

MULTI-ANNUAL PROGRAMME

<p>MEMBER STATE: REPUBLIC OF ESTONIA FUND: RETURN FUND RESPONSIBLE AUTHORITY: MINISTRY OF THE INTERIOR PERIOD COVERED: 2008-2013</p>
--

1. SITUATION IN THE MEMBER STATE

A description of the baseline situation in the Member State in the policy field covered by the Fund's objectives

1.1. The national situation and the migratory flows affecting it

Legal framework

In accordance with the Government of the Republic's Regulation No. 185, approved on 11 May 2004, entitled "Statute of the Ministry of the Interior", the analysis, planning and coordination of the implementation of prevention and combating of illegal immigration and illegal employment are in the competence of the Ministry of the Interior. Thus, in Estonia, issues involving the return of third- country nationals are in the competence of the Ministry of the Interior, which however does not exclude involvement of other ministries, or state or other institutions in this process. In Estonia, expulsions are dealt with by four government agencies in the area of administration of the Ministry of the Interior – the Citizenship and Migration Board, the Border Guard Administration (BGA), the Police Board and the Security Police Board.

Pursuant to its statute, the Citizenship and Migration Board (CMB) has the following functions:

- 1) organizing Estonian citizenship affairs;
- 2) organizing affairs related to the free movement of persons and workforce;
- 3) issuing identity documents;
- 4) organizing migration affairs;
- 5) organizing international protection affairs;
- 6) organizing visa affairs;
- 7) organizing migration supervision and administrative coercion;
- 8) organizing affairs related to the readmission of persons.

In organizing migration supervision and applying administrative coercion, the Board shall do the following:

- 1) carry out supervision proceedings for verifying the legality of aliens' stays and employment in the country;
- 2) carry out supervision proceedings for granting, extending and or invalidating legal basis for aliens' stays in the country;
- 3) conduct misdemeanour proceedings;

- 4) apply administrative coercion with regard to aliens staying and employed in the country without a legal basis and issue the respective orders;
- 5) detain aliens who lack a legal basis for their stay in Estonia and organize their expulsion from Estonia;
- 6) organize the enforcement of decisions on detention of aliens to be expelled.

The Obligation to Leave and Prohibition on Entry Act (OLPEA) sets forth in more detail the obligations of citizenship and migration officials, border guard officials and police officials in the field of expulsion (the rights of police officials also apply to Security Police officials, for the purposes of the OLPEA):

§ 10. Ensuring compliance with order

A police officer or an official of the CBM has the right to check that an alien is residing in the determined place of residence.

§ 14¹. Receipt of documents for deposit

In order to ensure the performance of the obligation to leave, the travel document and identity document of an alien who is staying in Estonia without a basis for stay may be received for deposit by a police officer, border guard official or official of the CBM.

§ 15. Expulsion order

Upon existence of a basis for expulsion provided for in legislation, a border guard official, an official of the CMB or a police officer shall detain the alien and organise the alien's departure from Estonia.

§ 19. Detention and transportation to border checkpoint of person to be expelled

Until the completion of expulsion, aliens shall be detained for the terms provided for in legislation in the offices of the Border Guard, CMB or police authorities, police detention houses or expulsion centres.

In order to guarantee expulsion, a competent police officer, border guard official or official of the CMB may enter a notation concerning expulsion in the travel document of an alien.

§ 19². Use of weapons and special equipment upon detention and conveying to border of persons to be expelled

During detention of a person to be expelled or conveying such person to the border, a police officer has the right to use, pursuant to the procedure provided for in the Police Act, and a border guard official has the right to use pursuant to the procedure provided for in the Border Guard Act physical force, self-defence or special equipment, or weapons against the person to be expelled.

§ 28. Legal consequences of prohibition on entry

An alien with regard to whom a prohibition on entry applies shall not be granted a basis for stay and his or her basis for stay shall not be extended within the period of validity of the prohibition on entry.

§ 31². Capturing of fingerprints and taking of DNA samples

A police officer, border guard official or official of the CMB may conduct capturing of fingerprints and taking of DNA samples from aliens with regard to whom a prohibition on entry has been established, if it is not possible to identify him or her in another manner.

The Estonian Migration Foundation, established on 10 June 1992 on the basis of resolution of the Government of the Republic, is also connected to returns of third- country nationals. In 1998, the Estonian Migration Foundation was reorganized as a foundation, the Estonian name of which is Sihtasutus Eesti Migratsioonifond (*hereinafter Migration Foundation*). The Ministry of the Interior was likewise appointed to exercise right of establishment. The assets of the Migration foundation are comprised of money and funds contributed by the founder, budgetary appropriations, appropriations for a specific purpose, donations and allowances and international appropriations as well as fundraising activities, business activity and funding from other sources. Under the statute, the Migration Foundation is a legal person under private law, the primary goal of which is to support immigration and integration processes and raise funds to support these activities. In addition to the above, the Foundation is active in organizing and commissioning many studies. The Migration foundation is also the national contact point for the European Migration Network.

The statute of the Foundation sets forth the primary activities of the Foundation. They are as follows:

1. providing financial support to migrants (both returnees to Estonia and returnees from Estonia to their homeland) through payment of migration allowances;
2. consultation for migrants applying for migration allowances and other migration-related issues;
3. financial support for expulsion of third- country nationals staying in Estonia without legal basis
4. gathering and administering information in the field of migration, integration and asylum, intermediation, distribution and publication of information;
5. organizing migration, integration and asylum-related publicity events;
6. organizing the necessary research for fulfilling the objectives, publication and distribution of the research findings.

STAYS IN ESTONIA WITHOUT LEGAL BASIS: LEGAL FRAMEWORK AND PRACTICE

In Estonia, the OLPEA governs matters related to issuing orders to legalize and orders to leave, detaining and expelling third- country nationals. Certain special provisions stemming from the exceptions set forth in the OLPEA and the Citizen of the European Union Act are implemented with regard to citizens of the EU and their family members.

Under current procedure, third- country nationals must have a legal basis for staying and residing in Estonia, which is set forth by the Aliens Act (AA). Pursuant to § 5¹ of the AA, a third- country national' s legal basis for staying can be an Estonian residence permit, a residence permit issued by an EU member state, an Estonian visa, etc. If a third- country national' s basis for stay in Estonia is not extended and he or she does not have another basis for stay in Estonia, the third- country national is obliged to leave Estonia. The third- country national in question must do so during the term of validity of the basis for stay.

Staying in Estonia without legal basis, illegal employment in Estonia, providing employment or housing to third- country nationals staying in Estonia without legal basis or no legal basis to take employment in Estonia are all punishable under misdemeanour proceedings.

Order to legalize, order to leave and voluntary return

Based on the OLPEA, third- country nationals who lack a legal basis for stay in Estonia may be issued an order to legalize their stay or a order to leave; or they may be expelled from Estonia without an order being issued. Under the OLPEA, **an order** (in Estonian jurisprudence the term “precept” is used instead of “order”) **to legalize** may be issued by the CMB if they are of Estonian origin or settled in Estonia before 1 July 1990 and have not left Estonia to reside in another country. Another precondition for an order to legalize is that the continued stay of the third- country national in Estonia is not harmful to Estonian interests.

The CMB shall issue an illegal third- country national an **order to leave** on the basis of § 11 of the OLPEA. Before the order to leave is issued, the third- country national shall be notified that the order has been issued, giving him or her opportunity to make opinions and appeals. The order shall be issued in written form, and specify, among other things, the obligation imposed on the third- country national by the order, a caution on the consequences of failure to comply with the order, supervision measures to be applied, the factual circumstances and applicable legal norms serving as the grounds for the issuing of the order, and reference to the possibilities for appealing the order as well as to the place, term and procedures of the order. The order to leave gives a third- country national a reasonable time to leave the country, i.e. a **period intended for voluntary return**, and a caution shall be made, in the event of failure to comply with the order, regarding compulsory enforcement of the order. Should certain good reasons become evident, the compulsory enforcement specified in the order to leave may be postponed. Should certain conditions be present (see below, Compulsory Enforcement of a Order to Leave) a order to leave may be referred to immediate compulsory enforcement.

Pursuant to § 14 of the OLPEA, a third- country national may be expelled from Estonia **without the issuing of an order to leave** and without a permission of an administrative court, if:

- 1) it was established that the third- country national arrived in Estonia illegally;
- 2) that the third- country national is an imprisoned person who does not have a residence permit and who is not entitled to live in Estonia;
- 3) the person is a third- country nationals without a basis for stay whose period of visa-free stay in Estonia, allowed on the basis of a visa or visa-free travel agreement, has ended;
- 4) an expulsion order issued on the grounds specified in Article 3 of Council directive 2001/40/EC is in effect regarding the alien, and has not been cancelled or suspended.

As mentioned above, the Migration Foundation deals with consultation and material assistance in the field of returns (including with voluntary returnees). With regard to the target group for the assistance, third-country nationals who have a legal basis for their stay and wish to return to their country of origin have thus far not been differentiated from those who lack a legal basis for their stay in Estonia and on whom an obligation to leave has been imposed. With regard to applicants residing in Estonia without legal basis, an order to leave must have been issued for them to receive assistance.

Another condition of receiving return support is the returnee’s obligation to leave Estonia. The person may only return to Estonia on condition that he or she pays back to the state the amount received in return support.

Compulsory enforcement of an order to leave

If a third- country national does not leave the country voluntarily within the set period of time, the order shall be referred to compulsory enforcement. On this basis, BGA, CMB or police official shall detain the third- country national and organize his or her departure from Estonia. Pursuant to the OLPEA, an order to leave shall be referred to compulsory enforcement 7 days after the issue of order if the case involves a third- country national whose stay was on the basis of a visa and the legal period of stay has expired. At the same time, orders to leave issued to third- country nationals whose residence permits have been invalidated, or whose residence permit has expired, are subject to compulsory enforcement 60 days after the date of issue of the order.

Third- country nationals shall be expelled from the country upon expiry of the term for compulsory enforcement of the order to leave. Third- country nationals may be expelled before the expiry of the term for compulsory enforcement of the order to leave if it is necessary to do so in the interests of the public order, security, health or morals or to prevent crime, or if the third- country national does not comply with supervision measures established to ensure enforcement of the order to leave (these measures include living in a specific place of residence, appearing before the CMB for registration at certain intervals etc). Permission from an administrative court is necessary for expulsion in such a case (OLPEA § 14).

Pursuant to the Penal Code, expulsion could be applied as an additional punishment. § 54 of the Penal Code sets forth that, if a court convicts a citizen of a foreign state of a criminal offence in the first degree and imposes imprisonment, the court may impose expulsion with prohibition on entry within ten years as supplementary punishment on the convicted offender.

Detention

Pursuant to the OLPEA, an official of the BGA, CMB or a police officer shall deal with **expulsion**. (OLPEA § 15 (1)). If the receiving country refuses to accept the person or if other circumstances arise which prevent the expulsion from being completed, the person to be expelled shall be detained under administrative procedure until his or her expulsion is complete or until he or she is interned in an expulsion centre, but not longer than 48 hours. If it is not possible to complete the expulsion within the term specified in legal acts, the person to be expelled shall be placed in the expulsion centre with the permission of an administrative court judge until expulsion, but not for longer than two months. If it is not possible to complete the expulsion within the term for detention, the administrative court shall extend the term for detention of the person to be expelled in the expulsion centre by two months at a time until the expulsion is complete or the third- country national is released.

Prohibition on entry

Application of a prohibition on entry with regard to a third- country national shall be decided by the Minister of the Interior or a senior official authorized by the latter. A prohibition on entry may also stem from legal act or court ruling.

Decisions to impose a prohibition on entry and on the term therefore shall take into consideration the aggregate of various circumstances, such as, *inter alia*, the duration of the third- country national's legal stay in Estonia, his or her age, health, consequences for family members, and ties with Estonia and his or her country of origin. This shall not be done only if the prohibition on entry arises directly from legal acts (§ 33¹ (3) of the OLPEA). In general, no official reason shall be given for imposition of a prohibition on entry. However, if a third- country national is staying in Estonia on the basis of a residence permit or right of residence

in Estonia at the time the prohibition on entry was imposed, a reason shall be given for imposition of the prohibition on entry to an extent not in conflict with the need to safeguard national security.

Pursuant to § 27 of the OLPEA, a prohibition on entry shall be either permanent or temporary. A temporary prohibition on entry may be applied with a maximum term of validity of up to 10 years. The stay in Estonia of any third- country national, who is subject to prohibition on entry, is illegal, regardless of whether he or she has a basis for stay or not.

OLPEA § 29 lists the grounds for imposition of a prohibition on entry. For example, a prohibition on entry may be applied with regard to a third- country national if there is justified reason to believe that the third- country national's stay in Estonia may jeopardize the Republic of Estonia's national security, public order, security of society, morals or the health of other persons, or also if there is reason to believe that the third- country national belongs to a criminal organization or if the third- country national incites racial, religious or political hatred or if the third- country national has violated legal acts governing stays of third- country nationals in Estonia or crossing the state border.

A permanent prohibition on entry is applied in especially serious cases, such as if the third- country national has been punished for a serious crime against humanity or war crime. A prohibition on entry with a 10-year term arising from legal acts shall be imposed on third- country nationals who have been expelled from Estonia.

Prohibition on entry shall not be imposed in the following cases:

- 1) if the case involves a third- country national under the age of 13;
- 2) if the third- country national is of Estonian origin;
- 3) if the third- country national's application for asylum in Estonia has been accepted for hearing or if the third- country national has been granted asylum in Estonia.

Estonia's aim with regard to the above is to ensure that all third- country nationals staying in Estonia have the required legal basis for doing so. Third- country nationals who do not have one should pursuant to the provisions of legislation leave Estonia within a reasonable time. Estonia prefers and promotes voluntary returns, which are more humane for third- country nationals and less costly for the state. With regard to third- country nationals who refuse to leave Estonia within the required period of time, conditions must be created for expulsion proceedings that are as well-functioning as possible.

STATISTICS AND TRENDS

As of 1 July 2008, there were a total of 218,210 valid residence permits, of which 194,263 (89%) were long-term residence permits and 23,947 (11%) were temporary residence permits.

The registration of third- country nationals illegally staying in Estonia is in the sole competence of the CMB. In 2005, the illegal stays of a total of 2,695 third- country nationals were registered. In 2006, the figure was 2,069, which represents a 23% decrease compared to 2005. The greatest number of illegal third- country nationals is registered in the summer months – July and August.

The predominant share of the registered illegal third- country nationals have undetermined citizenship, and have not extended, or applied for, their residence permit in a timely manner. In 2005, 2,025 third- country nationals with the aforementioned status were registered, comprising 75% of all registered illegal third- country national. In 2006 the figure was 1,440, which is about 70% of the total. Russian citizens are in second place – accounting for 22% of illegal third- country nationals registered in 2005 and 24% in 2006. Citizens of the republics of the former Soviet Union make up the predominant share of the illegal third- country nationals registered in Estonia (after persons with undetermined citizenship). In individual cases, citizens of other countries have also been registered, such as Brazil and Nepal in 2005 and Australia, US and Japan in 2006.

Illegal stay, employment, or enabling employment or a residence is punishable as a misdemeanour.

Table 1 below shows that the number of cases related to illegal immigration was the greatest in 2005, when the CMB conducted proceedings on 3,283 cases of illegal stay or employment. 2004. Compared to 2004, the number of proceedings grew 105%. From this time on, the indicator has fallen, and in 2007 it was only 1,632 cases.

The number of misdemeanours for illegal stays varies slightly from the total number of third- country nationals because misdemeanours are not prosecuted in for illegal third- country nationals who:

1. have been readmitted to Estonia on the basis of a readmission agreement and who lack a legal basis for stay in Estonia;
2. who are released from prison and have not applied for a basis for stay while incarcerated, but who have an opportunity to receive a legal basis for stay in Estonia.

Proceedings conducted

table 1

	2003	2004	2005	2006	2007
Illegal stays	1706	1449	2618	2000	1185
Enabling residence for illegally staying third- country nationals	148	110	171	172	185
Illegal employment	41	32	428	430	191
Enabling employment for third- country nationals who do not hold an authorization to work (legal persons)	12	11	66	98	71
Total	1907	1602	3283	2700	1632

Source: CMB

The number of orders to leave has remained fairly stable in the years under observation (under 200). In 2003 and 2004 it was the greatest in recent years – 191 and 151 respectively. It was smallest in 2005, when 117 orders to leave were issued, after which the number rose again. In 2006, a total of 142 orders to leave were issued, and in 2007, 138 were issued.

Russian citizens comprised the greatest number of people who received a order to leave, making up about 50% of all orders to leave. They were followed by Ukraine and persons with undetermined citizenship. The predominant majority of recipients of orders to leave are citizens of the republics of the former Soviet Union. In 2005, orders to leave were also issued to two US citizens, one Turkish citizen and one Chinese citizen. In 2006, orders to leave were issued to five US citizens, one Syrian, one Japanese, one Gambian, one Chinese and one Dominican citizen.

The number of voluntary returnees is shown in table 2 (see figure for “Third- country nationals who observed the orders to leave”). The number of persons has gradually risen from 2003-2007 (26 in 2003 to 62 in 2007). This is a significant trend, considering that the number of orders to leave has decline in the same period. Above all, this indicates the fact that people have started to understand better and take advantage of the opportunities related to voluntary return.

In 15 years, over 25,000 third- country nationals have received return allowances. For the most part they are persons who had a legal basis for their stay in Estonia but who decided to return to their country of origin. To this point there have been very few applicants for assistance who were issued an order to leave Estonia and who wish to leave before the term for compulsory enforcement falls due (under 10 cases per year).

The peak period for remigration was in the mid-1990s, when the recipients of migration support numbered in the thousands annually but in recent years the number of applicants for return support has remained on a stable low level – 217 people received the support in 2005, 108 in 2006 and 113 in 2007.

Primarily the leavers are older people who are alone and wish to resettle near their relatives in foreign countries. Nearly one-half of the recipients of the migration support in 2007 were pensioners (53), and of the people of working age (43) nearly one-half (19) were jobless in Estonia. Seventeen children left together with their parents. Among the beneficiaries were also 3 retired Soviet military personnel and 4 of their family members. Above all the Russian Federation was a destination for return (89 persons), along with Ukraine (12) and Belarus (8). The average amount of return support in 2007 was 7,779 EEK (496.74 EUR) per person, 10,143 EEK (647.70 EUR) in 2006 and 9,023 EEK (576.18 EUR) in 2005. The Foundation paid out return support in 2007 in a total of 879,000 EEK (56,130.27 EUR).

In connection with moving back to Estonia, in 2007 10 people paid back the return support in total of 30,240 EEK (1,931.03 EUR).

The number of third- country nationals detained in the expulsion centre has been fairly low over the years. Compared to 2003, the number of detainees at the centre has increased from 23 to 39 in 2007. The number of those at the centre in 2007 was the greatest to date. The lowest number of detainees at the centre was in 2004, when the figure was 14.

The number of persons expelled from the expulsion centre – i.e. with prior detention – has remained relatively stable from one year to the next. The figure was lowest in 2005 (16 people) and largest in 2007 (39 people). The sample size is too low to be able to comprehensively analyze any trends on their basis.

Based on the above it can be said that the number of persons expelled from Estonia from 2003-2007 has remained fairly stable. A total of 71 persons were expelled from Estonia by all four government agencies in 2003. The figure declined slightly in 2004 and 2005 – it was 61 and 51 respectively. In the next two years the number of persons expelled again increased. In 2006, it was 71, and in 2007 it was already 86.

The average time of detention at the expulsion centre taking all years into account is 110 days (4 months). It is not however possible in the case of all persons expelled to ensure their speedy release and expulsion from Estonia. However, most persons to be expelled can be expelled significantly faster than the aforementioned 110-day period. In the case of a portion of the persons to be expelled, their rapid release and expulsion from the country has become bogged down due to various factors (such as their unwillingness to cooperate with the state in obtaining travel documents, court disputes etc). The speed and efficiency of expulsion generally depends on the foreign representation of the receiving country and the desire of the latter to contribute to the return of their citizens to their country of nationality. Estonia has had the greatest difficulties with persons expelled to the Caucasian states (such as Azerbaijan) and Russia.

In both 2005 and 2006, Russian citizens comprised the greatest number of persons expelled. In 2006, the number of Moldovan citizens expelled increased.

The means of expulsion depends on the country receiving the person. If the person is a citizen of a neighbouring state, the person is usually expelled from the Republic of Estonia by land. If the person is a citizen of a country which does not share a land border with Estonia, the person is generally expelled via air.

The Migration Foundation compensates transport expenses for compulsory expulsion of third-country nationals but only at the request of the institution executing the expulsion. The main applicants have thus far been the CMB, and, to a somewhat lesser extent, the BGA.

Orders, expulsions, readmissions

table 2

	2003	2004	2005	2006	2007
Orders to legalize	427	291	325	258	233
Orders to leave	191	151	117	142	138
Orders to leave referred to compulsory execution	47	24	28	35	24
Third- country nationals interned in expulsion centre	23	14	31	35	39
Third- country nationals who observed the order to leave	26	25	22	51	62
Third- country nationals expelled from expulsion centre	26	25	16	32	39
Total number of third-country nationals expelled	71	61	51	71	86
Readmission applications filed by foreign countries	67	47	31	23	18
Applications for readmission filed by Estonia	3	3	3	0	32

Source: CMB

With regard to the number of prohibitions on entry, the greatest increase in recent years took place in 2006, when 1,002 persons were added to the register. In recent years the indicator was much smaller – 555 in 2003, 171 in 2004 and 163 in 2005. In 2007 the number of new additions to the prohibition on entry register fell again – it was 309 that year.

As can be seen in table 3, as of 01.01.2004 there were a total of 567 persons in the prohibition on entry register, of whom 306 were temporary and 261 permanent. In connection with the above-mentioned trend, it began rising in subsequent years – on 01.01.2005 there were 709 persons, of whom 416 were temporary, 293 permanent. As of 01.01.2006 the total figure was 833, of whom 508 were temporary, and 325 permanent. On 01.01.2007 the number of persons in the register had risen due to new additions in 2006 – the total stood at 1,700, of which 1320 were temporary, 380 permanent. As of 01.01.2008 there were 1,987 total names in the register, 1,599 were temporary and 388 were permanent.

Valid prohibitions on entry by year

table 3

	01.01.2004	01.01.2005	01.01.2006	01.01.2007	01.01.2008
Temporary	306	416	508	1320	1599
Permanent	261	293	325	380	388
Total	567	709	833	1700	1987

Source: CMB

The greatest number of domestic prohibitions on entry was imposed on citizens of Russian origin, followed by Ukraine, Moldova, Belarus, Azerbaijan and Georgia.

Significant trends

The number of persons staying in Estonia without a legal basis has decreased somewhat over the years (1706 persons in 2003, 1185). The rise in 2005, in the interim, in detection of persons staying in Estonia was due not just to an increase in pressure from illegal migration but also more effective supervision, like mobile workstations, for migration inspectors (see also 1.2).

The predominant share of registered third- country nationals without a legal basis for their stay are persons with undetermined citizenship who have not applied for or extended a residence permit in timely manner. The number of such people makes up about 70% of all registered cases of illegal stays in the country. Russian citizens come next, accounting for about 20%. Besides individuals with undetermined citizenship, the predominant majority of registered third- country nationals without a legal basis for their stay are citizens of the former Soviet republics (such as Ukraine, Belarus, Moldova). In individual cases, citizens of Brazil, Nepal, Australia, the United States and Japan have also been registered.

Illegal migration is also described by the number of cases of illegal border crossing. In this regard it is not always possible to determine precisely the number of persons and their direction. The approximate figure for 2006, determined by border crossing records, is 97

cases. Approximately 147 individuals were involved in this. In 15 such cases, it was not possible to determine the number of persons involved due to the unclear border crossing tracks. Eight of the cases involved illegal immigration. In 2005, 23 illegal border crossings made for the purpose of illegal immigration were discovered.

One reason for illegal immigration can be considered to be the inadvertent crossing of the temporary control boundary between the Republic of Estonia and the Russian Federation (failure to reckon distances when travelling in forests or due to the lack of navigational aids on transboundary bodies of water).

The persons who crossed the border illegally for the purposes of illegal immigration mainly use falsified identity documents for this purpose.

The border guard discovered 63 falsified documents in 2006, 86 in 2005 and 75 in 2004.

The trend for 2005 in the case of aliens using falsified documents was legal arrival in Estonia on the basis of visa and departure using falsified papers. Thirty-six persons arrived or attempted to arrive in Estonia using this manner on the Estonian-Russian border; 6 on the Estonian-Latvian border.

On the basis of the 2006 data, a trend can be noted: illegal aliens arrive through border checkpoints open to international traffic on scheduled bus lines using falsified documents, or they are smuggled using passenger vehicles over the Estonian-Latvian border.

In 2006, the persons who used falsified documents were, in terms of citizenship, mainly citizens of Moldova. To a lesser extent, there were citizens of Russia, Belarus, Israel and Romania.

In general, in order to gain admission to the country, third-country nationals used previously procured documents to certify the existence of a legal basis for stay in Estonia or to travel onward to the EU; no longer were documents obtained on the spot. The number of countries whose documents are falsified has grown.

In connection with the unforgeability of travel documents it can be presumed that identity thefts will become more common in future. For this reason, more attention must be paid to lost and stolen documents with regard to invalidation of such documents.

An increasing number of third-country nationals desires to work in Estonia. Based on statistics, illegal employment has increased from 41 cases in 2003 to 191 in 2007. Cases of allowing illegal employment are seen most often in the service sector. For the most part, though, companies do not violate the Aliens Act repeatedly. Just as with illegal stays, the greatest number of cases of illegal employment were discovered in 2005 and 2006. The reason is that migration supervision was made stricter in that time period. As a result, the number of misdemeanour proceedings related to illegal stays and employment has grown significantly. The current trend, however, shows that illegal employment is in fact decreasing – there were 430 such cases in 2006, and only 191 in 2007.

In the case of illegal stays in Estonia, the trend can be considered to be that third-country nationals (mostly citizens of the FSU countries) arrive in Estonia legally on the basis of a tourist visa, although their motive for coming to Estonia is illegal employment. The impetus is

the unstable economic and political situation in the countries of origin. They are drawn by Estonia's rapid economic growth, the demand for cheap labour, which is partially the result of the outflow of Estonian workforce to other EU member states. Estonia also represents a favourable language environment and ethnic communities for citizens of the former FSU.

REINTEGRATION

For expulsions to be effective, certain reintegration measures are required. Due to limited resources, Estonia has been able to pay relatively scant attention to this field. Aid has been given to individuals with specific special needs and members of risk groups, who need support for returning to their country of origin. The CMB contacts social workers or child protection workers in the country of origin, if necessary, informing them of the person in need and the needs and risks related to him or her. This has assisted returnees in coping better with getting their new life off to a good start. In addition to establishing contacts, individuals have also received material support, which has allowed them a better quality of life in the country of origin.

Financial support can also be viewed as reintegration. Financial support has thus far not been paid to persons who have been forcibly expelled. Support is paid to persons who leave the country voluntarily. More detailed information can be found on return support above (see under voluntary returns).

COOPERATION WITH CONSULAR AND THIRD-COUNTRY MIGRATION INSTITUTIONS

Cooperation with regard to expulsion takes place to the greatest extent with the embassies of the former Soviet republics and the migration services of these countries. Communication with migration services is mainly direct, if the embassy deems it necessary. At the same time, with the Russian Federation, this is directly set forth in the readmission agreement. There is little communication with embassies of African countries – about 5 cases per year. In general, cooperation with the former FSU countries can be considered good, although there are problems with efficiency and timeliness.

In the case of some of the countries, the processing time for readmission applications is too long (such as Azerbaijan, Armenia and Uzbekistan). A problem area currently is also the delay in the conclusion of an implementing act for the readmission agreement with the Russian Federation.

FUTURE PROGNOSIS

Taking into account the transformation of Estonia's eastern border to the external border of the EU in connection with the expansion of the Schengen visa space at the end of 2007, the rise in the standard of living in Estonia and intensifying migration flows in the global sense, migration in the direction of Estonia can be predicted to undergo somewhat of an increase.

To this point, Estonia has primarily been a transit country for migrants. The most important factors are the geographically favourable location on the EU's external border, a good place to continue travel to more affluent countries- Ireland and Finland are generally considered the destinations, as are other EU member states. The obstacle to this has been Estonia's relatively conservative migration policy, which limits to a certain extent opportunities for entering the country. At the same time, Estonia is also becoming more and more of a destination country

in connection with the rise in the standard of living (a trend which is confirmed among other things by the growth in the number of applications for residence permits for work in recent years). The attractant here is certainly the already existing communities, such as the Chechens, Armenians, Azeris and Georgians.

General prognoses call for illegal immigration pressure from the Russian Federation and other CIS countries to increase. Among other reasons, this is because it is easier to find work in the Baltic States.

1.2. The measures undertaken by the Member State so far

Developing the supervision system and making expulsions more effective has become one of Estonia's primary priorities in the migration field in recent years. In order to ensure that illegal aliens in Estonia leave the country, a detention system has been established and an **expulsion centre** has been introduced, accommodating 42 persons, which is compliant with the requirements.

Estonia's accession to the Schengen visa space in December 2007 had a very significant influence on the development of the migration supervision system. In the first stage of the accession, Estonia began to implement the Schengen acquis with regard to citizens of states subject to visa requirements and of states with which visa requirements have been abolished. A standard visa form (visa sticker) was introduced along with a standardized visa invitation form and a number of measures to combat illegal migration. From May 2005, Estonia has implemented a visa sticker with photo, which allows the visa holder to be identified more effectively. In the second stage, which began with the abolition of document checks on internal borders, Estonia joined the second-generation Schengen information system.

An important step in developing the migration surveillance system was the creation of **migration inspector** positions in 2004 at the four CMB regional units. This increased the effectiveness of the supervision performed over third- country nationals' legal stays and employment. Added value was provided in late 2005, when the aforementioned positions became **mobile**. Thanks to this it is possible for the migration inspectors to work outside their offices as well. In addition in 2005, the process of modernizing migration supervision proceedings, and the development of the database on aliens staying illegally in Estonia, began. To identify persons exceeding the stay allowed by visas, a system has been created in the course of which an automatic comparison of the data in the border crossings database and the visa registry (visa validity date) takes place.

To this point, the organizing and enforcement of expulsions has primarily been the domain of the CMB. The BGA is starting to play an increasing role in this area. To increase effectiveness in this field, the BGA founded a team of border guard officers in early 2007 who in addition to their basic duties are charged additionally with escorting persons to be expelled. To acquire abilities in the area of expulsions, three border guard officers underwent international training in organizing expulsions, from September to November 2007. In early 2008, escort operating guidelines were prepared as well. To ensure security during escorting, special equipment has been procured as well (such as Velcro strapping cord, plastic handcuffs, pepper gas).

As the role of the Police Board and the Security Police Board in carrying out expulsions is relatively marginal, noteworthy investments have not thus far been made by these agencies to increase their capability.

Relations with third countries have an important role to play in ensuring the return of third-country nationals staying illegally in Estonia. As a result, Estonia has paid attention to concluding and implementing **readmission agreements** which would allow persons to be expelled rapidly and efficiently to their homeland. In addition to agreements that will be entered into by the European Communities, Estonia is in the process of negotiating or has entered into several bilateral readmission agreements (such as with Georgia, the Western Balkan countries and bilateral implementing agreements).

Supporting voluntary returns

Estonia has supported the voluntary resettlement of third- country nationals to their ethnic homeland or other countries since 1992, when the Estonian Migration Foundation was founded to deal with migration support. In 2007, 113 applicants conformed to the terms and conditions for receiving return support.

The future goal is to expand the beneficiary target group. Voluntary return of one asylum seeker was also supported in 2007 in the amount of 10,944 EEK (698.85 EUR) in the framework of the project "*Provision of information, consultation and assistance to applicants for international protection and persons who have received international protection upon return to their country of origin*", carried out with the co-financing of the European Refugee Fund and the Ministry of the Interior.

The following has also been done in the framework of the same project:

- a team has been assembled;
- the necessary training has been organized for team members;
- an interactive database, (www.migfond.ee/avr), has been created;
- materials on the programme have been prepared in three languages;
- articles on the topic have been published in newspapers;
- one major seminar has been carried out;
- training has been carried out for organizations involved in the field;
- consultation service was offered for nearly 18 members of the target group with regard to opportunities of return;
- a return procedure has been developed during participation of the assisted voluntary return programme.

It is planned to continue this project and to seek the necessary funding from the Return Fund. Based on the Return Fund's possibilities, the goal is to expand the target group of beneficiaries of assistance. With this move, it is desired to also cover individuals who lack a legal basis for their stay in Estonia and who have been issued a order to leave the country.

The following activities are planned as specific activities:

1. continuing to disburse voluntary return assistance to persons who have applied for international protection and gained the status;
2. developing cooperation and entering into cooperation agreements with relevant domestic, European and other international organizations;
3. developing new procedure for assistance, including, in addition to monetary support, offering other material and non-material support;

4. developing reintegration services (training, start-up assistance, monitoring etc) in cooperation with other domestic, European and other international organizations;
5. disbursing return support to new target groups;
6. offering personal social and legal consultation service to both old and new target groups;
7. compiling the necessary new information materials and updating and supplementing existing ones;
8. training project personnel;
9. organizing information days.

1.3. The total national resources allocated

Because 4 government agencies (CMB, BGA, the Police Board and the Security Police Board) deal with expulsion in Estonia, it is relatively difficult to keep accounting on the total costs of expulsion.

The CMB's expenses related to expulsion have increased with each passing year. In 2005, 6.5 million EEK (415,070.24 EUR) was appropriated for the management and personnel expenses of the expulsion centre, administered by the CMB. In the years that followed, the amount increased even further – in 2006 it was 7.2 million EEK (459,770.11 EUR) and in 2007, 7.8 million EEK (498,084.29 EUR).

A separate expense item is formed by expenses for conveying the persons to be expelled, together with the expenses for their escorts' transport and accommodations. In 2007, the amount appropriated was only 134,000 EEK (8556.83 EUR) but in 2008 the amount planned for expulsion expenses was already four times larger – 550,000 EEK (35,121,33 EUR).

The BGA has dealt with expulsions since the latter half of 2007. In 2007, the BGA carried out 8 expulsions and the total expenses were 269,754 EEK (17,225.67 EUR). In the first few months of 2008, the BGA carried out 9 expulsions (as of 18 April). The amount spent on expulsions was 336,230 EEK (21,470.63 EUR).

In its 15 years of activity, the Migration Foundation has appropriated return support to more than 25,000 aliens in the amount of about 90 million kroons (5,747,126.40 EUR). The following persons have received support for voluntary return: 2004 – 235 people, 2005 – 217 people, 2006 – 108 people, and 2007 – 113 people.

The average amount in return support in recent years has been about 10,000 kroons (638.57 EUR), dropping to 7,779 kroons (496.74 EUR) in 2007 due to the limited amount of funds appropriated for migration support. Whereas in 2004, a total of 2,403,000 EEK (153,448.27 EUR) of voluntary return support was paid out, in 2005 the amount had dropped to 1,958,000 EEK (125,031.92 EUR). The amounts decreased even further – in 2006 it was 1,095,413 EEK (69,949.74 EUR) and in 2007 879,000 EEK (56,130.27 EUR), even though the number of recipients was practically the same in both years.

2. ANALYSIS OF REQUIREMENTS IN THE MEMBER STATE

2.1. The requirements in the Member State in relation to the baseline situation

Taking into account the transformation of Estonia's eastern border to the external border of the EU in connection with the expansion of the Schengen visa space at the end of 2007, the rise in the standard of living in Estonia and intensifying migration flows in the global sense, migration in the direction of Estonia and the EU can be predicted to undergo somewhat of an increase. To effectively manage this risk, the primary strengths and weaknesses must be mapped along with the needs stemming from them. Considering the above, Estonia's needs are the following:

1. to decrease the number of illegal immigrants and compulsory enforcements of orders to leave carried out by the state through promoting voluntary returns. Promoting voluntary return has a general preventive purpose that helps to combat the root causes of illegal migration. Third- country nationals frequently lack the knowledge and opportunity for returning to their country of origin. In general, it is less costly for the state to promote the voluntary return of an illegal third- country national than to forcibly expel him or her. It is also more humane with regard to the returnee. Thus it is necessary to promote voluntary return, above all in the interests of saving costs and for a humane expulsion process. Voluntary return would be promoted by the creation of a corresponding support system together with the necessary consultation, material and non-material support, and start-up capital. To do so, analysis must be performed to find the optimum support level for motivating a third- country national to leave the country, taking into account the special character of the individual and the country of return. An effective consultation system must also be established as currently there is not enough information regarding the opportunities for voluntary return. Third- country nationals are not aware of the opportunities and terms and conditions offered to them. To ensure the sustainability of returns, an effective reintegration support system (such as language and other training, start-up aid, reception services, monitoring, all carried out to help the returnee adapt better) must be developed in light of the experiences of other countries and international organizations in cooperation with them. Employees of institutions coming into contact with immigrants must be informed of the advantages of returning and they must be offered the necessary training and knowledge for promoting voluntary return.
2. Increasing the operational readiness of government institutions in expulsion of illegal immigrants. Above all this pertains to raising the effectiveness of the state in detaining and conveying illegal immigrants. To achieve this, attention will need to be directed to increasing the know-how of officials working in the field as well as creating for them the possibilities for using the necessary technical means. In light of Estonia's accession with the Schengen visa space and the constant increase in the number of expelled persons, it will be important to create additional spaces for detention of persons to be expelled. Raising technical readiness will also mean acquiring better means of conveying persons to be expelled to court, the airport or the border.

2.2. The operational objectives of the Member State designed to meet its requirements

The primary goal in the field of migration supervision is to achieve a situation where illegal third- country nationals in Estonia would legalize their stay or where their rapid, efficient and humane return to their country of origin would be organized. To promote and increase effectiveness in the field of returns, it is necessary to achieve the following sub-objectives:

1. Increasing communications and publicity work with regard to possibilities for voluntary return. This is one possibility for promoting voluntary return. Increasing awareness regarding the possibilities for voluntary return is necessary for people who are not obliged to leave the territory of the country (such as asylum seekers with regard to whom no decision has been taken yet) as well as for illegal third- country nationals. This means informing and providing consultation to persons regarding circumstances related to return – that is, what the possible allowances and deadlines are and how to contact the necessary official state agencies and aid organizations of the host country, how to organise living arrangements, organize transport of possessions etc. Raising awareness helps third- country nationals make a voluntary decision regarding their possibilities for returning to the country of origin and thus to make the return process faster, more efficient and humane. This also helps distinguish between illegal third- country nationals whose illegal stay in the country is intentional from persons whose illegal stay is due to unforeseeable circumstances or lacking knowledge. It is thereby possible to reduce the state's expenditures and increase scrutiny of people whose illegal stay in Estonia is intentional.
2. Providing consultation and assistance to voluntary returnees before they return to the country of return. The activities listed cover provision of accommodations and coverage of living expenses until return, assistance in organizing transport and procuring documents, assistance in finding housing, employment and openings for admission to schools etc.
3. Increasing return allowances. Financial support is certainly one important measure that motivates third- country nationals to return voluntarily to their country of origin. Thus the amounts should increase above all for voluntary returnees. Financial support should cover the third- country national's transport expenses related to return, and, if necessary, his or her initial costs of living. This is especially important for certain aliens with special needs (such as people living with AIDS and the disabled). A certain material level of security would increase the motivation of third- country nationals to cooperate with officials and would also make the expulsion process more speedy and humane.
4. Supporting reintegration in the country of origin. Reintegration-related measures comprise part of the return support and are focused primarily on helping the returnee start a new life in the new country. This may mean a certain support for covering living expenses, or some start-up assistance for private enterprise or studies. It can also mean assistance in finding a job, school and a place to live. Creating contacts with the local governments and official agencies of other countries, various international organizations, plays an important role in this regard. The state can offer and mediate these contacts, which are very important for the third- country national

for starting a new life in a new country. In addition, the country can help returnees with language education and other training (such as computer literacy, enterprise, professional training) if they should need it. Supporting reintegration will also allow monitoring of the progress made by the returnees in the country of origin and if necessary allow additional measures to be implemented.

5. Improving the technical platform of institutions carrying out expulsions and voluntary returns. The institutions carrying out expulsions and voluntary returns must have enough funds to carry out an expulsion with sufficient rapidity and security. To this point the primary problem has been the absence of the necessary means of transport intended for conveying persons to be expelled. It should be possible to use these vehicles to convoy them to a court building or a border checkpoint. In addition, there is a need to structure the database on recipients of the return voluntary return assistance. The goal is to ensure the existence of sufficient and up-to-date information as well as data security.
6. Improving the knowledge and experience of officials engaged in the field of return. Estonia lacks long-term experience in dealing with returnees and carrying out expulsions. Estonian officials also lack the necessary know-how for conduct in the event of potential mass illegal immigration. On the EU level, however, effective return and expulsion proceedings are taking on an increasingly important role. As a result, persons dealing with returns will have to organize practical training to increase their competence and to provide an opportunity to exchange experience and practical knowledge with colleagues who have had contacts for a longer period of time with combating illegal immigration. Practical training would be especially necessary, such as with regard to organizing joint flights and developing psychological skills as well as with regard to assisted voluntary returns. But it would also be necessary to exchange experiences with regard to communications with the official agencies of third countries and international organizations.

3. STRATEGY TO ACHIEVE THE OBJECTIVES

3.1. **Priority 1:** *Support for the development of a strategic approach to return management by Member States.*

This priority sets the goal of promoting voluntary returns of third- country nationals. The primary target group consists of both third-country nationals who lack a legal basis for their stay in Estonia and who have been issued a order to leave the country, as well as asylum seekers with regard to whose application for asylum a decision has not yet been made. Voluntary return is less costly for the state and it is also more humane with regard to the person to be expelled. Voluntary return has been propagated in Estonia, but the necessary objective has not been achieved. Reasons for this can be considered to be the insufficient availability of information and support amounts that do not provide sufficient incentive. In addition, the potential target group has thus far been very narrow and the primary focus has been placed on asylum seekers and persons who are staying in Estonia legally and wish to return to their country of origin.

To achieve the specified goal, Estonia sees as the key activity the creation of a consultation system (see activity 1.1). The consultation system is a procedural set of rules and services based on which social and legal consultations service is offered in conjunction with relevant organizations to the project's direct target group. In essence, this means offering voluntary-return-related information both orally and in writing as well as offering social and legal consultation to individuals in understandable language and form. For this purpose, it will be necessary to prepare the relevant information materials (primarily brochures) and to distribute them directly to people in need of assistance. But it is also desired to distribute information at institutions that come into contact with the potential target group (such as the CMB office, and the BGA). In addition to distributing various information materials, the aim of establishing the consultation system is to make a contribution toward the training of officials and social workers who would be able to explain to individuals in the target groups their rights and opportunities as well as their obligations arising from legislation.

For the information to reach people in need of assistance, translations services are important. Thus, if a returnee cannot obtain the information by conventional means, the consultation system ensures the individual a translation into a language understandable by them.

In addition to the above, the consultation system also covers provision of assistance to an individual in planning travel, transport of personal belongings, and the search for a suitable home and job in the country to which the person is returning, and other matters that may arise. For this purpose, a database will be created, containing contact information for and information about major state and other organizations, etc. The first task in creating the database is to identify the primary destination countries and collect the necessary contact and background information on these countries. At that point, the goal, if and as needed, is to expand the database with regard to both countries and the information offered. To achieve the goal it will be necessary to ensure the possibility of reaching members of the target group who are located in areas remote from the capital. For example, the primary reception centre for applicants for international protection is located 220 km from the capital, which may make it fairly complicated to provide consultation to them. To achieve better contact with the target group and if possible, to offer them the necessary transport for returning, the aim is to rent one passenger vehicle using Return Fund resources, which should significantly increase consultants' mobility.

Offering information and a consultation system is very important for raising people's awareness of the possibilities related to voluntary returns. As a life change such as moving to a third country is frequently a very costly undertaking, offering some material assistance may be of very great importance. With this activity (see activity 1.2) it is desired to develop a support system in the field of voluntary returns. Drawing on the existing practice, the objective is to establish a basic support amount for returnees as well as opportunities to receive additional support based on the returnee's specific needs. An individual may apply for additional support if he or she is, for example, ill or requires medical care, or on behalf of a child or pensioner, etc. It is also necessary to ensure that voluntary returnees would be provided for materially on at least the minimum level – that they would have lodging and sufficient funds to subsist. Providing lodging and subsistence funds is necessary above all in the case of asylum seekers, who decide to avail themselves of the opportunity of voluntary returns. This is because this target group, by withdrawing their asylum application, would stand to forfeit their lodging and the possibility of receiving social subsidies. As a result, these individuals may prefer forcible expulsion, as lodging and food are provided for them at the expulsion centre. In addition to the above, there has arisen a need to restructure the return support recipients database, i.e. it needs to be cleaned, updated, and made more user-friendly and secure.

Expulsions may often encounter obstacles as the persons to be expelled by forced return lack the possibilities and funds they need in the country of return to cope. To ensure that expulsions proceed in a humane manner, heightened attention must be paid to such cases (see activity 1.3). Such a case may involve someone who is chronically ill or disabled. In order for the expulsion to nevertheless take place, while respecting and considering aspects related to human dignity, it would be a good idea to ensure for the person to be expelled the possibility of receiving material support based on his or her specific needs. The assistance could be monetary (for purchasing a certain medicine, for example) or it could be in some other form (a person in need of assistance is provided a wheelchair, for example).

Launching the reintegration programme (see activity 1.4) is necessary in order to achieve, first and foremost, sustainability of returns. This primarily covers support and actions related to the returnee's country of return. The objective is to achieve a situation where the life change for the returnee in their country of return would progress as smoothly as possible and without problems. For this purpose, it is desired to supply the person with the necessary background information and contacts. They have an especially great importance in finding a new place to live and work. As returnees have integrated into Estonian society to a greater or less extent, it would be a good idea to offer language training and adaptation programmes. This would allow them to cope better in assimilation in the new cultural space. In addition to the above, it may prove necessary to provide material assistance so that the person could better resume their life in the new country.

Aside from promoting voluntary return, it is important that attention be directed to making forced expulsion more effective (see activity 1.5). Above all, the objective is for the expulsion to take place with as few administrative barriers as possible and in as little time as possible. Achieving this objective will however require sufficient technical resources. This will make it possible to organize for the person to be expelled, for example, the necessary airfare or other transport, form a convoying team and to pay the travel and lodging expenses for the members of the team. Often expenses related to procurement of travel documents are added to transport costs. In Estonia, there have been cases where expulsions have been delayed precisely due to the lack of funds. This places both the person as well as the state in an unfavourable situation.

Due to the above it is planned to finance expulsion expenses from the European Return Fund, which would lay the groundwork for rapid and efficient returns.

It will be necessary to ensure transport of persons to be expelled to the border checkpoint in a manner that is secure for the convoy team members as well as the persons themselves (see activity 1.6). Estonia currently lacks buses specially intended for persons to be expelled, which would contain certain necessary special equipment and furnishings (such as partitions, blinkers, reinforced doors). The aim is to raise capability in the field of expulsions using the necessary special equipment, and to make it more humane for the persons being expelled. To achieve this, it is planned to procure one bus suitable for conveying persons to be expelled for each CMB regional department (there are four such departments).

<u>Key possible actions</u>	<u>Implementation timeline</u>	<u>Indicators for the key possible action</u>		
		<u>Output</u>	<u>Outcomes</u>	<u>Impact</u>
1.1 Developing a voluntary return-related consultation system	<p>It is desired to begin preparing information materials in 2009. In subsequent years they should be updated, additional ones printed, and translated.</p> <p>It is desired to train the first batch of officials in 2009-2010, in subsequent years, follow-up training and training of new officials should take place.</p> <p>It is desired to develop translation services and start offering them immediately.</p> <p>It is desired to begin creating database with contacts and other necessary information immediately. Continuation of the activity in subsequent years would be supplementation and updating of the database.</p> <p>It is desired to begin offering assistance in organizing transport in 2009-2010, assistance in finding work and home in 2010-2013.</p>	<ul style="list-style-type: none"> - Relevant informational material has been compiled, it has been printed and distributed to members of all direct and indirect target groups (at least 50 beneficiaries per year, at least 20 persons and institutions dealing with the beneficiaries); - At least 15 social workers and officials working with the direct target group have been trained; - Translation services are provided; - Consultation service is offered to at least 30 persons in need of assistance per year; - A database of contact information for the state and local government agencies in destination countries etc. has been created; - Possibilities have been created for receiving aid in resolving other matters related to return, such as assistance in organizing travel, organizing transport of things, finding a job and place to live etc. At least 20 people per year receive assistance in returning. 	<ul style="list-style-type: none"> - Awareness on the part of third-country nationals and the rest of the public as to the existence of possibilities for voluntary return has increased - The awareness on the part of persons potentially opting for voluntary return regarding their possibilities and offered assistance has increased 	<p>The share of persons opting for voluntary return has increased</p>

<p>1.2 Development of a support system for voluntary return</p>	<p>It is desired to establish the basic support amount in 2009-2010.</p> <p>Creation of the possibility of receiving additional support should take place in 2009-2010.</p> <p>Guaranteeing lodging and living expenses should begin in 2009-2010.</p>	<ul style="list-style-type: none"> - By creating possibilities for receiving basic and additional allowances, ca 20 persons in need are supported per year; - If necessary, lodging and living expenses for voluntary returnees are guaranteed until return; - Return support recipients database is restructured and updated. 	<ul style="list-style-type: none"> - The number of persons receiving support has increased from years past - The support system conforms better to the expectations and needs of the migrants 	<p>Persons who wish to return voluntarily and need assistance to do so, have the opportunity to receive it.</p>
<p>1.3 Development of special measures to be applied for expulsion of persons in vulnerable groups</p>	<p>It is desired to begin preparing information materials in 2009, in subsequent years, they should be updated, additional materials should be printed, and translated</p> <p>It is desired to establish the basic support amount in 2009-2010.</p> <p>Creation of possibility for receiving additional support should take place in 2009-2010.</p>	<ul style="list-style-type: none"> - Relevant informational material has been compiled, it has been printed and distributed to the relevant persons and agencies; - Based on the person's specific situation, material assistance has been offered to ca 10 persons per year; - A database of contact information for the state and local government agencies in countries of return etc. has been created. 	<ul style="list-style-type: none"> - Public awareness has increased regarding the possibilities for supporting return of third-country nationals who require special attention - Third-country nationals who require special attention have received necessary material assistance and consultation upon returning to their country of origin 	<p>Return has become more effective, and more humane for the returnees</p>
<p>1.4 Launching the reintegration programme</p>	<p>It is desired to begin reintegration programme related work in 2010, supplementation and updating of the programme should take place each successive year.</p>	<ul style="list-style-type: none"> - A database of contact information of the relevant state and local government agencies in destination countries etc. has been created; - Contacts and foundation has been 	<ul style="list-style-type: none"> - Public awareness has increased regarding the possibilities of reintegration upon return to country of origin; - The returnees have been offered consultation and material 	<p>Return has become more effective and subject to control, and for the returning aliens, more humane</p>

		<p>created for organizing cooperation with aid organizations, either international or from countries of origin ;</p> <ul style="list-style-type: none"> - The sustainability of returns of up to 5 returnees per year is monitored in cooperation with international organizations; - Consultation service in matters pertaining to reintegration has been created; - The possibility of receiving material assistance for start-up support in the country of return is offered to about 25 persons in need of assistance per year; - About 25 persons in need of assistance per year have taken part in language, training and other adaptation programmes. 	<p>assistance for reintegration in the country of origin.</p>	
<p>1.5. Implementing forced expulsion of aliens whose stay in the country is not (no longer) legal (including bearing travel expenses for the persons to be expelled and their escorts, guaranteeing the expenses of accommodations</p>		<ul style="list-style-type: none"> - Expulsion costs are planned; - Persons subject to expulsion have been expelled. 	<ul style="list-style-type: none"> - The average detention time for third-country nationals staying at the expulsion centre has become shorter; - The time spent on expulsion proceedings is shorter. 	<p>Forced expulsion has become more effective, it takes place rapidly and without major hindrances.</p>

etc for escorts, translation costs etc)				
1.6. Purchasing of convoying buses	The purchase of the convoying buses should take place at 2010-2011.	- 4 convoying buses with the necessary equipment have been procured for the CMB regional departments.	- The expulsion process is faster and more effective in connection with transport of persons to be expelled to border checkpoint.	The operational readiness of the state has increased in the implementation of forced expulsion.

3.2. Priority 2: *Support for the cooperation between Member States in return management.*

In the framework of the given priority the mentioned activities will enhance the cooperation between consular services in Estonia, Latvia, Lithuania and the institutions which are responsible for the forced return. The objective is to improve the information exchange and operational cooperation in order to make the process of forced return more fluent. That concerns mostly the issue of obtaining necessary travel documents if the returnee does not have them.

In the framework of second activity the aim is to improve operational cooperation between these third countries which pose the most significant problem for Estonia as the source countries of the illegal immigration (Russia, Ukraine, Moldova, also China). The aim is to sign necessary operational cooperation agreements which would facilitate the information exchange and overall process of return relating to the admittance of their citizens.

<u>Key possible actions</u>	<u>Cross reference basic act</u>	<u>Indicators for the key possible action</u>		
		<u>Output</u>	<u>Outcomes</u>	<u>Impact</u>
<p>2.1 Development of operational cooperation between institutions responsible for the return and consular services in Estonia, Latvia and Lithuania.</p> <p>2.2 Development of operational cooperation with the relevant third country institutions which are responsible for the return.</p>	<p>Activities related to the development of the consular cooperation should start 2009-2011</p>	<ul style="list-style-type: none"> - Cooperation agreements and –protocols are concluded between relevant institutions; - standard operational procedures (SOP) are developed; - information exchange in return related matters between relevant institutions is properly managed; - the outcome of the project is implemented to the other activities related to return (e.g joint flights). 	<ul style="list-style-type: none"> -information exchange between consular services and institutions responsible for the return is improved; - operative cooperation has improved regarding forced return; - getting necessary travel documents for the returnees has improved. 	<ul style="list-style-type: none"> - The process of forced return is better managed, takes less time and is more humane for the returnee.

3.3 Priority 3: *Support for specific innovative (inter)national tools for return management.*

No specific actions foreseen under this priority.

3.4. Priority 4: *Support for Community standards and best practices on return management.*

The actions carried out under this priority will help increase the knowledge of officials who are involved in the expulsion process with regard to aspects related to return and expulsion. Estonia's experience in returns and expulsions is fairly limited. As most of the returns are related to former Soviet Union republics, there are especially few contacts with countries in Africa, Asia and South America. Estonia also lacks experience with regard to joint operations related to expulsion. Thus the knowledge of officials dealing with expulsion will have to be raised precisely through practical training, which would give them the opportunity to learn new skills, exchange experiences and simultaneously deepen cooperation ties. It is planned to begin the training below in 2009, and continued training is planned for the next years of the programme as well.

Officials involved in return and expulsion often stand face to face with relatively difficult situations. To cope with such situations, it is necessary to develop the officials' psychological abilities so that they would know how to better assess both their own needs and those of the returnee, and cope with any problems that may arise.

<u>Key possible actions</u>	<u>Implementation timeline</u>	<u>Indicators for the key possible action</u>		
		<u>Output</u>	<u>Outcomes</u>	<u>Impact</u>
Organizing training for officials who are involved in returns and expulsions	Training in development of psychological and practical skills would take place in 2009-2010, continued training would take place later.	<ul style="list-style-type: none"> - Psychological skill development training has been administered to at least 50 officials involved in returns; - At least 35 officials who deal with expulsions have received training for development of practical skills related to expulsions. 	Increase of knowledge and experience in supporting and implementing returns of immigrants.	More effective implementation of forced and voluntary return.

4. COMPATIBILITY WITH OTHER INSTRUMENTS

The multi-annual program 2008-2013 of RF for Estonia is completely compatible with other national and community instruments, inter alia, taking into account the priorities laid down by Hague program in the field of voluntary return. There is no double financing between RF and other Community financial instruments.

Several of the priority actions listed in the MAP are included in the development plan compiled by the Ministry of the Interior for the area of government of the Ministry of the Interior for 2008-2011 (*hereinafter* VAAK), which was approved by directive no. 121 of the Minister of the Interior on 10 October 2007. This is a document that sets forth the longer-term political priorities and defines the estimated resources for achieving them. The objective of the development plan is to shape the organization's common vision of the future and realize it in the specified period of time.

4.1 Priority 1

Facilitation of voluntary return is stipulated in the European Refugee Fund 2005-2007 multi-annual programme, where the following activities are listed as measures to be implemented:

- Distribution of voluntary return-related information and social and legal consultation;
- Forwarding information about the situation in the country or region of origin, or former country of residence, including employment opportunities and social welfare;
- Assistance in procurement of travel documents;
- Acting as liaison in establishing contacts with person belonging to a target group and the representative of the person's country of origin;
- Assistance in reintegrating in the country of origin (finding accommodations and employment, if necessary monetary assistance and training etc);
- Training NGOs and other institutions to help persons belonging to a target group upon voluntary return to the country of origin.

Based on the above, the objective was to achieve the following:

- Increasing awareness regarding the possibilities of voluntary return among asylum seekers and persons who have been denied international protection;
- enabling neutral personal social and legal consultation service;
- increasing motivation among the target group with regard to voluntary return by providing assistance to them in organizing return and reintegration, if necessary with financial assistance as well;
- The voluntary return of at least one person to the country of origin;
- Supporting the capability of state and intergovernmental organizations to explain to the target group the nature of voluntary return and the rights of the individual.

The European Refugee Fund financed the project "*Provision of information, consultation and assistance to applicants for international protection and persons who have received international protection upon return to their country of origin*" with funds for 2006 and 2007. The applicant for assistance was in both years Estonian Migration Foundation. The following activities were carried out in the framework of the projects:

- the information brochure “Voluntary return allowance for the return of asylum-seekers and persons who received international protection” in three languages (Estonian, Russian and English);
- interactive information database on voluntary return created at www.migfond.ee/avr (in Estonian, Russian and English);
- about 18 members of the target group were given consultation regarding possibilities for voluntary return;
- return allowance was paid to one voluntary returnee;
- voluntary return service was introduced to the public and relevant agencies.

Of the measures listed in VAAK for 2008-2011, the following measures support the given priority:

1. Migration supervision

The following services, among others, are specified with regard to the given measure:

- a) Identification of third-country nationals staying in Estonia without a legal basis and organizing their departure from Estonia.

Assigned as the direct outcome of this activity is effective cooperation with the local government institutions, educational institutions and places of lodging in order to identify third-country nationals who lack a legal basis for stay in Estonia, effective cooperation with employers and employers’ associations to identify and combat employment without a legal basis and the enabling of such employment. Also, to achieve a situation where third-country nationals who are staying in the country without a legal basis have been identified, misdemeanour proceedings have been carried out in their regard and their return has been arranged.

- b) In cooperation with the competent institutions, the carrying out of unannounced inspections for establishing and combating the illegal stays of third-country nationals in Estonia and enabling employment without a legal basis.

The direct outcome of this activity is to achieve a situation where third-country nationals who are staying or are employed in Estonia without legal basis have been established and identified, misdemeanour proceedings have been conducted in their regard and their departure from Estonia has been organized, and that the persons who enabled their employment and residence without legal basis have been identified and misdemeanour proceedings have been conducted in their regard.

- c) Initiation of enforcement procedure.

The objective is that adherence to deadlines for enforcement of decisions is ensured and that applications for state enforcement have been submitted to bailiff in a timely manner.

- d) Organization of detention of persons to be expelled.

2. Internal security policy and partnership

With regard to this measure, the following activity is planned, among others:

a) Formation of migration and border guard policy

As a result of this activity, migration allowances for migrants must be paid lawfully through the Estonian Migration Foundation and, in order to support migration and integration processes, 2 studies per year in this field must be commissioned by the Foundation.

- 4.2. Priority 2: no specific objectives are identified in the policy documents relating to the activities under priority 2 (improvement of operational cooperation between relevant Member States and third countries).
- 4.3. Priority 3: no specific actions foreseen under this priority.
- 4.4. Priority 4

Of the measures listed in VAAK for 2008-2011, the following measures support priority 4:

1. Studies

The following activity, among others, is specified with regard to the given measure:

a) carrying out in-service training

The objective of the activity is to create an in-service training system spanning all areas of the internal security field and to implement it by 2010.

5. FRAMEWORK FOR IMPLEMENTATION OF THE STRATEGY

5.1. The publication of the programme

The multi-annual programme will be published on the website of the Ministry of the Interior (www.siseministeerium.ee) after its approval by the Government of the Republic (all the decisions adopted by the government reach anyone through the government website during the session) and European Commission. The responsible authority will forward the approved multi-annual program by official letter to the potential beneficiaries of the fund as well to other institutions concerned with the issues of border management and visa policy in Estonia informing them about the approval of the multi-annual program by the EC.

5.2. The approach chosen to implement the principle of partnership

The multi-annual programme to be submitted to the European Commission is prepared by the responsible authority of the Return Fund in Estonia, the Migration and Border Policy Department (MBPD) of the Ministry of the Interior. During the preparation of the programme, appropriate partners – the stakeholders (the CMB, the

BGA, the Police Board, the Estonian Migration Foundation, IOM) - are consulted.

The draft multi-annual programme will be sent for consultations to the ministries involved and to the European Commission. It is further forwarded to the Government of the Republic for approval. While designing the annual programs the same practice will be followed. All authorities involved in compiling the AP will be consulted as well as the other designated authorities of the ERF if appropriate (the Internal Audit Department of the MoI as an audit authority and the Ministry of Finance as a certifying authority).

Exchange of information between the appropriate partners and the national competent bodies is taking place throughout the implementation of the programme (incl. changes in multi-annual programme, annual programmes).

6. INDICATIVE FINANCING PLAN

6.1 Community Contribution

6.1.1. Table 1

Multiannual Programme - Draft Financial Plan								
Table 1: Community Contribution								
Member State: ESTONIA								
Fund: RETURN FUND								
<i>(in 000' euros - current prices)</i>	2007	2008	2009	2010	2011	2012	2013	TOTAL
Priority 1: Support for the devel	0	444	320	320	336	342	347	2 109
Priority 2: Support for the coop	0	0	65	64	68	69	70	336
Priority 3: [...]	0	0	0	0	0	0	0	0
Priority 4: Support for Commun	0	0	64	65	67	70	69	335
Priority 5: [...]	0	0	0	0	0	0	0	0
Priority ...: [...]	0	0	0	0	0	0	0	0
Technical Assistance	0	66	66	66	51	51	52	352
TOTAL	0	510	515	515	522	532	538	3 132

6.1.2. Comments on the figures/trends

Community contribution and co-financing amounts for the period 2009-2013 are estimates (based on document SOLID/2007/25).

6.2 Overall financing plan

6.2.1. Table 2

Multiannual Programme - Draft Financial Plan								
Table 2: Overall Financing Plan								
Member State: ESTONIA								
Fund: RETURN FUND								
<i>(in 000' euros - current prices)</i>	2007	2008	2009	2010	2011	2012	2013	TOTAL
Community Contribution	0	510	515	515	522	532	538	3 132
Public cofinancing	0	170	172	172	174	177	179	1 044
Private cofinancing	0	0	0	0	0	0	0	0
TOTAL	0	680	687	687	696	709	717	4 176
% Community Contribution		75,00%	74,96%	74,96%	75,00%	75,04%	75,03%	75,00%

6.2.2. Comments on the figures/trends

Community contribution and co-financing amounts for the period 2010-2013 are estimates (based on document SOLID/2007/25).

[signature of the responsible person: Erkki Koort, Deputy Secretary-General on Internal Security]