

Applicants with special needs - Estonia | DIP EUAA

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Overview

Relevant EU legislation

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

National legislation

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

Competent authority and other stakeholders

Police and Border Guard Board (PBGB) | [Politsei- ja Piirivalveamet](#) (PPA)
Social Insurance Board (SIB) | [Sotsiaalkindlustusamet](#) (SKA)

Training initiatives

Officials of the Police and Border Guard Board (PBGB) attend internal trainings as well as EUAA training modules on vulnerabilities and special needs.

Special needs in reception

Identification of special needs

The Police and Border Guard Board (PBGB) is responsible for identifying the special needs or vulnerabilities of applicants. The cases of applicants with vulnerabilities are given priority in processing. Special needs should be identified as early as possible after the submission of the application, and all administrative authorities involved in the process are expected to systematically evaluate these needs. The assessment of special needs is an ongoing process throughout the international protection proceedings. All administrative authorities and individuals interacting with an applicant must observe and consider their special needs systematically and individually. This consideration continues throughout the proceedings, including when a special need becomes apparent at a later stage.

The PBGB is responsible for communicating information regarding an applicant's special needs to other relevant authorities and individuals involved in the case, as necessary, to ensure that the special needs are taken into account.

If another administrative authority identifies a special need or notices circumstances indicating a special need, it must immediately notify the PBGB. Additionally, under an administrative agreement between the PBGB and *OÜ Hoolekandeteenused* (the organisation managing accommodation centres for asylum seekers in Estonia), the latter is also tasked with identifying applicants with special needs and reporting them to the PBGB. This collaborative approach ensures that the assessment of special needs is continuous throughout the process.

Referral of applicants with special needs

The PBGB is responsible for certifying the special need of an applicant in writing. Once a special need is identified, the PBGB communicates this information to other relevant administrative authorities and individuals involved in the case, but only to the extent necessary to address the special need effectively. All administrative authorities and persons interacting with the applicant are required to observe and consider the applicant's special need systematically and individually throughout the entire international protection process. This includes taking into account any special needs that become evident at later stages of the proceedings.

If another administrative authority identifies a special need or observes circumstances indicating a special need, they must immediately notify the PBGB. Additionally, all officials and employees interacting with applicants for international protection must meet the competency requirements necessary to observe and accommodate any special needs.

In cases involving victims of trafficking in human beings, the PBGB is responsible for informing the Social Insurance Board (SIB) about the victim. The SIB then refers the victim to the appropriate institution responsible for providing the necessary services to support victims of trafficking.

In accordance with the Social Welfare Act, a case plan is created for each unaccompanied minor. This case plan is a written document that includes an evaluation of the minor's need for assistance and an activity plan for applying the necessary measures. The case plan is reviewed at least once a year. For UAMs, the Social Insurance Board is responsible for preparing the case plan.

Reception and care of applicants with special needs and vulnerabilities

Section 311(3) of the AGIPA requires that a dependent adult applicant with special needs shall, where possible, be accommodated together with their guardian, who is already residing in Estonia.

Applicants in need of specialized care are provided with such care on a case-by-case basis.

Reception facilities and other housing arrangements

There are no specific reception and care facilities for vulnerable applicants for international protection with special needs, except for unaccompanied minors and victims of trafficking in human beings, who are accommodated in specialized facilities. However, both units of the reception centre are equipped with accessibility rooms.

Applicants for international protection with specific medical or psychological needs are granted access to healthcare services, including mental health services (psychological counselling, psychiatric aid, etc.). If necessary, they are transferred to specialized care facilities.

For victims of human trafficking, support services are provided by the Social Insurance Board if necessary, depending on the locality. Specialized legal and psychological services are also available for victims of violence against women in 16 shelters across Estonia.

Other applicants for international protection are accommodated in the accommodation centre, where they are provided with all necessary services based on their special needs. Men and women are accommodated separately, and families are usually housed in a different building within the accommodation centre. Access to a general practitioner, and if necessary, a specialist doctor or psychologist, is guaranteed. Translation services are also provided during medical consultations.

Detention of vulnerable persons and applicants with special reception needs

Section 36³(4) of the AGIPA stipulates that upon the detention of minors, persons with disabilities, elderly individuals, 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, their special needs must be taken into account. The PBGB is required to ensure regular monitoring of the detention of these individuals.

Reception of unaccompanied minors

According to Section 17(12) of the AGIPA, an applicant for or beneficiary of international protection who is an unaccompanied minor shall be placed in an accommodation centre, referred to substitute home services, or to an adult relative. The Estonian National Social Insurance Board shall ensure the provision of the services specified in clauses 3–7 of subsection 1 of Section 32 of the AGIPA, even if the unaccompanied minor is referred to substitute home services or to an adult relative.

Reception facilities and other housing arrangements

Unaccompanied minors over the age of 16 may be accommodated in the centre if it is determined to be in their best interests. In other cases, they are cared for within the mainstream substitute care system.

Age assessments

If there are reasoned doubts regarding the information provided by the applicant concerning their age, a medical examination to determine their age will be conducted with the consent of the applicant or their representative. The PBGB must inform the applicant about the medical examination, the method of its performance, and the consequences of refusing to undergo the examination. If the applicant's age is unknown but there is reasonable belief that the person is under 18, the applicant is considered to be a minor.

The PBGB will make a decision based on this information. The decision regarding the determination of age can only be contested in conjunction with an administrative act or proceeding in which the age determination was made.

If an unaccompanied minor becomes an adult during the asylum procedure, they are still treated as a minor until the completion of the examination of their application.

Access to education

According to Section 10 of the AGIPA, an applicant for international protection shall be granted access to education in accordance with the procedure set out in the Basic Schools and Upper Secondary Schools Act within 3 months of submitting their application for international protection.

To ensure access to education, a minor applicant for international protection has the right to receive preparatory training, including language training.

Access to upper secondary education shall not be restricted solely on the grounds that the minor has reached the age of majority during the proceedings.

Basic education is mandatory for all children living in Estonia, including the children of individuals who have been granted protection, from the age of 7 until they acquire basic education or reach the age of 19. Education in general education schools, both state-run and local municipality schools, is free of charge.

Access to healthcare

Needs-based health care services are provided to applicants for international protection, including unaccompanied minors.

Transition to adulthood

Specific support and services for unaccompanied minors continue once they reach adulthood. The duration of these services and the age limit are determined on a case-by-case basis. The measures provided to help children transitioning into adulthood are the same as those available to Estonian children.

One of the transition measures includes alternative care services, which all unaccompanied minors receive to ensure their long- or short-term well-being and respect for their rights. These services aim to provide family-like living conditions that satisfy the child's basic needs, create a secure environment promoting their development, and prepare the child to cope as an adult according to their abilities. A case plan is prepared for every unaccompanied minor, which includes an evaluation of their assistance needs and an activity plan to implement measures.

The municipality is responsible for ensuring housing, support services, and benefits for the individual, with care services provided by the local authority until the individual turns 25.

Unaccompanied minors are entitled to a guardian until they turn 18. During and after the transition, the (former) guardian, the social worker at the accommodation service, and educators at the substitute home continue to provide assistance and information.

If an unaccompanied minor reaches adulthood during the procedure but receives a negative decision, they can apply for a residence permit on other grounds, such as for school attendance or a residence permit for studying.

A legal counsellor or migration adviser from the PBGB Board is available to assist unaccompanied minors.

Detention of unaccompanied minors

In practice, unaccompanied minor applicants are not detained in Estonia.

Special procedural guarantees

First instance determination for applicants with special needs

According to Section 18(10) of the AGIPA, the PBGB may prioritize the examination of an application from an applicant with special needs, as well as any application for which priority examination is justified by a well-founded need.

Section 20²(2) of the AGIPA states that a manifestly unfounded application shall not be reviewed under the accelerated procedure, or the application of the expedited procedure shall be terminated, if it is impossible to consider the special needs of the applicant. This is particularly the case when the applicant has been a victim of torture, rape, or other serious forms of psychological, physical, or sexual violence.

Access to information

The PBGB is responsible for providing information to applicants with special needs, tailored to their circumstances.

Personal interview

In most cases, accompanied minors are interviewed, with exceptions based on age (typically under 9 years old). The accompanying adults are present during the interview. A legal representative may also be present if it is deemed to be in the best interests of the child. 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. Special procedural safeguards during the personal interview include the possibility to have a third person present during the interview, the possibility to request that the interview be conducted by a protection officer and with an interpreter of a specific gender, and the possibility to have a mental health professional present for asylum applicants suffering from a severe mental health condition.

Legal assistance

There are no specific legal provisions on the matter. State-funded legal aid providers make the necessary arrangements on an ad hoc basis when assisting applicants with special needs.

Guarantees for unaccompanied minors

All procedures involving an unaccompanied minor are conducted only in the presence of their guardian or representative to ensure the protection of the child's

best interests. Only specially trained officials from the Citizenship and International Protection Bureau are authorized to process applications from unaccompanied minors.

Section 17(1) of the AGIPA states that in proceedings for international protection involving an unaccompanied minor, the rights and interests of the minor shall be prioritized above all else.

According to Section 17(13) of the AGIPA, the PBGB shall initiate family tracing for an unaccompanied minor as soon as possible after the submission of an application for international protection.

Section 20²(3) of the AGIPA outlines that an unaccompanied minor's application can only be reviewed under the accelerated procedure if:

1. It is in the best interest of the minor; AND
2. One of the following circumstances applies:
 - There is reason to consider the applicant's country of origin as a safe country of origin, or the applicant poses a threat to national security or public order, or the applicant has been expelled from Estonia for one of these reasons;
 - The applicant has knowingly provided false or misleading information, failed to provide essential information, or submitted falsified documents, or there is reason to believe the applicant has destroyed or disposed of evidence that could help establish their identity or nationality, provided that the special needs of the unaccompanied minor have been taken into account and they have been given an opportunity to explain their actions, including consulting with their representative;
 - The applicant submitted an application for international protection solely to avoid complying with the obligation to leave, as long as the review of the substance of the application is not refused based on Section 24, subsection 1 and Section 21, subsection 1, clause 4 of the AGIPA;
 - The receiving state of the applicant can be considered a safe third country.

Making, registering and lodging an asylum application

For unaccompanied minors, special procedural guarantees are determined on a case-by-case basis. When deciding on the fingerprinting of an alien under 14 years of age or the taking of DNA samples, special consideration is given to the rights and interests of the individual.

Information provision

The PBGB is responsible for providing information to applicants with special needs, tailored to their circumstances.

Best interests of the child in the Dublin procedure

The representative appointed to the unaccompanied minor for the Dublin procedure is the same as the representative within the international protection procedure. This representative participates at all stages of the process, providing information to the minor, gathering details about the minor's family members, relatives, and health condition. The representative also takes part in the Dublin interview and is actively involved in assessing the best interests of the child.

If an unaccompanied minor becomes an adult during the Dublin procedure, they are still treated as a minor until the end of the examination of their application.

Personal interview

Unaccompanied minors, including victims of human trafficking, are interviewed. In principle, all unaccompanied minors over 9 years of age are interviewed. However, exceptions can be made for younger unaccompanied minors to be interviewed if their maturity allows it, based on agreement with the relevant social worker. All proceedings are conducted in the Children's House, utilizing child-friendly methods to safeguard children's rights and prevent any form of re-victimisation.

Legal representation during the asylum procedure

An unaccompanied minor may not perform any procedural acts without a legal representative. The Ministry or social/child protection worker from the local government where the unaccompanied minor is accommodated will be appointed as the guardian or representative of the minor as soon as possible, typically within a couple of hours.

The legal representative submits the application for international protection on behalf of the unaccompanied minor, who must be present during the process. In cases where the unaccompanied minor is likely to reach adulthood before the PBGB makes a decision or has already become married, the unaccompanied minor may submit the application personally.

In general, the legal representative participates at all stages of the process, provides information to the child, gathers details about family members and health conditions, takes part in the Dublin interview, and is involved in assessing the best interests of the child.

Legal assistance and counselling

Unaccompanied minors are provided legal aid and counselling under the general rules applicable to all applicants for international protection.