



Last updated: April 2010

## Estonia Detention Profile

- » [Detention Policy](#)
- » [Detention Infrastructure](#)
- » [Facts and Figures](#)

Two key historical developments have been instrumental in shaping Estonian immigration detention practices—the break up of the Soviet Union and Estonia’s accession to the European Union (EU). The country’s main sources of immigration are member states of the Commonwealth of Independent States, and its immigration policies have been heavily influenced by the EU harmonisation process. When Estonia joined the Schengen area in 2007, authorities worried that the country would experience significant increases in both regular and irregular migration; however, migration patterns have remained generally steady since then (Police and Border Guard Board web site; MIG & EMN 2008, p.21; IOM web site).

### Detention Policy

**Principal norms.** Norms relevant to migration-related detention are contained in the 1993 *Aliens Act*, the 1998 *Obligation to Leave and Prohibition on Entry Act* (OLPEA), and the 2006 *Act on Granting International Protection to Aliens* (AGIPA). The Aliens Act establishes the legal bases for stay of non-citizens in Estonia; the OLPEA provides the grounds for refusal of entry and expulsion; and the AGIPA regulates the asylum process. The latter two laws provide the conditions under which a foreign national may be placed in administrative detention (MIG & EMN 2008, pp.7-8).

According to the *Obligation to Leave and Prohibition on Entry Act*, administrative detention can be applied to foreign nationals subject to an expulsion order. A foreign national who is found to be staying illegally in Estonia is initially issued an order stating that he/she must leave the country within 17 days (in cases where the person has never had a residence permit) or 60 days (in cases where a person has had, but no longer has, a valid residence permit) (OLPEA, §8). If the person does not voluntarily leave during this period, he/she is issued an expulsion order (OLPEA, §14).

Once issued an expulsion order, the foreign national may be detained for an initial period of five days (an initial period of 48 hours, which can be extended by up to three days by an administrative court judge). This short-term detention can take place in the offices of the Border Guard, the Citizenship and Migration Board, or the police; or in police detention houses or an expulsion centre (OLPEA, §18-19). If expulsion is not possible during this initial 5-day period, the foreign national may be detained in a police detention house for up to thirty days, or in an expulsion centre for up to two months (OLPEA, §23). Administrative detention in an expulsion centre continues, in principle, until the foreign national can be expelled—the period of detention may be extended, by a period of two months at a time, indefinitely (OLPEA, §25; MIG & EMN 2008, p.45).

Foreign nationals may be denied entry at the Estonian border if they have committed or are deemed likely to commit a variety of criminal offences or immigration offences. Such persons may either be issued a legal order, a prohibition on entry, or be *de facto* refused entry (called a “failure to allow aliens to enter Estonia”). If his/her immediate expulsion is not possible, he/she may be detained until expulsion is possible (OLPEA, §28).

The *Act on Granting International Protection to Aliens* (AGIPA) provides grounds for the administrative detention of asylum seekers. When someone makes an asylum request at the border, the border guard detains the applicant for a maximum period of 48 hours in order to carry out initial administrative procedures (AGIPA 2006, §15). When a person files an asylum application after already entering the country, he/she may be detained for up to 48 hours in an “initial reception centre” after which the applicant is transferred to a reception centre. This period of detention at the border or in the initial reception centre can be extended in a number of circumstances, depending on the difficulty in gathering information and the level of cooperation offered by the applicant (AGIPA 2006, §15, 32). As of 2010, Estonia did not operate an initial reception centre, despite having provisions for such facility in law (Eber 2010; ERC 2007, p.35; Roots 2007, p.34).

If a person files an asylum request while in immigration detention, he/she can be ordered to remain in detention during the duration of the asylum process (Pihel 2010; AGIPA 2006, §33).

Between May 2007 and April 2009, seven asylum seekers were reported to have been detained in expulsion centres (ECRI 2010, p.39).

**Authority.** Numerous government actors are involved in the policy and practice of administrative detention. The Estonian Ministry of Interior is charged with overseeing migration policy (MIG & EMN 2008, p.8). An agency within the Ministry of the Interior is charged with processing all applications by foreign nationals and managing expulsion centres. Until December 2009, this body was the Citizenship and Migration Board, which was incorporated into the Police and Border Guard Board in January 2010 (MIG & EMN 2008, p.8; Police and Border Guard Board web site). The Ministry of Foreign Affairs oversees the expulsion of persons staying in Estonia irregularly (MIG & EMN 2008, p.12). Until 2010, the Estonian Migration Foundation, founded by the Ministry of Interior, offered financial assistance for living and travel costs of persons awaiting expulsion. However, following the foundation's merger in January 2010 with another agency, which resulted in the establishment of the Integration and Migration Foundation under the Ministry of Culture, such assistance was terminated (Eber 2010).

The Ministry of Social Affairs manages asylum policy, runs the reception centre for asylum seekers, and is the contact point for trafficked children and unaccompanied minors (MIG & EMN 2008, p.11).

Some observers have noted that the border guards exercise, in practice, their own discretion in deciding to refuse asylum applications at the border, with little involvement on behalf of the immigration authorities. A 2006 European Commission against Racism and Intolerance (ECRI) report noted that border guards are only required to forward asylum requests to the citizenship and migration authorities when this is "necessary" and that "it is also unclear to what extent the Citizenship and Migration Board re-examines border guards' decisions to reject asylum claims." (ECRI 2006, p.21) In 2008, a European Migration Network (EMN) report confirmed that this delegation of authority to border guards remained an ongoing practice (MIG & EMN 2008, p.25).

**Key migration issues.** Public debate on immigration issues in Estonia has largely focused on how to handle nationals emigrating from members of the Commonwealth of Independent States. Between 1997 (when Estonia adopted the Refugee Act) and 2008, a total of 141 asylum applications were submitted in Estonia (MIG & EMN 2008, pp.18, 58).

While Estonia's refugee population is small, the country has a significant population of stateless persons. In 2009, 107,670 persons, or 8 percent of the population, were defined as stateless (ECRI 2010, p.12). The issue of statelessness and government policies towards such persons have been the subject of deliberations in human rights bodies such as the UN Human Rights Council and the European Commission against Racism and Intolerance (HRC 2008, ECRI 2010).

There have also been some disputes over the right of Russian nationals to reside in Estonia in the post-Soviet period. For instance, a case brought to the [European Court of Human Rights](#) (ECHR), *Mikolenko v. Estonia*, involved a dispute over the right of a retired Soviet army official of Russian nationality to reside in Estonia. The applicant, supported by the Russian government, claimed that detention had not been carried out with a view of expulsion, but rather to force the applicant to apply for a Russian passport. The Court found that, while the initial detention had been carried out with a view of expulsion and was thus lawful, it had gone on beyond a reasonable length, as the applicant was held for nearly four years (*Mikolenko v. Estonia* 2010).

**Criticisms.** A number of independent observers—including both Council of Europe and UN bodies—have addressed Estonia's immigration and detention practices. In particular, observers in the UN Human Rights Council (HRC) have criticized the conduct of border guards and their tendency to assume discretionary powers on asylum applications (ECRI 2006, p. 21; HRC 2008, p.17). In addition, the European Commission against Racism and Intolerance (ECRI) reported in March 2010 that it has been "informed that high levels of xenophobic attitudes were noted among border guards during training and that overall, they lack training, experience and appropriate education (ECRI 2010, p.39).

The [UN Special Rapporteur on the human rights of migrants](#) highlighted a recent case of administrative detention where the detainee, a Cameroonian citizen married to an Estonian woman, had been waiting for a decision on his application for a residence permit for two years, and had been detained with a view to expulsion without having been issued a decision or provided access to legal council (HRC 2009, p.26).

Observers have also drawn attention to the lack of a maximum period of detention in Estonia and occasions of excessively long detention. In its 2010 ruling in the Mikolenko case, the ECHR found that Estonia had violated Article 5 (the right to liberty and security)

of the [European Convention on Human Rights](#) in detaining the appellant for almost four years in an expulsion centre (*Mikolenko v. Estonia* 2010). In December 2004, the Estonian Office of the Legal Chancellor reported that some persons had been held in an expulsion centre for a year and a half (ECRI 2006, p.22).

## Detention Infrastructure

As of 2010, Estonia operated one non-secure reception centre for asylum seekers and one dedicated immigration detention facility (called a pre-removal detention centre), the Harku Expulsion Centre (*Harku väljasaatmiskeskus*) (Pihel 2010; Eber 2010; MIG & EMN 2008, pp.11, 18; ERC 2007, p.39). Irregular immigrants awaiting deportation can also be held in prisons or police holding facilities.

The Harku pre-removal detention centre was established in March 2003. The legal grounds for the establishment of this centre are provided in a 2003 amendment to the *Obligation to Leave and Prohibition of Entry Act*. The detention centre has a capacity of 42 (26 men and 16 women) (MIG & EMN 2008, p.18). As of 2007, staff members included employees of the Police and Border Guard Board (formerly the Citizenship and Migration Board), as well as security officers from a private security company, G4S (Pihel 2010; ERC 2007, p. 39). The majority of those detained in recent years were citizens of the Russian Federation (Pihel 2010; ERC 2007, p.40). In 2009, 67 persons were detained in the expulsion centre (Pihel 2010).

The conditions of detention at the dedicated detention facility are enumerated in the *Obligation to Leave and Prohibition of Entry Act*. Although the act provides for several basic conditions (including gender segregation), it also has a number of questionable provisions. For example, while meals are to be provided by the detention centre, specific diets (such as those stemming from religious beliefs) are only observed at the detainees own expense (*Obligation to Leave and Prohibition of Entry Act* 2003, §26). Also, access to a shower, sauna, or bath is only guaranteed once weekly (*Obligation to Leave and Prohibition of Entry Act* 2003, §26).

## Facts & Figures

The majority of immigrants in Estonia are nationals of the CIS (MIG & EMN 2008, p.21). Between 1997 and 2008, a total of 141 asylum applications were submitted in Estonia. Ten applicants received refugee status while an additional 12 were granted subsidiary protection (MIG & EMN 2008, p.58). At the end of 2008, seven asylum cases were pending (UNHCR 2009).

The number of discoveries of irregular residents has increased since 2004, when the then-Citizenship and Migration Board established “migration inspectors,” who are charged with examining the legal basis for stay and work in Estonia. Whereas in 2002, a total of 864 persons were found to be staying in the country illegally, in 2007 the figure was 1,464. Border guards reported that in 2007 the number of unauthorized entries was 168 (MIG & EMN 2008, pp.26-7).

The annual number of persons ordered to leave the country has declined from 403 in 2000 to 94 in 2007. However, the number of non-nationals turned back at the border has remained at an annual level of around 3,000. The number of expelled foreign nationals has risen from 26 in 2003 to 65 in 2007. The number of foreigners detained at the expulsion centre annually has fluctuated, with a low of 14 persons in 2004 to a high of 67 in 2009 (Pihel 2010; MIG & EMN 2008, p.60).



Last updated: March 2010

## Estonia Detention Profile

### List of Detention Sites

[Disclaimer](#) | [Sources](#) | [Categories](#)

Name	Status (Year)	Location	Facility Type	Security	Authority	Management	Capacity	Reported Population	Demographics and Segregation
Harku Pre-Removal Detention Center ("Harku väljasaatmiskeskus" or "Kodakondsus-Ja Migratsiooniameti Väljasaatmiskeskus")	In use (2010)	Harku County (15 km outside of Tallin)	Migrant detention centre	Secure	Ministry of Interior	Police and Border Guard Board / Private Security Contractor	42 (2007)	10 (As of March 2007)	Adult males and females, families (2007). Segregation of males and females, criminal detainees; space for family units (2007).
North Prefect Police Station	In use (2007)	Tallin (North Police Department Office)	Ad hoc - police station	Secure	Ministry of Interior	Tallin North Police Department	90 (criminal and administrative detainees) (2007)	90 (As of March 2007)	Adult males and females, families, minors (2007). Segregation of males and females, criminal detainees, minors; space for family units (2007).

### Sources

(This is only a partial list. More detailed information is available upon request.)

- Eber, Martin (Integration and Migration Foundation). 2010. Interview by Aiko Holvikivi (Global Detention Project). Phone conversation 23 March 2010, Global Detention Project. Geneva, Switzerland.
- Estonian Refugee Council (ERC). 2007. "Estonia," in *Civil Society Report on Administrative Detention of Asylum Seekers and Irregular Migrants in Europe: Common Position of JRS in Europe*. Jesuit Refugee Services-Europe, December 2007. <http://detention-in-europe.org/images/stories/10%20nms%20report%20final.pdf> (accessed 2 March 2010).
- European Commission against Racism and Intolerance (ECRI). 2006. *Third report on Estonia*. 24 June 2005. Strasbourg: Council of Europe. [http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle\\_03/03\\_CbC\\_eng/EST-CbC-III-2006-1-ENG.pdf](http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/EST-CbC-III-2006-1-ENG.pdf) (accessed 15 March 2010).

THE GRADUATE INSTITUTE | GENEVA  
 INSTITUT DE HAUTES ETUDES  
 INTERNATIONALES ET DU DEVELOPPEMENT  
 GRADUATE INSTITUTE OF INTERNATIONAL  
 AND DEVELOPMENT STUDIES

Global Detention Project  
 Programme for the Study of Global Migration  
 The Graduate Institute - P-O. Box 136 - 1211 Geneva 21  
 Phone +41 22 908 4556 - Fax +41 22 908 4594  
[global.detention.project@gmail.com](mailto:global.detention.project@gmail.com) - [www.globaldetentionproject.org](http://www.globaldetentionproject.org)

PROGRAMME FOR THE STUDY  
 OF GLOBAL MIGRATION

© Global Detention Project 2007 - 2011



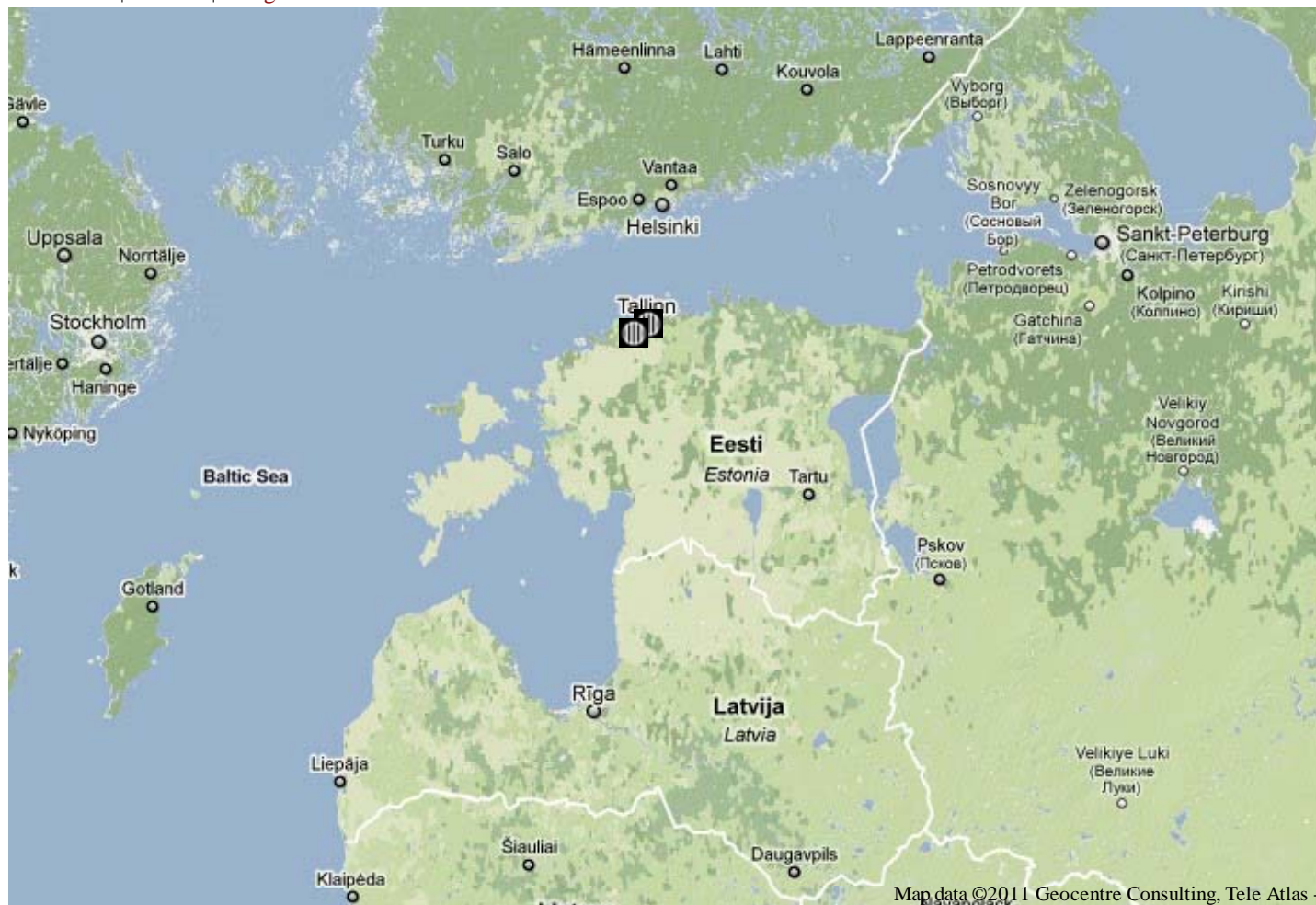
Last updated: March 2010

## Estonia Detention Profile

### Map of "In Use" Detention Sites

For more detailed information, see the complete [List of Detention Sites](#).

[Disclaimer](#) | [Sources](#) | [Categories](#)



### Country View

1. Harku Pre-Removal Detention Center ("Harku väljasaatmiskeskus" or "Kodakondsus-Ja Migratsiooniameeti Väljasaatmiskeskus")
2. North Prefect Police Station

### Sources

(This is only a partial list. More detailed information is available upon request.)

- Eber, Martin (Integration and Migration Foundation). 2010. Interview by Aiko Holvikivi (Global Detention Project). Phone conversation 23 March 2010, Global Detention Project. Geneva, Switzerland.
- Estonian Refugee Council (ERC). 2007. "Estonia," in *Civil Society Report on Administrative Detention of Asylum Seekers and Irregular Migrants in Europe: Common Position of JRS in Europe*. Jesuit Refugee Services-Europe, December 2007. <http://detention-in-europe.org/images/stories/10%20nms%20report%20final.pdf> (accessed 2 March 2010).
- European Commission against Racism and Intolerance (ECRI). 2006. *Third report on Estonia*. 24 June 2005. Strasbourg: Council of Europe. [http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle\\_03/03\\_CbC\\_eng/EST-CbC-III-2006-1-ENG.pdf](http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/EST-CbC-III-2006-1-ENG.pdf) (accessed 15 March 2010).

2010).

**THE GRADUATE INSTITUTE | GENEVA**  
INSTITUT DE HAUTES ETUDES  
INTERNATIONALES ET DU DÉVELOPPEMENT  
GRADUATE INSTITUTE OF INTERNATIONAL  
AND DEVELOPMENT STUDIES

Global Detention Project  
Programme for the Study of Global Migration  
The Graduate Institute - P.O. Box 136 - 1211 Geneva 21  
Phone +41 22 908 4556 - Fax +41 22 908 4594  
[global.detention.project@gmail.com](mailto:global.detention.project@gmail.com) - [www.globaldetentionproject.org](http://www.globaldetentionproject.org)

**PROGRAMME FOR THE STUDY  
OF GLOBAL MIGRATION**

© Global Detention Project 2007 - 2011



Last updated: March 2010

## Estonia Country Profile

### Country Links

- » [Government Agencies](#)
- » [International Organizations](#)
- » [NGOs & Research Institutions](#)
- » [Media](#)

### Government

Estonian Ministry of Foreign Affairs

<http://www.vm.ee/?q=en>

Estonian Ministry of the Interior

<http://www.siseministeerium.ee/?lang=en>

Police and Border Guard Board

<http://www.politsei.ee/en/>

### International Organizations

International Organization for Migration – Estonia Country Information

<http://www.iom.int/jahia/Jahia/activities/europe/nordic-and-baltic-countries/estonia>

UN High Commissioner for Refugees – Estonia Country Information

<http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e48dcd6>

### NGOs & Research Institutions

Estonian Red Cross

<http://www.redcross.ee/en/news.html>

Human Rights Centre

<http://www.humanrights.ee/eng/>

Jaan Tõnisson Institute

<http://www.jti.ee/?s=10>

### Media

Baltic News Service

<http://www.bns.ee/login.jsp?lang=en>

Delfi (Estonian)

<http://www.delfi.ee/>

Eesti päevaleht (Estonian)

<http://www.epl.ee/>

Postimees (Estonian)

<http://www.postimees.ee/>

**THE GRADUATE INSTITUTE | GENEVA**  
INSTITUT DE HAUTES ETUDES  
INTERNATIONALES ET DU DÉVELOPPEMENT  
GRADUATE INSTITUTE OF INTERNATIONAL  
AND DEVELOPMENT STUDIES

Global Detention Project  
Programme for the Study of Global Migration  
The Graduate Institute - P-O. Box 136 - 1211 Geneva 21  
Phone +41 22 908 4556 - Fax +41 22 908 4594  
[global.detention.project@gmail.com](mailto:global.detention.project@gmail.com) - [www.globaldetentionproject.org](http://www.globaldetentionproject.org)

**PROGRAMME FOR THE STUDY  
OF GLOBAL MIGRATION**

© Global Detention Project 2007 - 2011

## Estonia Detention Profile

### Reference List

- *Act on Granting International Protection to Aliens*. 2006. RT I 2006, 2, 3. <http://www.legaltext.ee/en/andmebaas/ava.asp?m=022> (accessed 15 March 2010)
- *Aliens Act* (Consolidated April 2005). 1993. RT I 2004, 58, 410. <http://www.legaltext.ee/en/andmebaas/tekst.asp?loc=text&dok=X1019K13&keel=en&pg=1&ptyyp=RT&tyyp=X&query=aliens+act> (accessed 15 March 2010)
- Eber, Martin (Coordinator of Citizenship and Migration Unit, Integration and Migration Foundation). 2010. Interview by Aiko Holvikivi (Global Detention Project). Phone conversation 23 March 2010, Global Detention Project. Geneva, Switzerland.
- Estonian Embassy in Washington. Web Site. "UN special rapporteur recognizes tolerance of Estonian society." <http://www.estemb.org/news/aid-1470> (accessed 23 March 2010)
- Estonian Migration Foundation (MIG) & European Migration Network (EMN). 2008. *The Organisation of Asylum and Migration Policies in Estonia*. Tallinn: MIG & EMN.
- Estonian Refugee Council (ERC). 2007. "Estonia," in *Civil Society Report on Administrative Detention of Asylum Seekers and Irregular Migrants in Europe: Common Position of JRS in Europe*. Jesuit Refugee Services-Europe, December 2007. <http://detention-in-europe.org/images/stories/10%20nms%20report%20final.pdf> (accessed 2 March 2010)
- European Commission against Racism and Intolerance (ECRI). 2006. *Third report on Estonia*. 24 June 2005. Strasbourg: Council of Europe. [http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle\\_03/03\\_CbC\\_eng/EST-CbC-III-2006-1-ENG.pdf](http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/EST-CbC-III-2006-1-ENG.pdf) (accessed 15 March 2010)
- European Commission against Racism and Intolerance (ECRI). 2010. *ECRI Report on Estonia (fourth monitoring cycle)*. 15 December 2009. Strasbourg: Council of Europe. <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Estonia/EST-CbC-IV-2010-003-ENG.pdf> (accessed 15 March 2010)
- Pihel, Marika (Chief Expert, Migration and Supervision Bureau, Police and Border Guard Board). 2010. Email message to Aiko Holvikivi (Global Detention Project). 30 March 2010. Global Detention Project. Geneva, Switzerland.
- UN Human Rights Council (HRC). 2008. Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance, Follow-up to and Implementation of the Durban Declaration and Programme of Action. Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène; Addendum, Mission to Estonia. A/HRC/7/19/Add.2. 17 March 2008. <http://www.unhcr.org/refworld/publisher,UNHRC,,EST,47e240a82,0.html> (accessed 23 March 2010)
- UN Human Rights Council (HRC). 2009. Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development. Report submitted by the Special Rapporteur on the human rights of migrants, Jorge G. Bustamante; Addendum, Communications Sent to Governments and Replies Received. A/HRC/11/7/Add.1. 20 May 2009. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/133/38/PDF/G0913338.pdf?OpenElement> (accessed 8 March 2010)
- International Organization for Migration (IOM). Web site. Estonia. <http://www.iom.int/jahia/Jahia/activities/europe/nordic-and-baltic-countries/estonia> (accessed 9 March 2010)
- Mikolenko v. Estonia. 2010. European Court of Human Rights. Judgment of 8 October 2009. Application no. 10664/05.
- *Obligation to Leave and Prohibition on Entry Act* (Consolidated June 2004). 1998. RT I 2004, 53, 369. <http://www.legaltext.ee/en/andmebaas/tekst.asp?loc=text&dok=X30034K7&keel=en&pg=1&ptyyp=RT&tyyp=X&query=Obligation+to+Leave+> (accessed 15 March 2010)
- Roots, Lehte. 2007. National Report Done by the Odysseus Network for the European Commission on the Implementation of the Directive on Reception Conditions for Asylum Seekers in: [Estonia]. European Commission. [http://ec.europa.eu/justice\\_home/doc\\_centre/asylum/studies/docs/estonia\\_2007\\_en.pdf](http://ec.europa.eu/justice_home/doc_centre/asylum/studies/docs/estonia_2007_en.pdf) (accessed 8 March 2010)
- United Nations High Commissioner for Refugees (UNHCR). 2009. 2008 Global Trends: Refugees, Asylum Seekers, Returnees, Internally Displaced and Stateless Persons. UNHCR. 16 June 2009. <http://www.unhcr.org/4a375c426.html> (accessed 9 March 2010)

**THE GRADUATE INSTITUTE | GENEVA**  
INSTITUT DE HAUTES ETUDES  
INTERNATIONALES ET DU DÉVELOPPEMENT  
GRADUATE INSTITUTE OF INTERNATIONAL  
AND DEVELOPMENT STUDIES

Global Detention Project  
Programme for the Study of Global Migration  
The Graduate Institute - P-O. Box 136 - 1211 Geneva 21  
Phone +41 22 908 4556 - Fax +41 22 908 4594  
[global.detention.project@gmail.com](mailto:global.detention.project@gmail.com) - [www.globaldetentionproject.org](http://www.globaldetentionproject.org)

**PROGRAMME FOR THE STUDY  
OF GLOBAL MIGRATION**

© Global Detention Project 2007 - 2011