1) and (2) AGIPA). For all other aspects regarding the decision, the procedure is the same as for the regular procedure (Section 25 AGIPA).

### **Appeal**

The appeal procedure for a subsequent application follows the same framework as the regular procedure. The legal basis is outlined in Section 251(1) of AGIPA. The competent authority is the administrative courts | Halduskohtud. The time limit for lodging an appeal is the same as in the regular procedure (Section 251(1) AGIPA). While the suspensive effect is not automatic, it may be requested from the court (Section 201(5) AGIPA). The procedure, including legal assistance and interpretation services, is identical to that of the regular procedure. The time limit for the court to make a decision, as well as the outcome and possibility of a second appeal, are also the same as in the regular procedure.

### **Impact on reception conditions**

An applicant has the right to remain in Estonia during the proceedings of a subsequent application, provided that it is submitted for the first time (Section 24(1), (2) and (4) AGIPA). However, this right to stay does not extend to the proceedings under Section 251 of AGIPA (contestation of decision).

### **Last-minute application pending removal**

#### **Last-minute applications lodged by first time applicants pending a removal**

Estonia does not process last-minute applications pending removal.

## **Last-minute applications lodged as subsequent applications pending a removal**

Estonia does not process last-minute applications pending removal.

## **Safe country concept**

## **Safe country of origin**

The concept of safe country of origin is defined in Sections 8 and 9 of AGIPA. According to Section 8(3), a safe country of origin is a country where an individual is not exposed to a serious risk as defined in Section 4(3) of AGIPA.

The PBGB proposes and adopts the list of safe countries of origin, and reviews and updates it, if necessary, at least once a year. The Ministry of the Interior notifies the European Commission of the designation of countries as safe third countries and safe countries of origin at least once a year.

The list was first introduced on 11 April 2017. Following a legislative amendment in June 2020, the PBGB is required to review and, if necessary, update the list of safe countries of origin at least once a year. The list of safe countries of origin is reviewed every six months and was last updated on 14 March 2025.

The concept of a safe country of origin applies to the accelerated procedure.

The following is the list of designated safe countries of origin:

1. Albania
2. Bosnia and Herzegovina (except Republika Srpska)
3. Georgia (except Abkhazia and South Ossetia)
4. Kosovo
5. Montenegro
6. North Macedonia
7. Serbia

## Safe third country

The concept of a safe third country is defined in Sections 8 and 9 of AGIPA. The country is considered to be a safe third country if it guarantees the following principles (Section 8(2) AGIPA):

1. The life and freedom of an individual seeking international protection are not at risk due to their race, religion, nationality, membership of a particular social group or political opinions;
2. The principle of prohibition of expulsion or return is upheld, in accordance with the Geneva Convention of 28 July 1951, as amended by the New York Protocol of 31 January 1967;
3. The country respects the principle of *non-refoulement*, as established in international law, ensuring that individuals are not subjected to torture or other cruel, inhuman or degrading treatment.

The PBGB proposes and adopts the list of safe third country, and reviews and updates it, if necessary, at least once a year. The Ministry of the Interior notifies the European Commission of the designation of countries as safe third countries and safe countries of origin at least once a year.

The list of safe third country was last updated on 14 March 2025.

The concept of a safe third country applies to the admissibility procedure.

As regards checks and readmission, if a safe third country does not allow an applicant for international protection to enter its territory, the PBGB is responsible for ensuring that the applicant has access to the international protection procedure.

National list of safe third countries:

1. Albania
2. Bosnia and Herzegovina (except Republika Srpska)
3. Georgia (except Abkhazia and South Ossetia)

4. Kosovo
5. Montenegro
6. North Macedonia
7. Serbia

## **First country of asylum**

The concept of a first country of asylum is not defined in Estonian law.

## **European safe third country**

The concept of a European safe third country is not defined in Estonian law.

## **Assessment of an application at first instance**

### **Legal provisions relevant for an assessment**

Act on Granting International Protection to Aliens (AGIPA) | [Välismaalasele rahvusvahelise kaitse andmise seadus, RT I 2006, 2, 3](#), (14 December 2005).

### **Competent authority for the assessment**

The International Protection Group in the Migration Proceedings Division of the Police and Border Guard Board (PBGB) is responsible for the assessment of applications for international protection.

**Required qualifications:** Requirements for case officers vary by profile and are set out in the respective job descriptions.

**Training:** The PBGB follows the EUAA training modules and guidance, which include both general introductions and detailed analyses. The training is conducted annually.

In 2018, the PBGB began developing a new, more target-group-based training concept. This training is designed for all PBGB officials who interact with applicants for international protection at various stages of the asylum procedure. The training modules are tailored to the specific duties of these officials, such as border guard officers, case officers, COI experts and advisers. These new training initiatives are intended to complement, rather than replace, the EUAA training modules.

## Grounds

Grounds for protection are outlined in AGIPA. An applicant may be granted refugee status or subsidiary protection.

A refugee is a person who, due to a well-founded fear of persecution based on race, religion, nationality, political opinion or membership in a particular social group, is outside their country of nationality and is unable or unwilling to seek protection there (Section 4(1) AGIPA). This applies even if the foreigner has no actual basis for persecution, as long as the circumstances of persecution exist. In the assessment, the actual risk of persecution is considered, not just the circumstances of fear.

A person eligible for subsidiary protection is an individual who does not qualify as a refugee but who faces a serious risk upon a return or expulsion to their country of origin (Section 4(3) AGIPA). This serious risk may include:

- The imposition or execution of the death penalty on the individual;
- Torture, inhuman or degrading treatment or punishment of the individual;
- An individual threat to the person's life or the lives of civilians, or violence towards them or civilians due to international or internal armed conflict.

Section 19 AGIPA defines the bases for establishing persecution and serious risk. Persecution must be serious or continuous, violating human rights, except in the case outlined in Article 15, point 2 of the European Convention on Human Rights, or a set of different acts, including human rights violations, that affect an individual in a manner similar to the serious violations. Circumstances considered to be persecution include physical or mental violence, including sexual abuse; discriminatory actions or measures by legislative, executive or judicial powers; disproportionate prosecution or punishment; dismissal of claims for compensation for persecution; punishment for refusing military service in certain circumstances; gender-specific acts and acts against minors; and the absence of access to legal remedies.

When assessing persecution, the PBGB must consider recognised concepts of race, religion, nationality and discrimination based on political opinions or social group membership. A fear of persecution or serious risk can also be based on events that occurred in the applicant's country of origin after leaving. The sources of persecution may include the state, political parties or organisations leading the state, or non-governmental associations if the state or political entities are unwilling or unable to provide protection. International protection can only be granted if the state or an entity controlling an essential part of its territory is willing and able to provide efficient, stable and accessible protection to the applicant.

## **Guidelines for case officers**

National guidelines for case officers are not available. All cases are reviewed on a case-by-case basis.

## **Credibility assessment**

The PBGB is required to review each application for international protection individually and impartially (Section 4(1) AGIPA). The PBGB must verify the correctness of the evidence and information provided by the applicant, assess the credibility of the statements made and consider other relevant circumstances.

No standard operating procedures are in place, as elements affecting credibility are assessed on a case-by-case basis. Depending on the specific circumstances, such elements may or may not affect credibility.

### **Assessment of facts and circumstances when aspects of the applicant's statements are not supported by documentary or other evidence**

In general, when aspects of the applicant's statements are not supported by documentary or other evidence, the assessment of facts and circumstances depends on the applicant's overall credibility and willingness to cooperate.

### **Time limit for submitting evidence during credibility**

Applicants must submit evidence as soon as possible, and late submission may have an impact on the credibility.

### **COI research**

COI experts provide answers to queries from case officers on a case-by-case basis. Due to service needs, no public reports are currently produced.

### **Decision and outcomes**

The decision rejecting an asylum application is prepared in writing, and a precept to leave Estonia is issued to the applicant once the decision becomes final, unless the applicant has a legal basis for staying in Estonia.

The decision includes a summary of the facts, detailed reasoning, the date, and signatures. A standard form is used, but no specific template exists. If the rejection is based on admissibility grounds, the decision will specify that the content of the application has not been reviewed.

The precept to leave is issued alongside the decision to reject the asylum application (Section 25(22) AGIPA). The execution of the precept to leave is suspended until a final decision is made, granting the applicant the right to remain in Estonia during this period (Section 25(23) AGIPA).

A decision, summons, notice or other document is deemed to have been served to an applicant residing in a detention or accommodation centre if it is sent to the respective centre (Section 31 AGIPA). If the applicant resides outside of these centres, the document is considered notified when forwarded to the address provided by the applicant or their representative. In urgent situations, if the applicant's location is unknown, the administrative authority may publish only the application number and the title of the decision on its website. In this case, the administrative act is deemed notified and enters into force upon publication.

Minors and unaccompanied minors: In practice, the parent or legal representative of a minor is notified of the decision, and the legal representative is responsible for explaining its content to the minor.

## **COI units**

### **Background information**

**COI unit:** The COI Unit has been operational since 2016.

**Legal basis:** Not applicable.

### **Structure and capacity**

**Organisation:** The COI Unit was established as part of the Estonian Police and Border Guard Board's Intelligence Management and Procedural Department. There are no internal departments within the COI unit.

**Mandate and tasks:** The mandate is not specified in law, and the tasks of COI experts are defined in their job descriptions.

**Staff capacity:** Currently, there are two COI experts.

**Requirements:** The requirements for the COI experts include strong linguistic skills, analytical ability, a keen interest in foreign affairs and exposure to relevant topics. Previous work experience in the asylum system is considered an advantage.

**Regular training and updates:** There is no formal system for training; however, training on COI and other relevant issues is offered regularly.

## COI products

**Type of COI products produced and frequency:** The COI Unit's main products include query responses to questions submitted by case officers on a daily basis and country reports, which are typically updated every 6 months. While the unit does not produce maps of security levels in countries of origin, it does create COI products with a specific focus, including regional, thematic and group/profile-based reports, as well as medical COI information. The COI Unit is also responsible for maintaining the list of safe third countries, but it does not produce country guidance. Additionally, it provides different analytical products related to international affairs and provides support to the EUAA.

**Languages:** The languages of input for the COI Unit include English, German, Finnish and other European languages, as well as non-European languages from some countries of origin, such as Russian and Arabic. The language of output is primarily Estonian, while in some cases it is also English.

**Methodology and sources:** The sources used by the COI Unit include publicly-accessible written sources, such as reports by governments and non-governmental organisations, fact-finding mission reports and news. The main databases used include ecoi.net, Refworld and the EUAA COI portal.

Quality check: COI products undergo an internal peer review process prior to publication or dissemination to ensure their quality.

## **Other aspects of COI units**

The PBGB rarely produces country guidance. However, if it does, the COI Unit is involved (in addition to the list of the safe third countries).