

Dublin procedure - Estonia | DIP

EUAA

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Overview

Relevant EU legislation

Estonia is bound by the Dublin III Regulation and has transposed its provisions through the [Act on Granting International Protection to Aliens](#) (AGIPA) | [Välismaalasele rahvusvahelise kaitse andmise seadus](#).

National legislation

Estonia transposes the Dublin III Regulation by the [Act on Granting International Protection to Aliens](#) (AGIPA) | [Välismaalasele rahvusvahelise kaitse andmise seadus](#).

Competent authority and stakeholders

Entity responsible for the Dublin procedure (the application of the criteria and mechanisms for determining the Member State responsible): [Police and Border Guard Board | Politsei- ja Piirivalveamet](#)

Place in the institutional framework: A Dublin unit does not exist. The Police and Border Guard Board is responsible both for managing general asylum and Dublin procedures.

Competencies of the entity:

Yes	Conducting the Dublin interview (specifically for the Dublin procedure, as part of the registration interview or handing the form to be completed during registration)
Yes	Organising Dublin transfers
Yes	Notifying the transfer decision
Yes	Accompanying/escorting applicants during a Dublin transfer
Yes	Sending and replying to take charge and take back requests to/from other Member States
Yes	Receiving applicants transferred under the Dublin procedure (meeting applicants at the airport/border crossing)
Yes	Sending and replying to information requests to/from other Member States

Stakeholders involved in the procedure:

Handing over the common leaflet on the Dublin procedure	Police and Border Guard Board Politsei- ja Piirivalveamet
Conducting the Dublin interview (specifically for the Dublin procedure, as part of the registration interview or handing the form to be completed during registration)	Police and Border Guard Board Politsei- ja Piirivalveamet
Referral of cases to the Dublin unit	n/a

Sending and replying to a take charge or take back request	<p>Police and Border Guard Board Politsei- ja Piirivalveamet</p> <p>Specialised training is provided to officials who implement both incoming and outgoing Dublin transfers.</p>
Sending and replying to information requests to/from another Member State	<p>Police and Border Guard Board Politsei- ja Piirivalveamet</p> <p>Specialised training is provided to officials who implement both incoming and outgoing Dublin transfers.</p>
Notification of the transfer decision	<p>Police and Border Guard Board Politsei- ja Piirivalveamet</p>
Free legal assistance during the appeal of a transfer decision	<p>State legal aid is provided by the determining authority upon request. The service is provided by the ERF project or by representatives of the Bar Association Bureau Eesti Advocatuur and the Estonian Human Rights Centre Eesti Inimõiguste Keskus.</p>
Representation of the asylum authority in an appeal against a transfer decision	<p>Police and Border Guard Board Politsei- ja Piirivalveamet</p>
Organising the transfer to the responsible Member State	<p>Police and Border Guard Board Politsei- ja Piirivalveamet</p>
Providing information on the transfer modalities to the applicant	<p>Police and Border Guard Board Politsei- ja Piirivalveamet</p>
Accompanying/escorting applicants during a Dublin transfer when necessary	<p>Police and Border Guard Board Politsei- ja Piirivalveamet</p>

Receiving applicants transferred under the Dublin procedure (meeting applicants at the airport/border crossing)	Police and Border Guard Board Politsei- ja Piirivalveamet
Court/authority responsible for deciding on an appeal against a transfer decision	Administrative Courts Halduskohtud

Provision of information on the Dublin procedure

The Police and Border Guard Board is responsible for providing information on the Dublin procedure. The [leaflet on the asylum procedure](#), which is distributed to all applicants, includes specific information on the Dublin procedure.

In practice, information is provided in writing and orally, depending on the individual circumstances of the applicant. The information is provided in a language the applicant understands. For unaccompanied minors, factors such as age, education, and health are also considered.

Right to legal counselling

Legal counselling is not provided in the first-instance administrative procedure and is therefore not available in the Dublin procedure. However, legal counsellors are available to provide applicants with information about the Dublin procedure.

Personal interview to determine the Member State responsible

Organisation of the interview: A separate interview is organised for the Dublin procedure, typically taking place about 2 weeks after the application for international protection is lodged. The Dublin personal interview is recorded and transcribed. It may be omitted in cases of absconding, if sufficient information has already been provided in the event of a subsequent application or due to health problems. Additionally, the representative of the applicant may access the interview summary before a decision is made.

Persons present during interview: The Police and Border Guard Board conducts the Dublin personal interview. The legal representative of an unaccompanied minor participates in the interview.

Notification of the transfer decision

The Police and Border Guard Board notifies the applicant of the transfer decision. The decision sets out the reasons, legal grounds, time limit for the transfer, and the right to appeal.

Remedies

Competent authority/court	Administrative Courts Halduskohtud
Deadline for a review/appeal	According to Section 32(8) of the Act on Granting International Protection to Aliens (AGIPA), within 10 days of the date of notification of the decision, an applicant may submit a complaint to the administrative court against the transfer decision in accordance with the procedure outlined in the Code of Administrative Court Procedure.
Deadline for decision on the review/appeal	The law does not specify a deadline for deciding on the review/appeal.

Suspensive effect of the review/appeal	<p>As per Section 32(9) of the Act on Granting International Protection to Aliens (AGIPA), upon contesting the transfer decision, the applicant is entitled to remain in Estonia until the administrative court decides on their right to stay, as outlined in Section 251(3), clause 4. This clause states that, based on the Dublin III Regulation, the court will determine the applicant's right to remain in Estonia, and the applicant has the right to stay until a final decision is made.</p>
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Transfer arrangements

The Police and Border Guard Board is responsible for organising Dublin transfers and escorting the applicant when necessary.

Under Section 25(21) of the [Act on Granting International Protection to Aliens](#) (AGIPA), if another Member State is responsible for an application under the Dublin III Regulation, the applicant is issued a decision requiring them to leave Estonia for that Member State. According to Section 32(4) and (5) of the AGIPA, the Police and Border Guard Board may set a deadline of 7-30 days for voluntary compliance with the obligation to leave in the transfer decision; this deadline may be extended by up to 30 days.

If the applicant fails to leave voluntarily or is detained under Section 361(2) of AGIPA, the obligation to leave may be enforced in accordance with the [Obligation to Leave and Prohibition on Entry Act](#). As outlined in Section 32(7) of AGIPA, surveillance measures may be applied to a foreigner during the transfer procedure.

There is no specific mechanism to identify the applicant's special needs within the Dublin procedure. All situations are handled on a case-by-case basis, taking into account UNHCR recommendations and EUAA guidelines.

Guarantees for minors

Assessment of the best interests of the child: Specific guidance regarding children is included in the procedural guidelines for asylum procedures of the Police and Border Guard Board. Additionally, UNHCR recommendations and EUAA guidelines are considered to assess the best interests of the child.

Legal guardian: The representative appointed for the unaccompanied minor in the Dublin procedure is the same as the representative in the international protection procedure. The representative is engaged throughout all stages, providing essential information to the minor, gathering details about family members and relatives, and assessing their health condition. Additionally, the representative participates in the Dublin interview and plays a crucial role in evaluating the best interests of the child.

Detection of potential family reunification cases: There are no specific rules in place for the detection of potential family reunification cases.