Access to procedures and non-refoulement - Estonia

Overview

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Relevant EU legislation

Estonia is bound by the recast Asylum Procedures Directive and has transposed its provisions through the Act on Granting International Protection to Aliens (AGIPA).

National legislation

Legal provisions regulating access to the asylum procedure and the prohibition of refoulement:

- Section 14, Act on Granting International Protection to Aliens | Välismaalasele rahvusvahelise kaitse andmise seadus
- Section 15, Act on Granting International Protection to Aliens | Välismaalasele rahvusvahelise kaitse andmise seadus
- Section 151, Act on Granting International Protection to Aliens | Välismaalasele rahvusvahelise kaitse andmise seadus
- Section 50, Act on Granting International Protection to Aliens | Välismaalasele rahvusvahelise kaitse andmise seadus

Competent authority and stakeholders

Area	Competent national authority	Assistance to competent authority (if applicable)

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Screening at the external border	Police and Border Guard Board (PBGB) | Politsei- ja Piirivalveamet (PPA)	Not applicable
Biometric data	Police and Border Guard Board (PBGB) | Politsei- ja Piirivalveamet (PPA)	Not applicable
Making an application	Police and Border Guard Board (PBGB) | Politsei- ja Piirivalveamet (PPA)	Not applicable
Registering an application	Police and Border Guard Board (PBGB) | Politsei- ja Piirivalveamet (PPA)	Not applicable
Lodging an application	Police and Border Guard Board (PBGB) | Politsei- ja Piirivalveamet (PPA)	Not applicable
Information provision	Police and Border Guard Board (PBGB) | Politsei- ja Piirivalveamet (PPA)	Not applicable

Access to the territory

Official external border-crossing points

Estonia has 7 external air border crossing points.

Estonia has 7 external land border crossing points.

Estonia has 32 external sea border crossing points.

The list of external border-crossing points is published on a dedicated page of the Police and Border Guard Board (PBGB) website.

Emergency measures in cases of mass arrivals

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Section 3(11) of the Act on Granting International Protection to Aliens (AGIPA) stipulates that, in the event of an emergency arising from mass migration, applications for international protection may only be submitted at specified locations determined by the Police and Border Guard Board. Section 366 addresses the provisions for the accommodation and detention of applicants during such emergencies.

Protection from refoulement

The principle of protection from *refoulement* is enshrined in the Act on Granting International Protection to Aliens, Section 50 (Prohibition of expulsion or return of refugee). This section stipulates that the Police and Border Guard Board must not expel or return a refugee to a country where their life or freedom would be threatened due to race, nationality, religion, membership in a particular social group or political opinion, unless there is a credible threat to national security, or the refugee has been convicted of a serious crime.

Protection from *refoulement* at air borders

General rules on protection from refoulement apply.

Protection from *refoulement* at land borders

General rules on protection from refoulement apply.

Protection from *refoulement* at sea borders

General rules on protection from refoulement apply.

Protection from *refoulement* in cases of emergency measures related to mass arrivals

General rules on protection from refoulement apply.

Border procedure

Estonia does not apply the border procedure.

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Procedural Aspects

The making, registration and lodging of an asylum application are distinguished in law; however, in practice, they take place at the same time. The application must be made immediately upon entering Estonia, either at a Police and Border Guard Board (PBGB) office, a border checkpoint or a designated location. Once submitted, the PBGB must register the application within 3 working days, or up to 10 working days in cases of high volume or emergencies. After the application is registered, it is officially lodged, marking the formal start of the asylum procedure, and a certificate confirming the applicant's legal stay is issued within 3 working days of lodging.

Making an application

Responsible authority and place

A person may express the wish to apply for international protection to the Police and Border Guard Board (PBGB) upon entering Estonia. If at a border checkpoint or in detention, the application must be made directly to the PBGB. For those already in Estonia, the application can be submitted at any PBGB police station.

Section 10(2) of the Act on Granting International Protection to Aliens (AGIPA) generally provides that the applicant has the right to communicate with UNHCR.

Possibility to apply from outside the territory

An application for international protection by a third-country national received within the framework of resettlement or relocation is accepted by the PBGB in the territory of a foreign state, as outlined in Section 14(111) of the Act on Granting International Protection to Aliens (AGIPA). In practice, for individuals resettled from Türkiye, the application is processed by Estonian authorities in Türkiye and the resettled individuals receive a short-term visa to enter Estonia.

If the applicant submits an application for international protection to the PBGB while in another Member State, the PBGB will forward the application to the competent authority in that Member State, in accordance with Section 14(32) of the Act on Granting International Protection to Aliens (AGIPA).

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Estonia currently does not implement resettlement or humanitarian admission programmes.

Formal requirements for making an application

The application for international protection must be made in person, as per Section 14(4) of the Act on Granting International Protection to Aliens (AGIPA). According to Section 17(2) of the AGIPA, children have the right to submit an application for international protection in their name. Under Section 171 of the AGIPA, when an adult asylum applicant is incapacitated, the same legal framework that governs the representation and application requirements for minors applies.

Registering an application

Responsible authority and place

The Police and Border Guard Board (PBGB) is responsible for registering applications for international protection. Section 14(41) of the Act on Granting International Protection to Aliens (AGIPA) states that an application for international protection must be registered immediately or within 3 working days of submission. In cases of emergency or high volumes, the registration deadline may be extended to 10 working days.

Practical steps to register the application

To register an application for international protection, the PBGB performs the following practical steps:

- Receives the standard format application for asylum.
- Examines the applicant and their personal effects.
- Admits and deposits personal effects and documents.
- Conducts identification.
- Collects details on the applicant's arrival and the basis for their asylum claim.
- Takes photographs and, for individuals aged 14 or older, fingerprints.
- For those aged 14 or older, forwards data to the Eurodac system.
- Arranges for a medical examination, if necessary.
- Takes DNA samples if required, especially for children under 14 if identification is problematic.

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Data collection

All applications are registered in the National Register for the Granting of International Protection, as regulated by the Statutes of the National Register for the Granting of International Protection. The register is a database managed by the PBGB, which includes data on asylum applicants, temporary protection registrants, refugees and beneficiaries of subsidiary or temporary protection. It contains comprehensive details about applicants, their family members and their applications, including personal information, contact details, biometric data, travel history and information on the protection procedure, as well as specifics about applications for residence permits, renewals and adaptation programmes.

According to the statutes, the PBGB must ensure the confidentiality of data in the register through organisational, physical and IT security measures. Access to data is strictly regulated, with third parties granted access only on legal grounds and under stringent data protection requirements, as outlined in the Public Information Act and the Personal Data Protection Act.

During the registration process, the PBGB collects personal identification details, details of the applicant's arrival, the basis for their asylum claim, photographs and fingerprints (for those aged 14 or older), as well as DNA samples, if necessary.

Documentation

A certificate for applicants for international protection is issued once the lodging of the application is completed. This document serves as identification and certifies the applicant's legal stay.

After completing the registration steps, the PBGB directs the applicant to either the reception centre for asylum applicants or the detention centre.

Lodging an application

Responsible authority and place

The Police and Border Guard Board (PBGB) is responsible for lodging applications for international protection. Applications must be lodged in person. In practice, the making, registration, and lodging of applications take place simultaneously at the Police and Border Guard Board (PBGB) office.

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Section 10(2) of the Act on Granting International Protection to Aliens (AGIPA) generally provides that the applicant has the right to communicate with UNHCR.

Formal requirements to lodge an application for international protection

As lodging occurs simultaneously with the making and registration of the application, no separate formal requirements apply to this stage.

Documentation

Upon lodging the application, a certificate for international protection applicants is issued within 3 working days. This certificate serves as proof of identity and confirmation of the applicant's legal status, and it entitles the applicant to access reception conditions.

Information provision

As lodging occurs simultaneously with the making and registration of the application, no separate formal requirements apply to this stage.

Passport and other documents

Obligation to surrender original documents

Requirement to submit original documents

According to Section 14(5) of the Act on Granting International Protection to Aliens (AGIPA), the Police and Border Guard Board (PBGB) may require the applicant to deposit their identity documents until the end of the asylum proceedings, during which these documents are kept in the applicant's personal file.

The applicant must immediately submit the following documents upon applying for international protection:

Identification documents and proof of nationality, as well as other documents that help verify identity and nationality;

Visas, residence permits or other documents related to border-crossings;

Documents evidencing the circumstances of their arrival in Estonia and their stay in other countries since leaving their country of origin, including travel,

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transportation, accommodation and other services received; and

Documents and other evidence supporting the justification of their asylum claim.

Consequence of refusal to surrender documents

If the applicant refuses to surrender their personal documents, the authorities handling the asylum process are authorised to inspect the applicant and their personal belongings.

According to Section 13^3(4) of the Act on Granting International Protection to Aliens (AGIPA), if the applicant does not have an identification document, they will be identified or their identity verified based on other evidence as necessary.

Return of original documents to the applicant

Positive decision: All documents are returned if international protection is granted.

Negative decision: Identity and travel documents are generally not issued back to facilitate the return process. Forged documents are not returned.

Voluntary return: Documents are usually returned immediately before departure. If the return is facilitated by the IOM's Voluntary Assisted Return and Reintegration Programme (VARRE), the police may hand the documents to an IOM representative, who then gives them to the applicant before departure. Documents may be returned earlier if there is no risk of absconding or evading the process.

Other documents

Section 11(2)3 of the Act on Granting International Protection to Aliens (AGIPA) requires applicants to provide all relevant information, documents and other evidence in their possession that pertains to the proceedings concerning their application for international protection. Additionally, Section 11(2)4 mandates that applicants must allow for their examination, including radiographic imaging and age determination tests, as well as the examination and submission of their personal effects and documents for deposit.

The system allows for the submission of documents in electronic form. As a general rule, documents are returned at the end of the procedure.

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Requirement to read digital data

According to Section 11(2)(4) of the Act on Granting International Protection to Aliens (AGIPA), applicants are required to permit the examination of their personal effects and person, undergo radiographic examination, submit to age-assessment testing, and deposit documents and personal effects. Applicants must sign a consent form. Refusal to submit personal effects may be regarded as an indication of non-cooperation.

Guarantees for applicants

Confidentiality principle

Under Section 13 of the Act on Granting International Protection to Aliens (AGIPA), proceedings related to international and temporary protection are not public. This legal provision requires the Police and Border Guard Board (PBGB), the Ministry of Social Affairs, relevant agencies, detention and accommodation centres, as well as translators and other stakeholders to maintain strict confidentiality regarding all information related to applicants. This section also classifies personal data for internal use only and restricts its communication to foreign states, ensuring it is not disclosed to the applicant's country of origin.

Section 14 further specifies the PBGB's duties in safeguarding personal information during the asylum process, requiring careful management and protection of data and ensuring it is used solely for legal purposes.

Information provision

Section 15(1^4) of the Act on Granting International Protection to Aliens (AGIPA) states that the applicant shall have their rights and obligations introduced in writing against their signature. If the information is presented through digital tools, the applicant confirms their understanding with an electronic note. A paper copy of the list of rights and obligations is provided to the applicant upon request.

The Police and Border Guard Board (PBGB) is responsible for providing information on access to asylum procedures. To this end, it distributes

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information materials in various languages, including Albanian, Arabic, Azeri, Belarusian, Estonian, Bengali, Dari, English, Farsi, Georgian, Sorani, Russian, French, Turkish, Hindi, Kurmanji (Northern Kurdish), Tamil and Tigrinya.

In practice, information is provided both in writing and orally, depending on individual circumstances. For unaccompanied minors, factors such as age, education and health are considered.

Information is always provided before lodging the application, and if necessary, it is repeated and explained.

In reception and detention centres, counsellors have been appointed to provide information on all aspects of the asylum procedure, including access to social services. Currently, there are three counsellors offering procedural and legal support, as well as assistance related to settling in the host country. Their primary role is to explain the rights and obligations of applicants for international protection and to provide support tailored to their specific circumstances.

Links to information provided in the national context:

Authority/Agency: UNHCR

Title: How to Apply for Asylum?

Type: Website

Hyperlink: https://help.unhcr.org/estonia/how-to-apply-for-asylum-in-estonia/how-to-apply-for-asylum

Interpretation

Under Section 30 of the Act on Granting International Protection to Aliens (AGIPA), an interpreter must be provided if the applicant is not proficient in Estonian. Interpretation is required for procedural acts in which the applicant is directly involved. The Police and Border Guard Board may engage an interpreter using appropriate means of communication as necessary.

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Interpretation is provided from the moment an application is made. Depending on interpreter availability, it may be offered in person or online. For rare languages, double interpretation may be used.

Legal assistance and representation

Section 10(2) of the Act on Granting International Protection to Aliens (AGIPA) stipulates that the applicant must be informed of their right to legal assistance at the earliest opportunity, but no later than 15 days after submitting an application for international protection.

State-funded legal assistance is not available for making, registering and lodging an application for international protection. Under Section 10(2)10 of the Act on Granting International Protection to Aliens (AGIPA), applicants are entitled to legal aid when challenging a decision on international protection before an administrative court.

Free legal assistance is provided by the civil society organisation Estonian Human Rights Centre.

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