

ESTONIA

Criminal Code (including new provisions that came into force on 1st September 2002) (excerpts)

Criminal Code

(current state of the law)

§ 81². Illegal transportation of a person over the state border of the Republic of Estonia or over the temporary control line

(1) The illegal transportation of a person over the state border of the Republic of Estonia or over the temporary control line – is punishable with imprisonment up to one year;

(2) For the same activity:

1) by a group of persons or

2) if it involved violence or threatening with violence against the person, who had prevented commission of criminal offence or

3) by an official misusing his official position – is punishable with imprisonment from one year up to three years.

§ 123¹. Sale or purchase of children

Sale or purchase of children is punishable by up to seven years' imprisonment.

§ 124³. Unlawful deprivation of liberty

(1) Unlawful deprivation of the liberty of a person is punishable by a fine or detention or up to one year imprisonment.

(2) Same act, if it involves the use of violence that is dangerous to life or health, is punishable by a fine or up to five years' imprisonment.

§ 201. Permission to engage in activities prohibited by law on premises belonging to person

Permission to illegally use narcotic drugs, psychotropic substances or other narcotic substances or engage in unlawful gambling or prostitution or other activities prohibited by law in residential or non-residential premises which belong to a person is punishable by a fine or detention or up to five years' imprisonment.

§ 202. Inducing minors to engage in crime or prostitution

Inducing a minor to engage in the commission of a criminal offence or in prostitution, or exploitation of a minor in prostitution, is punishable by two to five years' imprisonment.

§ 202⁶. Pandering or pimping

(1) Pandering or pimping is punishable by up to one year imprisonment.

(2) Pandering or pimping a person between 18 and 21 years of age is punishable by one to three years' imprisonment.

(3) Pandering or pimping, if committed:

1) using violence or other enforcement measures, or

2) against a minor, or

3) against two or more persons, or

4) by a person who has previous criminal record for the same act, is punishable by three to seven years' imprisonment.

(the following articles come into force on 1 September 2002)

§ 89. Crimes against humanity

Systematic or large-scale deprivation or restriction of human rights and freedoms, instigated or directed by a state, organisation or group, or killing, torture, rape, causing health damage, forced displacement, expulsion, subjection to prostitution, unfounded deprivation of liberty, or other abuse of civilians, is punishable by 8 to 20 years' imprisonment or life imprisonment.

§ 133. Enslaving

(1) Placing a human being, through violence or deceit, in a situation where he or she is forced to work or perform other duties against his or her will for the benefit of another person, or keeping a person in such situation, is punishable by 1 to 5 years' imprisonment.

(2) The same act, if committed:

1) against two or more persons, or

2) against a person of less than 18 years of age,

is punishable by 3 to 12 years' imprisonment.

§ 134. Abduction

(1) Taking or leaving a person, through violence or deceit, in a state where it is possible to persecute or humiliate him or her on grounds of race or gender or for other reasons, and

where he or she lacks legal protection against such treatment and does not have the possibility to leave the state, is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed:

- 1) against two or more persons, or
- 2) against a person of less than 18 years of age,

is punishable by 2 to 10 years' imprisonment.

§ 136. Unlawful deprivation of liberty(1) Unlawful deprivation of the liberty of another person is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed against a person of less than 18 years of age, is punishable by 1 to 5 years' imprisonment.

§ 172. Child stealingConcealed or unconcealed kidnapping of another person's child of less than 14 years of age from a person under whose care the child legally is, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

§ 173. Sale or purchase of children

(1) The sale or purchase of children is punishable by 1 to 5 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 175. Disposing minors to engage in prostitutionA person who by inducement, threat or any other act influences a person of less than 18 years of age in order to cause him or her to commence or continue prostitution, but the act does not have the necessary elements of an offence provided for in § 133 or 143 of this Code, shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

§ 176. Aiding prostitution involving minors(1) Aiding prostitution involving a person of less than 18 years of age by mediation, provision of premises or in any other manner is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

(3) For an offence provided for in this section, a court may impose a fine to the extent of assets as a supplementary punishment pursuant to § 53 of this Code.

§ 258. Illegal crossing of state border or temporary border line of Republic of Estonia

(1) Illegal crossing of the state border or temporary border line of the Republic of Estonia, if committed:

- 1) in disregard of a stop signal or order given by a Border Guard official;
- 2) by a group;
- 3) by a means of transport in a location not intended for crossing;
- 4) at least twice;

is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed:

- 1) by using violence, or
- 2) by causing serious damage to health;

is punishable by 4 to 12 years' imprisonment.

§ 259. Illegal transportation of aliens across state border or temporary border line of Republic of Estonia

(1) Illegal transportation of an alien across the state border or temporary border line of the Republic of Estonia is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed:

- 1) by a group, or
- 2) by using violence,

is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if serious health damage is thereby caused, is punishable by 4 to 12 years' imprisonment.

§ 260. Stay of alien in Estonia without legal basis

An alien who stays in Estonia without a legal basis at least twice within a year shall be punished by a pecuniary punishment or up to one year of imprisonment.

§ 268. Provision of opportunity to engage in unlawful activities, or pimping

(1) Pimping, or providing premises for the purposes of illegal consumption of narcotic drugs or psychotropic substances, for organising illegal gambling, or for prostitution, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) For an offence provided for in this section, the court may impose a fine to the extent of assets as a supplementary punishment pursuant to § 53 of this Code.

Aliens Act (passed on July 1993, lastly amended in June 2001)

- Posted: 05 Aug 2002
- Country: Estonia
- Document type: Primary legislation

Aliens Act

Passed 8 July 1993

(RT1 I 1999, 44, 637; consolidated text RT I 1997, 50, 548),

Legislationline Comment: this Act does not contain specific provisions on trafficking in human beings; however, it is part of the overall legal set-up, which may affect the legal status of victims of trafficking.

entered into force 12 July 1993,

amended by the following Acts:

06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352;

17.01.2001 entered into force 16.02.2001 - RT I 2001, 16, 68;

17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254;

11.04.2000 entered into force 04.05.2000 - RT I 2000, 33, 197;

21.03.2000 entered into force 29.03.2000 - RT I 2000, 25, 148;

15.12.99 entered into force 31.12.99 - RT I 1999, 101, 900;

17.11.99 entered into force 10.12.99 - RT I 1999, 88, 808;

21.09.99 entered into force 01.10.99 - RT I 1999, 71, 686;

16.06.99 entered into force 23.06.99 - RT I 1999, 54, 582.

Based on the rights and freedoms arising from the Constitution of the Republic of Estonia,

considering that generally recognised principles and rules of international law are an inseparable part of the Estonian legal system,

based on the need to guarantee aliens residing in Estonia with an internationally recognised status and to determine the duties of aliens,

desiring to create a sense of security by law for aliens residing both temporarily and permanently in Estonia, this Act is passed.

Chapter I

General Provisions

§ 1. Scope of application

This Act regulates the entry of aliens into Estonia, their stay, residence and employment in Estonia and the bases for legal liability of aliens.

§ 2. Authorised agencies

(1) Acts arising from this Act shall be performed by government agencies designated by the Government of the Republic.

(2) The head of a government agency appointed by the Republic of the Government may authorise senior officials and higher officials of the same government agency to perform acts specified in subsection (1) of this section on behalf of the government agency.

(17.01.2001 entered into force 16.02.2001 - RT I 2001, 16, 68)

§ 3. Alien

(1) For the purposes of this Act, an alien is a person who is not an Estonian citizen.

(21.10.98 entered into force 01.04.99 - RT I 1998, 98/99, 1575)

(2) The procedure for the stay of refugees in Estonia shall be provided by a separate Act.

(18.02.97 entered into force 09.07.97 - RT I 1997, 19, 306)

§ 4. Permanent resident

(1) A permanent resident is an Estonian citizen residing in Estonia or an alien residing in Estonia who holds a permanent residence permit.

(2) The definition of a permanent resident for the purposes of this Act does not extend to legislation which was adopted before the entry into force of this Act.

§ 41. Minor child

For the purposes of this Act, a minor child is a person under 18 years of age. A person who is married, has a separate family or leads an independent life is not deemed to be a minor child.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

§ 5. Rights and duties of aliens

(1) Aliens staying in Estonia are guaranteed rights and freedoms equal to those of Estonian citizens unless the Constitution, this Act, other Acts or international agreements of Estonia provide otherwise.

(2) Aliens are guaranteed the rights and freedoms arising from the generally recognised rules of international law and international custom.

(3) Aliens staying in Estonia are required to observe the constitutional order and legislation of Estonia.

Chapter II

Immigration quota

§ 6. Immigration quota

(1) The annual immigration quota is the quota for aliens immigrating to Estonia which shall not exceed 0.05 per cent of the permanent population of Estonia annually. The immigration quota shall be established by the Government of the Republic taking into account the proposals of the local governments. Within the limits of the immigration quota, the Minister of Internal Affairs may, by a ruling, establish a distribution of the immigration quota according to the grounds for application for the residence permit and the basis for issuing the residence permit, and the annual schedule. Persons who have the right to settle in Estonia outside of the immigration quota or to whom the immigration quota does not apply are not included in calculating fulfilment of the immigration quota.

(23.09.97 entered into force 26.10.97 - RT I 1997, 73, 1202; 15.12.99 entered into force 31.12.99 - RT I 1999, 101, 900)

(2) Every Estonian has the right to settle in Estonia outside of the immigration quota.

21) The immigration quota does not apply to the following:

1) the spouse of an Estonian citizen who applies for a residence permit on the basis of subsection 12 (2) of this Act if the spouses have a common minor child or the pregnancy of the woman has lasted for more than twelve weeks;

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

2) a minor child of an Estonian citizen for whom a residence permit is applied for on the basis of clause 12 (1) 3) of this Act.

(11.04.2000 entered into force 04.05.2000 - RT I 2000, 33, 197; 17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

(3) The immigration quota does not apply to citizens of the European Union, the United States of America, Norway, Iceland, Switzerland and Japan.

(15.12.99 entered into force 31.12.99 - RT I 1999, 101, 900)

(4) The Minister of Internal Affairs may, on a reasoned proposal of the Minister of Economic Affairs, Minister of Finance, Minister of Culture or Minister of Education, exempt specific persons from the immigration quota if their arrival in Estonia is necessary in the national interests for economic, educational, scientific or cultural development.

(15.12.99 entered into force 31.12.99 - RT I 1999, 101, 900)

Chapter III

Passport Requirements

§ 7. Identification of aliens

All aliens entering and staying in Estonia must hold a valid passport or equivalent document. The valid passport or equivalent document of an alien must certify his or her right to stay in Estonia.

§ 8. Alien's passport

(1) An alien's passport may be issued to an alien who does not have a passport or equivalent document.

(2) An alien's passport may be issued to an alien staying in Estonia with regard to whom a decision to issue a residence permit has been made. The validity of an alien's passport shall not exceed the validity of a residence permit. An alien's passport is valid for a term of up to five years.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

(3) An alien's passport and residence permit shall be applied for concurrently.

(4) Aliens who are unable to obtain a passport or equivalent document of their country of origin or of any other state have the right to obtain an alien's passport. The format, and the conditions and procedure for issue of alien's passports shall be established by the Government of the Republic.

Chapter IV

Visas, Residence Permits and Work Permits

§ 9. General Principles

(1) A legal basis must exist for an alien to enter Estonia or stay in Estonia. An alien shall hold a work permit to work in Estonia.

The legal bases for an alien to stay in Estonia are:

- 1) a residence permit;
- 2) a visa, within the term for stay in Estonia prescribed thereby;
- 3) the right to stay in Estonia arising from an international agreement;
- 4) the right to stay in Estonia arising from a resolution of the Government of the Republic to forego the visa requirement;
- 5) other permission arising from law, or permission granted by administrative legislation on the basis of law for the alien to stay in Estonia.

(21.10.98 entered into force 01.04.99 - RT I 1998, 98/99, 1575)

(11) An alien who during the period of validity of his or her residence permit applies for an extension of the residence permit or for a permanent residence permit pursuant to the procedure established by the Government of the Republic is deemed to be staying in Estonia legally until a decision concerning his or her application is made.

(21.03.2000 entered into force 29.03.2000 - RT I 2000, 25, 148)

(12) In the cases established by the Government of the Republic, an alien shall be in possession of a visa in order to enter and stay in a transit zone at an Estonian airport.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

(2) Aliens shall apply for a visa or temporary residence permit at the representations of the Republic of Estonia unless otherwise provided by this Act.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

(21) As an exception, a visa may be issued at a border checkpoint in the following cases:

1) on the basis of a decision of an official authorised by the Minister of Foreign Affairs, to aliens belonging to a foreign official delegation or to a delegation having equal status therewith according to the diplomatic practice, and to aliens accompanying such delegations;

2) on the basis of a decision of an official authorised by the Minister of Internal Affairs, to aliens who are allowed to enter Estonia on the basis of an international agreement;

3) on the basis of a decision of an official authorised by the Minister of Internal Affairs, to Estonians arriving at a border checkpoint open to international travel;

4) on the basis of a decision of the Minister of Internal Affairs, to aliens who arrive in Estonia at the invitation of a member of the Government of the Republic;

5) on the basis of a decision of the Minister of Internal Affairs, to aliens whose arrival in Estonia is necessary due to urgent and unforeseeable circumstances.

(15.12.99 entered into force 31.12.99 - RT I 1999, 101, 900)

(22) A visa issued as an exception at a border checkpoint gives the right for a single entry in Estonia and the validity of such visa shall not exceed fifteen days.

(15.12.99 entered into force 31.12.99 - RT I 1999, 101, 900)

(23) The Government of the Republic shall, by a ruling, establish the procedure for issuing visas as an exception at a border checkpoint.

(15.12.99 entered into force 31.12.99 - RT I 1999, 101, 900)

(3) The following may apply for a temporary residence permit at a government agency in Estonia authorised by the Government of the Republic:

1) Estonians and their spouses and minor children;

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

2) the spouses and minor children of Estonian citizens;

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

3) children under one year of age descending from aliens who reside in Estonia on the basis of a residence permit;

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

4) aliens who arrive in Estonia at the invitation of a government agency for implementation of a co-operation or aid programme;

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

5) aliens who stay in Estonia on the basis of a temporary residence permit and apply for a new temporary residence permit;

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

6) aliens to whom a government agency authorised by the Government of the Republic has granted such permission as an exception on the condition that they are unable to apply for a residence permit at a representation of the Republic of Estonia for good reason;

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395; 17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

7) aliens specified in subsections 6 (3) and (4) of this Act and their spouses and minor children.

(15.12.99 entered into force 31.12.99 - RT I 1999, 101, 900; 17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

(4) (Repealed – 17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

(5) Aliens have the right to contest in court a decision to refuse to extend or to revoke their residence or work permit, or a precept to leave Estonia issued to them.

(06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

§ 10. Visa

(1) A visa is a permit granted to an alien for entry into Estonia through a border checkpoint open for international travel and for staying in Estonia for the period of time indicated on the visa, unless otherwise provided for in this Act.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

(11) A visa may be issued to an alien for entry into a transit zone at an Estonian airport and for stay therein and departure therefrom under the conditions indicated in the visa. The specified visa does not grant the alien the right to enter Estonia or stay in Estonia.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

(2) The Government of the Republic shall establish visa rules, which regulate the application for, issue, extension and revocation of visas, determine the categories of visas and the competence of agencies which ensure compliance with the rules, and shall enter into visa-free travel agreements with foreign states.

(01.07.97 entered into force 21.07.97 - RT I 1997, 53, 837)

(3) The Minister of Foreign Affairs and Minister of Internal Affairs have the right to issue regulations for the implementation of visa rules to the extent established by the Government of the Republic.

(01.07.97 entered into force 21.07.97 - RT I 1997, 53, 837)

(4) The Government of the Republic shall establish a list of states whose citizens are unilaterally relieved of the visa requirement in Estonia.

(21.10.98 entered into force 01.04.99 - RT I 1998, 98/99, 1575)

(5) A state visa register shall be maintained concerning visa invitations, visa applications, applications for extension of visas, and decisions made with regard thereto, cancelled and amended visas and border crossings of aliens who hold visas.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

§ 11. Residence permits

(1) Residence permits are:

- 1) temporary, which are issued for a term of up to five years;
- 2) permanent.

(2) A temporary residence permit shall be extended on the basis of an application of an alien if the basis for the issue of the residence permit has not ceased to exist, and there is no basis to refuse to extend the residence permit and if the extension of the residence permit is justified.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

§ 12. Bases for issue of residence permits

(1) A temporary residence permit may be issued to aliens:

- 1) for employment;
- 2) for study in an educational institution according to the application of the educational institution;

3) in order to settle with a close relative permanently resident in Estonia;

4) whose legal income ensures their subsistence; lawfully earned remuneration for work, income received from lawful business activities or property, pensions, scholarships, alimony, state benefits, including unemployment benefits and child benefits and the support ensured by family members earning legal income in Estonia shall be deemed to be legal income;

5) whose application for a residence permit is based on an international agreement.

(2) A temporary residence permit may be issued to an alien who is married to a person permanently resident in Estonia.

(3) A permanent residence permit may be issued to an alien who has resided in Estonia on the basis of a temporary residence permit for at least three years within the last five years and who has a valid residence permit, a residence in Estonia and legal income for subsistence in Estonia, unless otherwise provided by this Act. A permanent residence permit shall not be issued to an alien who has received a residence permit in Estonia pursuant to clauses (1) 1) or 2) of this section.

(31) A permanent residence permit may be issued to a minor child of an Estonian citizen residing in Estonia or an alien residing in Estonia on the basis of a permanent residence permit unless the child resides in a foreign state and wishes to settle in Estonia.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

(4) A residence permit shall not be issued to or extended for an alien if:

1) he or she has submitted false information (including information concerning his or her earlier activities) upon application for a visa, residence permit or work permit or upon application for extension thereof;

2) he or she does not observe the constitutional order and laws of Estonia;

3) his or her activities have been or are or there is good reason to believe that such activities have been or are directed against the Estonian state and its security;

4) he or she has incited or incites, or there is good reason to believe that he or she has incited or incites racial, religious or political hatred or violence;

5) he or she has committed a criminal offence for which he or she has been sentenced to imprisonment for a term of more than one year and his or her criminal record has neither expired nor been expunged, or the data concerning the punishment have not been expunged from the punishment register;

6) he or she is in the active service of the armed forces of a foreign state;

7) he or she has served as a professional member of the armed forces of a foreign state or has been assigned to the reserve forces thereof or has retired therefrom;

8) he or she has been repeatedly punished pursuant to criminal procedure for an intentionally committed criminal offence;

9) **there is information or good reason to believe that he or she belongs to a criminal organisation, that he or she is connected with the illegal conveyance of narcotics, psychotropic substances or persons across the border**, that he or she is a member of a terrorist organisation or has committed an act of terrorism, or that he or she is involved in money laundering;

10) he or she is or there is good reason to believe that he or she is employed by an intelligence or security service of a foreign state, or he or she has or there is good reason to believe that he or she has been employed by an intelligence or security service of a foreign state, and his or her age, rank or other circumstances do not preclude his or her conscription into service in the security forces or armed forces or other armed units of his or her country of nationality;

11) he or she has received or there is good reason to believe that he or she has received special training in landing operations, or in diversion or sabotage activities, or other special training, and if the knowledge and skills acquired in the process of such training can be directly applied in the formation or training of illegal armed units;

12) he or she has or there is good reason to believe that he or she has participated in punitive operations against civil population;

13) there is good reason to believe that he or she has committed a crime against humanity or a war crime;

14) he or she is the spouse or a minor child of a person specified in clauses 6), 7), 10), 11) or 12) of this subsection;

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

15) prohibition on entry applies to him or her.

(5) As an exception, temporary residence permits may be issued to aliens listed in clauses (4) 5)–8) and 14) of this section and such residence permits may be extended if the circumstances specified in clauses (4) 1)–4), 9)–13) or 15) of this section have not been ascertained with regard to such aliens.

(6) The circumstances listed in clauses (4) 1)–4), 6) and 8)–13) of this section shall be considered as a threat to the security of the Estonian state.

(21.09.99 entered into force 01.10.99 - RT I 1999, 71, 686)

(7) Clauses (4) 6), 7) and 10) of this section do not extend to citizens of the member states of the European Union or NATO and clause (4) 14) of this section does not extend to the spouses or minor children of such citizens.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

(8) Issue of a residence permit shall be refused if the immigration quota has been fulfilled by the time a decision in respect of the application is made.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

(9) Issue and extension of a residence permit shall be refused if:

- 1) the basis for issue or extension of the residence permit has ceased to exist;
- 2) an alien does not comply with the requirements established by this Act for issue or extension of residence permits;
- 3) the application for issue or extension of a residence permit is not justified;
- 4) a person has committed to leaving the Republic of Estonia, has received a residential space abroad within the framework of an international aid programme or has received support for leaving Estonia.

(06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

§ 121. Issue of residence permit for settling with spouse

(1) A temporary residence permit may be issued to an alien for settling with his or her spouse who legally resides in Estonia if the spouses share a close economic ties and psychological relationship and the family is stable and the marriage is not fictitious.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

(2) If an alien applies for settling with an alien who legally resides in Estonia, his or her spouse must have legal income to ensure the support of the family, or the joint legal income of the spouses must ensure the support of the family in Estonia.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

(3) The validity of a temporary residence permit issued to an alien who has been married for less than three years to a person who legally resides in Estonia shall not exceed one year, and the residence permit shall be extended during three years for one year at a time. The validity of a residence permit issued to an alien who has been married for more than three years to a person who legally resides in Estonia shall not exceed three years.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

(4) A residence permit issued for settling with a spouse shall be extended if the marriage and the income of the family comply with the requirements specified in subsections (1) and (2) of this section.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

(5) A residence permit for settling with a spouse shall be revoked or the extension thereof shall be refused if the marriage is divorced or does not comply with the requirements

established in subsection (1) of this section. A residence permit may be revoked within five years after the issue of the first residence permit.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

(6) The following supplementary conditions apply upon issue of a residence permit on the basis of subsection 12 (2) of this Act to the spouse of an alien who holds a temporary residence permit and upon extension and revocation of a residence permit issued on the specified basis:

- 1) the validity of the temporary residence permit issued to him or her shall not exceed the validity of the temporary residence permit of his or her spouse;
- 2) the extension of his or her temporary residence permit shall be refused if the temporary residence permit of his or her spouse is not extended;
- 3) the temporary residence permit issued to him or her shall be revoked simultaneously with the revocation of the temporary residence permit of his or her spouse;
- 4) a permanent residence permit shall not be issued to him or her unless a permanent residence permit is issued or Estonian citizenship is granted to his or her spouse.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

§ 122. Issue of residence permits for study

(1) For commencement of studies in an educational institution in Estonia, a residence permit may be issued to an alien for up to one year and such alien shall not be included in the immigration quota. The residence permit of such alien shall be extended unless the basis for the issue of the residence permit has ceased to exist, but not for more than a total of six years.

(2) A residence permit issued for study in Estonia shall be revoked if the basis for the issue thereof has ceased to exist.

(3) The period of time during which an alien specified in subsection (1) of this section studies in Estonia shall not be included in the period of residence in Estonia necessary for obtaining a permanent residence permit if such alien has later obtained a residence permit on another basis specified in subsection 12 (1) or (2) of this Act.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

§ 123. Issue of residence permits for settling with close relative residing in Estonia

(1) A residence permit may be issued to the following aliens for settling with a close relative who legally resides in Estonia:

- 1) to a minor child in order to settle with a parent who legally resides in Estonia;

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

2) to a parent or grandparent in order to settle with his or her adult child or grandchild if the parent or grandparent needs care which he or she cannot receive in the country of his or her location or in another state and the legal income of his or her child or grandchild who legally resides in Estonia ensures the support of the parent or grandparent in Estonia;

3) to a person under guardianship in order to settle with the guardian if the legal income of the guardian ensures the support of the person in Estonia.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

(2) A residence permit issued for settling with a close relative residing in Estonia shall be revoked or the extension thereof shall be refused if:

1) the basis for the issue of the residence permit has ceased to exist;

2) in the cases specified in subsection (1) of this section, the person with whom the alien settled fails to ensure the support of the alien in Estonia.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

(3) The following supplementary conditions apply upon issue of a residence permit on the basis of clause 12 (1) 3) of this Act to a close relative of an alien who holds a temporary residence permit and upon extension and revocation of a residence permit issued on the specified basis:

1) the validity of his or her temporary residence permit shall not exceed the validity of the temporary residence permit of the close relative with whom he or she settles;

2) the extension of his or her temporary residence permit shall be refused if the temporary residence permit of the close relative with whom he or she settled is not extended;

3) his or her temporary residence permit shall be revoked at the same time as the temporary residence permit of the close relative with whom he or she settled is revoked;

4) a permanent residence permit shall not be issued to him or her unless a permanent residence permit is issued or Estonian citizenship is granted to the close relative with whom he or she settled.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

§ 124. Issue of residence permits to aliens whose legal income ensures their subsistence

(1) A temporary residence permit may be issued for up to two years to an alien whose legal income ensures his or her subsistence if the issue of the residence permit is justified and does not damage the interests of the Estonian state. A work permit shall not be issued to such alien for employment in Estonia.

(2) The residence permit of an alien specified in subsection (1) of this section may be extended by two years if upon the extension of the residence permit the legal income of the alien ensures his or her subsistence and the issue of the residence permit is justified and does not damage the interests of the Estonian state.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

§ 13. Work permit

(1) In order to work in Estonia an alien shall hold a work permit, unless otherwise provided by this Act.

(2) The activities as defined in the Income Tax Act (RT I 1993, 79, 1184; 1998, 9, 111; 28, 353 and 354; 34, 485 and 489; 40, 612; 51, 757; 28, 354; 61, 979; 103, 1699; 34, 485; 1999, 4, 51; 10, 150; 16, 270 and 273; 27, 383 and 393) of a resident or non-resident alien as a sole proprietor in Estonia or his or her employment in Estonia under an employment contract, contract for services or other contract shall be deemed to be employment in Estonia.

(3) The following do not require a work permit in order to work in Estonia:

1) aliens with permanent residence permits;

2) aliens who have arrived in Estonia at the invitation of the Government of the Republic or a government agency authorised thereby for a stay of up to one year for the implementation of a co-operation or aid programme;

3) aliens specified in subsection 20 (1) of this Act.

(4) An alien who wishes to obtain a residence permit in order to work in Estonia or an employer who wishes to employ an alien (hereinafter employer) shall obtain the consent of a government agency authorised by the Government of the Republic before applying for a work permit. Such government agency shall refuse consent if an alien who wishes to obtain a residence permit on the basis of clause 12 (1) 1) of this Act competes in the Estonian labour market and his or her employment is not justified taking into consideration the situation in the Estonian labour market.

(5) If a residence permit for employment is issued to an alien on the basis of clause 12 (1) 1) of this Act, the conditions for employment of the alien in Estonia shall be determined by a work permit. If the conditions for employment determined by the work permit change, a government agency authorised by the Government of the Republic shall revoke the work permit and, after three months, also the residence permit.

(6) A work permit shall not be issued to an alien who lacks a legal basis for staying in Estonia.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

§ 14. Expiry and revocation of residence permits and work permits

(1) A residence permit or work permit expires:

1) on the date of expiry;

2) upon the grant of Estonian citizenship to an alien or upon his or her resumption of Estonian citizenship;

3) upon the death or declaration of death of an alien.

(2) A residence permit or work permit shall be revoked:

1) in the cases listed in subsection 12 (4) and clauses 12 (9) 1) and 2) of this Act;

2) on the personal request of an alien;

3) if an alien stays outside Estonia for more than a total of 183 days in a year in the case he or she does not register his or her absence under the conditions and pursuant to the procedure established by the Government of the Republic of Estonia.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

§ 141. Administration of issue of residence permits and work permits

(1) The Government of the Republic shall establish by a regulation:

1) the procedure for application for, issue, extension and revocation of residence permits and work permits, and the competence of government agencies which ensure enforcement of the procedure and officials of the corresponding government agencies;

(17.01.2001 entered into force 16.02.2001 - RT I 2001, 16, 68)

2) the amounts of legal income provided for in this Act;

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

3) the procedure for notification specified in subsections 15 (1) and (2) of this Act.

(2) The following shall be established by a regulation of the Minister of Internal Affairs:

1) the format of applications for residence permits and work permits and of applications for extension thereof;

2) the format for entry of data concerning a residence permit or work permit in the travel document of an alien and for cancellation of the entry;

3) the procedure for transfer of a residence permit or work permit into a new travel document.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

§ 142. Competence to issue, extend and revoke residence permits and work permits

(1) A government agency designated by the Government of the Republic shall decide the issue or refusal to issue, extension or refusal to extend or revocation of temporary and permanent residence permits and work permits.

(2) As an exception, the Government of the Republic shall decide the issue, refusal to issue or refusal to extend a residence permit if the applicant is in the list set out in clause 3 of article 2 of the "Agreement between the Republic of Estonia and the Russian Federation on Social Guarantees for Pensioners of the Armed Forces of the Russian Federation in the Territory of the Republic of Estonia" (RT II 1995, 46, 203), specified and accepted by Estonia.

(17.01.2001 entered into force 16.02.2001 - RT I 2001, 16, 68)

Chapter V

Notification and Legal Liability

§ 15. Notification

(1) Aliens are required to inform state agencies authorised by the Government of the Republic of the following circumstances if they are the basis for their residence permit:

- 1) changes in permanent residence;
- 2) premature termination of an employment contract;
- 3) changes in marital status;
- 4) expulsion from an educational institution or interruption of studies.

(2) The subjects specified below are required to inform state agencies authorised by the Government of the Republic of the following circumstances pertaining to an alien:

- 1) employers: premature termination of an employment contract;
- 2) educational institutions: expulsion of a student and completion or interruption of studies;
- 3) legal authorities: offences within their competence;
- 4) courts: criminal offences for which a sentence of imprisonment for a term of more than one year is imposed;
- 5) agencies registering vital statistics: changes in marital status.

§ 16. Legal liability

(1) An alien shall bear administrative liability for violation of this Act pursuant to the procedure provided for in the Code of Administrative Offences (RT 1992, 29, 396; RT I 1999, 41, 496; 58, 608; 60, 616; 87, 792; 92, 825; 95, 843; 2000, 25, 141; 28, 167; 29,

169; 40, 247; 49, 301; 49, 305; 54, 351; 55, 361; 10, 58; 54, 346; 84, 533; 58, 376; 86, 544; 86, 548; 95, 609; 51, 321; 54, 348; 54, 351; 95, 613).

(2) An alien may be required to leave the territory of the Republic of Estonia and his or her entry into Estonia may be prohibited pursuant to the procedure provided for in the Obligation to Leave and Prohibition on Entry Act.

(21.10.98 entered into force 01.04.99 - RT I 1998, 98/99, 1575)

(3) Records concerning an alien staying in Estonia illegally shall be maintained until he or she leaves Estonia or obtains a residence permit in Estonia. The procedure for maintaining records and the standard format for records shall be established by a regulation of the Minister of Internal Affairs.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

§ 161. Bearing of costs related to stay of aliens in Estonia or leave from Estonia

(1) An alien or a person at whose invitation an alien arrives in Estonia (hereinafter sponsor) is required to bear the costs of the stay of the alien in Estonia and his or her departure from Estonia, including transportation costs borne in connection with the expulsion of the alien from Estonia. Upon failure to perform such obligation, an alien or a sponsor is required to compensate the state for such expenses.

(2) A person who transports or whose representative (hereinafter transporter) transports an alien who, upon arrival at the Estonian border, lacks a legal basis for staying in Estonia or a document necessary for crossing the border, is required to transport the alien, upon such alien being returned from the Estonian border, back to the same place where the alien boarded the means of transport of the transporter or back to the country of habitual residence of the alien. If this is impossible, the transporter is required to compensate the state for costs related to the stay of the alien in Estonia and his or her departure from Estonia.

(3) If the costs specified in subsections (1) and (2) of this section are not compensated for the state, the costs shall be claimed, by a court proceeding, by the government agency who bore the costs.

(4) Upon granting permission to invite an alien to Estonia, granting a legal basis for an alien to stay in Estonia and permitting him or her to enter Estonia, a government agency authorised by the Government of the Republic may require the alien, sponsor or transporter to guarantee performance of the obligations specified in subsections (1) or (2) of this section to the extent and pursuant to the procedure established by the Government of the Republic. In the absence of a proper guarantee, the issue of permission to invite an alien to Estonia, the grant of a legal basis for an alien to stay in Estonia and permission for him or her to enter Estonia shall be refused.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

(5) The procedure for and extent of compensation for the costs specified in subsections (1) and (2) of this section shall be established by the Government of the Republic. Funds for bearing the costs specified in subsections (1) and (2) of this section by the state shall

be prescribed in the budgets of the government agencies authorised by the Government of the Republic.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

Chapter VI

Final Provisions

§ 17. Personal identification code

Personal identification codes shall be issued by a government agency authorised by the Government of the Republic to aliens to whom residence permits have been issued.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

§ 18. Employees of foreign representations

The stay and employment of employees of foreign diplomatic representations and consular posts and of their family members in Estonia is regulated by international agreements and other instruments of international law.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

§ 19. Register of residence permits and work permits

A state register of residence permits and work permits shall be maintained concerning applications for residence permits and work permits and for extension thereof, invitations to settle in Estonia, applications for revocation of residence permits and work permits, applications for the transfer of data concerning residence permits and work permits into new travel documents, applications for registration of absence from Estonia, and decisions made in respect thereof, as well as decisions to revoke residence permits and work permits.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

§ 20. Legal guarantees for aliens who applied for residence permit before 12 July 1995

(1) An alien who applied for a residence permit before 12 July 1995 and to whom a residence permit has been issued and who is not among the aliens specified in subsection 12 (4) of the Aliens Act retains the rights and duties provided for in earlier legislation of the Republic of Estonia.

(2) An alien specified in subsection (1) of this section does not require a work permit in order to work in Estonia during the period of validity of his or her temporary residence permit and he or she has the right to apply for a permanent residence permit as of 12 July 1998 under the conditions and pursuant to the procedure established by the Government of the Republic. An application for a permanent residence permit shall be submitted at least one month before the expiry of a temporary residence permit issued to an alien.

(23.09.97 entered into force 26.10.97 - RT I 1997, 73, 1202; 17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395;

16.06.99 entered into force 23.06.99 - RT I 1999, 54, 582)

§ 21. Non-application of immigration quota

A residence permit may be issued outside of the immigration quota to an alien to whom the issue of a residence permit is justified and does not damage the interests of the Estonian state and who settled in Estonia before 1 July 1990 and has thereafter not left to reside in another country.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

§ 22. Duties of local governments in issue of residence permits

Local governments are required to monitor that the residence permits of aliens staying in the territories of the local governments are issued pursuant to this Act and pursuant to the procedure and for the term established by the Government of the Republic.

Otherwise, local governments are required to inform the authorised state agency thereof.

(18.05.94 entered into force 10.06.94 - RT I 1994, 41, 658; 27.06.95 entered into force 21.07.95 - RT I 1995, 57, 981)

§ 23. Duties of employers with regard to issue of work permits

Employers are required to monitor that the work permits of aliens employed by the employer are issued pursuant to this Act and pursuant to the procedure and for the term established by the Government of the Republic. Otherwise, employers are required to dismiss such aliens and to inform the authorised state agency thereof.

(18.05.94 entered into force 10.06.94 - RT I 1994, 41, 658; 27.06.95 entered into force 21.07.95 - RT I 1995, 57, 981)

§ 231. Administrative liability of legal persons

A fine in the amount of 10 000 kroons to 50 000 kroons shall be imposed if a legal person hires an alien without a work permit to work in Estonia if a work permit is required.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

§ 232. Proceedings of matters concerning administrative offences of legal persons

Proceedings of matters concerning administrative offences of legal persons shall be conducted pursuant to the procedure prescribed in the Code of Administrative Offences (RT 1992, 29, 396; RT I 1999, 41, 496; 58, 608; 60, 616; 87, 792; 92, 825; 95, 843; 2000, 25, 141; 28, 167; 29, 169; 40, 247; 49, 301; 49, 305; 54, 351; 55, 361; 10, 58;

54, 346; 84, 533; 58, 376; 86, 544; 86, 548; 95, 609; 51, 321; 54, 348; 54, 351; 95, 613), taking into account the exceptions provided for in this Act.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

§ 233. Preparation of administrative offence reports on legal persons

(1) Officials of the Citizenship and Migration Board and police officers have the right to prepare administrative offence reports on legal persons for the offences specified in § 231 of this Act.

(2) An administrative offence report provided for in subsection (1) of this section shall set out:

1) the date and place of preparation of the report and the name and address of the supervisory agency in whose name the report is prepared;

2) the official title, given name and surname of the person who prepares the report;

3) the name and address of the legal person who is the administrative offender and the position, given name and surname of the competent representative of the legal person;

4) the place, time and description of the administrative offence;

5) a reference to the section of this Act which prescribes liability for the administrative offence;

6) materials which substantiate the commission of the administrative offence, such as statements by witnesses and other necessary materials for resolution of the matter;

7) a notation that the rights and duties of the administrative offender have been explained to the administrative offender;

8) other information necessary for adjudication of the matter concerning the administrative offence.

(3) The person who prepares the report and the competent representative of the offender shall sign the report. If the representative of the administrative offender refuses to sign the report or provide explanations, the person who prepares the report shall make a corresponding entry in the report. If the representative of the administrative offender so requires, his or her notations concerning the report shall be annexed to the report.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

§ 234. Hearing of matters concerning administrative offences of legal persons

Administrative court judges have the right to hear matters concerning administrative offences of legal persons and impose punishment in such matters.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

§ 235. Liability of natural persons in matters concerning administrative offences of legal persons

If a natural person, acting on behalf of or in the interests of a legal person, commits an act specified in § 231 of this Act, punishment for the violation may be applied simultaneously to the natural person and to the legal person.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

§ 236. Limitation period for imposition of administrative punishment on legal persons

Administrative punishment may be imposed on a legal person within six months after the date of detection of the administrative offence, but not later than one year after the date of commission of the offence.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

§ 24. Amendments to earlier Acts

As of the entry into force of this Act:

1) the words "Immigration Act" in the title of § 171 and in subsection 171 (4) of the Code of Administrative Offences (RT 1992, 29, 396; RT I 1999, 41, 496; 58, 608; 60, 616; 87, 792; 92, 825; 95, 843; 2000, 25, 141; 28, 167; 29, 169; 40, 247; 49, 301; 49, 305; 54, 351; 55, 361; 10, 58; 54, 346; 84, 533; 58, 376; 86, 544; 86, 548; 95, 609; 51, 321; 54, 348; 54, 351; 95, 613) shall be substituted by the words "Aliens Act" and the words "work permit" [töötamisluba] in subsections 171 (1), (2) and (3) of the Code of Administrative Offences shall be substituted by the words "work permit" [tööluba] in appropriate case forms;

2) the words "the Republic of Estonia Immigration Act" (RT 1990, 2, 25) in subsection 15 (4) of the Churches and Congregations Act (RT I 1993, 30, 510; 44, 637; 1994, 28, 425) are substituted by the words "Aliens Act";

3) the Republic of Estonia Immigration Act of 26 June 1990 (RT 1990, 2, 25) is repealed.

§ 25. Entry into force of Act

This Act enters into force as of the date of publication in the Riigi Teataja.

1 RT = Riigi Teataja = State Gazette

Obligation to Leave and Prohibition on Entry Act (October 1998, came into force on 1st April 1999)

- Posted: 05 Aug 2002
- Country: Estonia

- Document type: Primary legislation

-

- Also under this topic:

Obligation to Leave and Prohibition on Entry Act (October 1998, came into force on 1st April 1999)

-

Obligation to Leave and Prohibition on Entry Act

passed on 21 October 1998

(RT I 1998, 98/99, 1575; consolidated text RT I 2001, 68, 407),

entered into force on 1 April 1999,

(emphasis added)

Legislationline Comment: although this Act does not contain provisions that specifically pertain to the phenomenon of trafficking in human beings, it is part of the overall legal set-up, which affects the legal status of victims of trafficking.

amended by the following Act:

06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352;

17.01.2001 entered into force 16.02.2001 - RT I 2001, 16, 68;

14.06.2000 entered into force 01.12.2000 - RT I 2000, 58, 376;

17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254;

26.10.99 entered into force 25.11.99 - RT I 1999, 84, 762.

Chapter 1

General Provisions

§ 1. Scope of application of Act

This Act provides the bases and procedure for the application to aliens of the obligation to leave Estonia and the prohibition on entry into Estonia.

§ 2. Legal bases for aliens to stay in Estonia

(1) A legal basis must exist for an alien to stay in Estonia. Aliens are prohibited from staying in Estonia without a legal basis.

(2) The legal bases for an alien to stay in Estonia (hereinafter bases for stay) are provided for in the Aliens Act (RT I 1993, 44, 637; 1999, 50, 548; 54, 582; 71, 686; 88, 808; 101, 900; 2000, 25, 148; 33, 197; 40, 254; 2001, 16, 68; 58, 352).

(06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

§ 3. Obligation to leave

(1) Obligation to leave is the obligation of an alien to leave Estonia which arises directly from law or from administrative legislation passed on the basis of law.

(06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

(2) An alien is required to leave Estonia if expressly provided by law, if his or her basis for stay expires and is not extended, and if he or she has no other basis for stay.

(3) An alien who is required to leave Estonia pursuant to law shall leave Estonia within the period of validity of his or her basis for stay.

§ 4. Precept

(1) A precept is an administrative act which imposes on an alien staying in Estonia without any basis for stay an obligation to leave Estonia or to legalise his or her stay in Estonia in the cases and pursuant to the procedure provided for in this Act.

(2) An alien is required to comply with a precept within the shortest possible period.

(06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

§ 5. Expulsion

Expulsion is the enforcement of an obligation to leave in the cases and pursuant to the procedure provided by law.

(06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

§ 6. Prohibition on Entry

Prohibition on entry is a preventive measure, the aim of which is to prevent undesirable aliens from entering Estonia and staying in Estonia.

Chapter 2

Precept

§ 7. Precept to leave

(1) A precept to leave Estonia (hereinafter precept to leave) shall be issued to an alien who is staying in Estonia without a basis for stay.

(2) A precept to leave shall include a warning of compulsory execution of the precept upon failure to comply with the precept.

(3) If an alien fails to comply with a precept to leave due to good reason independent of the alien and proved by him or her, compulsory execution shall not be imposed until the good reason ceases to exist. The processing of the basis of stay of the alien or an application for the extension thereof does not constitute good reason.

(4) A precept to leave need not be issued to an alien who leaves Estonia within fifteen days as of the expiry of the basis of stay.

(06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

§ 8. Terms for compulsory execution of precept to leave

(1) A precept to leave issued to an alien who is staying in Estonia without a basis for stay shall be subject to compulsory execution after the fifteenth day as of the date of issue of the precept.

(2) A precept to leave issued to an alien who is staying in Estonia without a basis for stay, whose residence permit is revoked or whose residence permit has expired shall be subject to compulsory execution after the sixtieth day as of the date of issue of the precept.

(06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

§ 9. Precept to legalise

(1) A precept imposing an obligation to apply for a residence permit pursuant to the established procedure in order to legalise the stay in Estonia (hereinafter precept to legalise) shall be issued to an alien who is staying in Estonia without a basis of stay and who:

1) leads family life in Estonia protected by law;

2) is of Estonian origin;

3) settled in Estonia before 1 July 1990 and has not left Estonia to reside in another country and whose continued stay in Estonia does not damage the interests of the Estonian state.

(2) A precept to legalise shall include a warning to impose penalty payment on the alien upon failure to comply with the precept.

The amount of penalty payment shall be indicated in the warning. The upper limit of penalty payment is 10 000 kroons.

(3) A precept to legalise shall also be deemed to be complied with if the alien leaves Estonia.

(4) A precept to legalise shall not be issued to an alien specified in subsection (1) of this section whose residence permit or an application for the extension thereof is being processed until a decision is made in respect of his or her residence permit or the application for the extension thereof.

(5) A precept to legalise need not be issued to an alien who leaves Estonia within fifteen days as of the expiry of the basis of stay.

(6) A precept to leave shall be issued to an alien specified in clause (1) 1) or 3) of this section if it is necessary to ensure the protection of public order, security, health or moral standards, or to prevent an offence. A precept to leave shall be issued to an alien specified in clause (1) 2) of this section if it is necessary to protect national security or to prevent an offence.

(06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

§ 10. Ensuring compliance with precept

(1) In order to ensure compliance with a precept, the Citizenship and Migration Board may, by a precept or a reasoned decision, require an alien to comply with surveillance measures and to make a penalty payment.

(2) Surveillance measures are:

1) residing in a determined place of residence;

2) appearing for registration at the Citizenship and Migration Board at prescribed intervals;

3) appearing at the Citizenship and Migration Board to establish circumstances ensuring compliance with a precept;

4) notifying the Citizenship and Migration Board of changes of residence of the alien and of his or her prolonged absence from

the place of residence;

5) notifying the Citizenship and Migration Board of changes in the alien's marital status.

(3) A police officer has the right to check that an alien is residing in the determined place of residence.

(4) Penalty payment shall be imposed after the ninetieth day as of the date of issue of a precept.

(5) Penalty payment shall be imposed pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act (RT I 2001, 50, 283) unless otherwise provided by this Act. Penalty payment may be applied again after the ninetieth day as of the date of the previous enforcement order issued to impose penalty payment.

(6) Border guard authorities shall notify the Citizenship and Migration Board of the departure from the country of aliens who stayed in Estonia without any basis for stay pursuant to the procedure established by the Minister of Internal Affairs.

(06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

§ 11. Procedure for issue of precept

(1) Precepts shall be issued by the Citizenship and Migration Board. The Director General of the Citizenship and Migration Board may authorise officials of the same government agency to issue precepts in the name of the Citizenship and Migration Board.

(2) If a precept is issued, the alien has the right to an oral hearing conducted by an official and the right to present objections and applications. A representative of the alien may be present at the oral hearing and issue of the precept. The alien shall furnish proof of the circumstances specified in subsection 9 (1) of this Act.

(3) Upon the issue of a precept, the following information on the alien shall be processed:

- 1) personal data;
- 2) circumstances of entry into Estonia;
- 3) social and family ties in Estonia and foreign states;
- 4) circumstances which are the basis for the issue of the precept;
- 5) the existence of means of subsistence.

(4) If necessary, an alien is called to be present at the issue of a precept by a written notice. The notice shall be delivered to the alien against a signature or forwarded by post with advice of delivery. If an alien who is called to be present at the issue of a precept fails to appear for the issue of the precept, compelled attendance by a police escort may be imposed on the alien.

(5) A precept shall be prepared in writing and shall set out the time and place of issue of the precept, the official title, given name and surname of the official who issues the precept, the given name, surname and date and place of birth of the alien, the date and place of issue of his or her identity document or travel document, his or her country of nationality or country of habitual residence, his or her place of residence, the obligation imposed on the alien by the precept, a warning regarding the consequences of failure to comply with the precept, surveillance measures to be applied, the factual circumstances which are the basis for the issue of the precept, and applied legislative or regulatory provisions and a reference to the possibilities and place of and terms and procedure for the contestation of the precept. The official who issues the precept shall sign the precept.

(6) A precept shall be delivered to an alien against a signature. Upon the issue of a precept, the right to appeal against the issue of the precept and the consequences of failure to comply with the precept shall be explained to the alien. The content of the precept shall be explained to the alien in a language which he or she understands. If the alien refuses to give a signature concerning receipt of the precept or if the alien fails to

appear for the issue of the precept, a notation concerning the refusal and the reasons therefor or concerning the failure to appear shall be made on the copy of the precept or in the corresponding book.

(7) If an alien has received notice to appear for the issue of a precept and if he or she fails to appear at the specified time, the precept may be issued in the absence of the alien. In such case, the precept shall be forwarded to the alien by registered post.

The date on which the decision is forwarded by post shall be indicated on the precept.

(8) The Citizenship and Migration Board shall, in accordance with the standard format established by the Minister of Internal Affairs, enter a notation concerning the issue of a precept in the travel document of an alien which the alien uses to cross the border.

(9) Upon making a reasoned decision specified in subsection 10 (1) of this Act, the provisions of subsections (1)-(6) of this section apply.

(06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

§ 12. Issue of precept to minors

(1) If an alien to whom a precept is issued is accompanied in Estonia by his or her minor alien child or alien ward (hereinafter minor) and if the minor does not have a basis for stay in Estonia, an obligation to organise compliance with the precept with respect to the minor shall be imposed by the same precept on the parent, guardian or other person responsible for the minor (hereinafter parent).

(2) A precept is issued to a minor staying in Estonia without a parent and compliance therewith shall be organised by a guardianship authority.

(3) The provisions of subsections (1) and (2) of this section concerning minors also apply to adults without active legal capacity.

(06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

§ 13. Validity and contestation of precept

(1) A precept shall be valid as of the date of issue of the precept until the obligation imposed on an alien by the precept is performed or until basis for stay in Estonia is obtained.

(2) The Citizenship and Migration Board shall declare a precept invalid if basis for the issue of the precept ceases to exist.

(3) An appeal against a decision to issue a precept or a decision made to ensure compliance with a precept may be filed with an administrative court pursuant to the procedure provided for in the Code of Administrative Court Procedure (RT I 1999, 31, 425; 96, 846; 2000, 51, 321) within ten days as of the date of notification of the precept or decision.

(06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

Chapter 3

Expulsion

§ 14. Bases for expulsion

(1) An alien shall be expelled from Estonia upon expiry of the term for compulsory execution of a precept to leave.

(2) An alien may be expelled with the permission of an administrative court prior to expiry of the term for compulsory execution of a precept to leave or expiry of the term for contestation thereof or without a previous precept if it is necessary to ensure the protection of public order, security, health or moral standards, or to prevent an offence and upon failure to comply with the surveillance measures provided for in subsection 10 (2) of this Act. An administrative court shall grant permission pursuant to the procedure provided for in Chapter 4 of the Code of Administrative Court Procedure.

(3) An alien who entered Estonia illegally may be expelled without issuing a precept and without the permission of an administrative court.

(4) Expulsion shall not be applied if:

1) a precept is annulled or declared invalid or it has expired;

2) expulsion is no longer possible;

3) expulsion may result in the alien's torture, inhuman or degrading punishment or treatment, or death or persecution for nationality, racial, religious, social or political reasons.

(5) Expulsion shall be suspended:

1) if a court suspends compulsory execution of a precept to leave;

2) in the case provided for in subsection 7 (3) of this Act.

(06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

§ 15. Expulsion order

(1) In the case provided for in subsection 14 (1) of this Act, a competent official of the Citizenship and Migration Board shall request the expulsion of an alien by the police who shall detain the alien and organise the alien's departure from Estonia.

(2) In the case provided for in subsection 14 (2) of this Act, the application to be granted permission for the expulsion of an alien shall be submitted to an administrative court by a Border Guard official, police officer or a security police officer.

(3) In the case provided for in subsection 14 (3) of this Act, the expulsion of an alien shall be organised by a Border Guard official or police officer.

(4) The Citizenship and Migration Board shall process the following data concerning an alien who is subjected to expulsion (hereinafter person to be expelled) with the aim of ensuring enforcement of the expulsion:

- 1) personal data;
- 2) circumstances of entry into Estonia;
- 3) social and family ties in Estonia and foreign states;
- 4) circumstances which are the basis for expulsion;
- 5) the existence of means of subsistence.

(06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

§ 16. Contestation of expulsion

(1) Expulsion may be contested pursuant to the procedure provided for in the Code of Administrative Court Procedure. The contestation of expulsion shall not postpone expulsion for the time of judicial proceedings.

(2) After expiry of the term for contestation of a precept for the compulsory execution of which expulsion is applied, expulsion cannot be contested based on the unlawfulness of the precept.

(06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

§ 17. Admitting country

(1) A person to be expelled shall be expelled to the state from which he or she arrived in Estonia, to the country of his or her nationality or to his or her country of habitual residence, or to a third state with the consent of the third state. If there is more than one option, the reasoned preference of the person to be expelled shall be the primary consideration, if such preference does not significantly impede enforcement of the expulsion.

(2) An alien may not be expelled to a state to which expulsion may result in his or her torture, inhuman or degrading punishment or treatment, or death or persecution for nationality, racial, religious, social or political reasons.

(06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

§ 18. Term for expulsion

(1) Expulsion shall be completed within forty-eight hours after the alien is detained.

(2) If a person to be expelled is being punished by administrative detention, expulsion shall be completed within forty-eight hours after the administrative detention has been served.

(3) A person to be expelled who is a suspect, an accused or an accused at trial in a criminal matter shall be expelled within forty-eight hours after completion of the proceedings or the entry into force of a court judgment. In the case of an appeal against a court judgment, a person to be expelled shall be expelled within forty-eight hours after the return of the appeal or the entry into force of a judgment of a higher court. Until the completion of the proceedings or the making of a judgment, the preventive measures provided for in the Code of Criminal Procedure (ENSV ÜT 1961, 1, 4 and appendix; RT I 2000, 56, 369, 75, correction notice; 84, 533; 86, 542; 2001, 3, 9) shall be applied with regard to a person to be expelled, or the person to be expelled shall be placed in an expulsion centre on the basis of a judgment of an administrative court judge.

(4) If a person to be expelled is being punished by detention or imprisonment, or if an alien who is detained or imprisoned is to be expelled, expulsion shall be completed within forty-eight hours after the detention or imprisonment has been served.

(06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

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

(1) Until the completion of expulsion, aliens shall be detained by way of administrative procedure for the terms provided for in § 18 of this Act.

(2) An administrative court judge may extend the terms provided for in § 18 of this Act by up to three days and grant permission for the detention of an alien during such term.

(3) The procedure for transportation to a border checkpoint of persons to be expelled and the competence of the government agencies enforcing expulsion in the performance of activities provided for in this Act shall be established by the Minister of Internal Affairs.

(4) A competent police officer shall, in accordance with the standard format established by the Minister of Internal Affairs, enter a notation concerning expulsion in the travel document of an alien which the alien uses to cross the border.

(06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

§ 20. Expulsion activities at border checkpoint

(1) A notation with regard to crossing the border shall be entered in the travel document of a person to be expelled at a border checkpoint, and the alien shall be sent to a foreign state or handed over to a representative of the admitting country.

(2) A border representative of the Republic of Estonia, a border representative of the admitting country, an official of the Ministry of Foreign Affairs and a representative of the admitting country may be present when expulsion activities are performed at a border checkpoint.

(3) A person to be expelled who is suspected or convicted of a criminal offence shall be handed over at a border checkpoint at the request of a foreign state and pursuant to the procedure provided for in an international agreement.

§ 21. Expulsion of minors

The expulsion of a minor shall be organised in co-ordination with the competent state agencies of the admitting country and, if necessary, of the transit country and protection of the rights of the minor shall be ensured.

(06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

§ 22. Readmission of person to be expelled

If the admitting country refuses to admit a person to be expelled or if other circumstances impeding the completion of expulsion become evident during the transportation to a border checkpoint of the person to be expelled or at the border checkpoint, the person to be expelled shall be detained by way of administrative procedure until the completion of his or her expulsion or until he or she is placed in an expulsion centre, but the person to be expelled shall not be detained for longer than forty-eight hours.

§ 221. Expulsion centre

(1) Expulsion centres are government agencies in the area of government of the Ministry of Internal Affairs the function of which is to enforce the judgments on the detention of persons to be expelled.

(2) The provisions of the Imprisonment Act concerning the imposition of custody pending trial with the specifications provided for in this Act apply to the detention of persons to be expelled in expulsion centres.

(14.06.2000 entered into force 01.12.2000 - RT I 2000, 58, 376)

Chapter 4

Detention in Expulsion Centre

§ 23. Placement in expulsion centre

(1) If it is not possible to complete expulsion within the term provided for in this Act, the person to be expelled shall, at the request of the government agency which applied for or which is enforcing the expulsion of the alien and on the basis of a judgment of an administrative court judge, be placed in an expulsion centre until his or her expulsion, but for not longer than two months.

(2) (Repealed - 06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

(3) (Repealed - 06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

§ 24. Release from expulsion centre

(1) If enforcement of the expulsion of an alien who is staying in an expulsion centre becomes possible, the alien shall be released from the expulsion centre and shall be expelled at the request of the government agency enforcing the expulsion pursuant to the procedure provided for in this Act.

(2) If a person to be expelled is taken into custody as a suspect or an accused in a criminal matter, he or she shall be released from the expulsion centre on the basis of the ruling to take him or her into custody.

(3) If a precept is annulled or declared invalid or a decision is made to grant an alien the basis for stay, the alien shall be released from the expulsion centre on the basis of the decision to annul the precept or to declare it invalid or to grant the basis for stay.

(4) The Citizenship and Migration Board shall immediately notify the alien and the expulsion centre of the annulment of a precept or the declaration of a precept invalid or the grant of basis for stay in Estonia.

(06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

§ 25. Extension of term for detention in expulsion centre

If it is impossible to enforce expulsion within the term of detention in an expulsion centre, an administrative court shall, at the request of a competent official of the Citizenship and Migration Board, extend the term of detention in the expulsion centre of a person to be expelled by up to two months at a time until expulsion is enforced or until the alien is released pursuant to subsections 24 (2) or (3) of this Act.

(06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

§ 26. Making of judgment

(1) Judgments concerning the detention of persons to be expelled and extension of the term of detention shall be made by an administrative court pursuant to the procedure provided for in Chapter 4 of the Code of Administrative Court Procedure.

(2) Placement in an expulsion centre and extension of the term of detention in the expulsion centre shall be decided in a court session.

(06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

Chapter 5

Prohibition on Entry

§ 27. Period of validity of prohibition on entry

(1) A prohibition on entry shall be temporary or permanent. A temporary prohibition on entry may have a period of validity of up to ten years.

(2) The period of validity of a prohibition on entry is a period of time calculated in years or months, within which the legal consequences provided for in § 28 of this Act apply to an alien.

(3) The period of validity of a prohibition on entry shall commence on the date on which the order to apply the prohibition on entry is made, if the order does not prescribe a later date for the commencement of the period of validity of the prohibition on entry.

(4) The period of validity of a prohibition on entry shall end upon the expiry thereof or upon annulment of the prohibition on entry.

§ 28. Legal consequences of prohibition on entry

(1) An alien with regard to whom a prohibition on entry applies shall not be granted permission to enter Estonia at a border checkpoint.

(2) 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, and the alien is also not permitted to stay in Estonia regardless of whether he or she has a basis for stay.

(3) Upon application of a prohibition on entry with regard to an alien who holds a residence permit, a visa or other permission to stay in Estonia granted by administrative legislation, the corresponding basis for stay shall be annulled.

(4) A prohibition on entry does not deprive an alien of the right to apply for asylum in Estonia.

§ 29. Bases for application of prohibition on entry

(1) A prohibition on entry may be applied with regard to an alien if:

1) there is good reason to believe that his or her stay in Estonia may endanger the security of the Republic of Estonia, or public order, public safety, moral standards or the health of other persons;

2) **there is information or good reason to believe that he or she belongs to a criminal organisation, that he or she is connected with the illegal conveyance of narcotics, psychotropic substances or persons across the border**, that he or she is a member of a terrorist organisation or has committed an act of terrorism, or that he or she is involved in money laundering;

3) he or she is or has been employed by an intelligence or security service of a foreign state, or there is good reason to believe that he or she is or has been employed by an intelligence or security service of a foreign state;

4) he or she has received or there is good reason to believe that he or she has received special training in landing operations or in diversion or sabotage activities, or other special training, and if the knowledge and skills acquired in the process of such training can be directly applied in the formation or training of illegal armed units;

5) he or she incites or there is good reason to believe that he or she incites racial, religious or political hatred in Estonia or a foreign state;

6) he or she has been punished or there is good reason to believe that he or she has been punished for a serious crime against humanity or for a war crime, regardless of whether the criminal record has expired or been expunged, and regardless of the expungement of data concerning punishment from the punishment register;

7) he or she has been punished for an intentionally committed criminal offence or for another offence in Estonia or a foreign state, and if the criminal record has neither expired nor been expunged or if data concerning the punishment have not been expunged from the punishment register;

8) the alien has violated legislation regulating the stay of aliens in Estonia or the crossing of the state border by aliens.

(2) A permanent prohibition on entry may be applied in the cases provided for in clauses (1) 1)-6) of this section.

(3) If it is impossible for the family of an alien to live together outside Estonia or if the resettlement of the family in a foreign state would involve difficulties on a disproportionate scale in comparison with the need to establish a prohibition on entry, a prohibition on entry with regard to the alien may be applied only in the cases provided for in clauses (1) 1)-6) of this section.

(4) The following persons living legally in Estonia together with an alien in the same family shall be deemed to be the family members of the alien:

1) spouse;

2) minor child;

3) parent, if the alien is a minor.

(5) If the bases for application of a prohibition on entry provided for in subsection (1) of this section become evident during the proceedings for the grant or extension of a basis for stay, the grant or extension of the basis for stay shall be refused and a prohibition on entry shall be applied with regard to the alien.

§ 30. Non-application of prohibition on entry

Prohibition on entry shall not be applied:

1) with regard to an alien less than 13 years of age;

2) with regard to an alien who is of Estonian origin;

3) with regard to an alien whose application for asylum in Estonia has been accepted for hearing or with regard to an alien who has been granted asylum in Estonia.

§ 31. Order to apply prohibition on entry

(1) The application of a prohibition on entry shall be ordered by the Minister of Internal Affairs after considering the position of the advisory committee formed by him or her.

(26.10.99 entered into force 25.11.99 - RT I 1999, 84, 762)

(2) The procedure for ordering application of a prohibition on entry shall be established by the Government of the Republic.

(26.10.99 entered into force 25.11.99 - RT I 1999, 84, 762)

(3) Upon an order to apply a prohibition on entry and the determination of the period of validity of a prohibition on entry, all of the following circumstances shall be taken into account:

1) the duration of the alien's legal stay in Estonia;

2) personal, economic and other ties which the alien has with Estonia and which are deserving of protection;

3) the consequences of the application of the prohibition on entry for the family members of the alien;

4) the circumstances which are the basis for application of a prohibition on entry;

5) other relevant considerations.

(4) An order to apply a prohibition on entry shall be formalised in writing as reasoned administrative legislation.

(26.10.99 entered into force 25.11.99 - RT I 1999, 84, 762)

(5) An alien or his or her representative may appeal against an order to apply a prohibition on entry pursuant to the procedure provided for in the Code of Administrative Court Procedure if application of the prohibition on entry violates the rights of the alien prescribed by law or restricts the freedoms of the alien granted by law.

§ 32. Amendment of period of validity of prohibition on entry

(1) The Minister of Internal Affairs, after considering the position of the advisory committee formed by him or her, shall annul the prohibition on entry or shorten the period of validity of the prohibition on entry at the request of the alien or on the initiative of a government agency if the basis for application of the prohibition on entry has changed or ceased to exist.

(26.10.99 entered into force 25.11.99 - RT I 1999, 84, 762)

(2) The Minister of Internal Affairs, after considering the position of the advisory committee formed by him or her, may annul the prohibition on entry or shorten the period of validity of the prohibition on entry at the request of the alien or on the initiative of a government agency:

(26.10.99 entered into force 25.11.99 - RT I 1999, 84, 762)

- 1) if the circumstances listed in subsection 31 (1) of this Act have changed;
- 2) on humane considerations if national security and public order are not endangered thereby.

(3) The Minister of Internal Affairs, after considering the position of the advisory committee formed by him or her, may extend the period of validity of the prohibition on entry, or replace a temporary prohibition on entry with a permanent prohibition on entry, on the initiative of a government agency and if additional bases for the application of a prohibition on entry provided for in subsection 29 (1) of this Act become evident with regard to the alien. The provisions of subsections 31 (3)-(5) of this Act apply with regard to extension of the period of validity or with regard to replacement of a temporary prohibition on entry with a permanent prohibition on entry.

(26.10.99 entered into force 25.11.99 - RT I 1999, 84, 762)

§ 33. Register of prohibitions on entry

(1) The National Register of Prohibitions on Entry shall be maintained pursuant to the procedure established by the Government of the Republic concerning aliens with regard to whom prohibitions on entry apply.

(2) An excerpt from the register of prohibitions on entry may be used upon refusal to grant a basis for stay, refusal to extend a basis for stay, annulment of a basis for stay or prevention of the entry of an alien into Estonia.

Chapter 6

Implementing Provisions

§ 34. Application of prohibition on entry to alien whose entry into Estonia was prevented prior to entry into force of this Act

A prohibition on entry with regard to an alien whose entry into Estonia was prevented prior to the entry into force of this Act applies in accordance with Chapter 5 of this Act.

§ 341. Application of decisions concerning detention of persons to be expelled until construction of expulsion centre

Until an expulsion centre is constructed and accepted, the judgments concerning the detention of persons to be expelled shall be enforced in isolated wards of maximum-security prisons. Persons to be expelled may also be detained in police houses of detention, however not for longer than for ten consecutive days.

(14.06.2000 entered into force 01.12.2000 - RT I 2000, 58, 376)

§ 342. Implementation of penalty payment

Penalty payment prescribed in this Act is implemented as of 1 January 2002.

(06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

§ 35. Amendments to Aliens Act

The Aliens Act (RT I 1993, 44, 637; 1999, 50, 548; 54, 582; 71, 686; 88, 808; 101, 900; 2000, 25, 148; 33, 197; 40, 254; 2001, 16, 68; 58, 352) is amended as follows:

1) subsection 3 (1) is amended and worded as follows:

«(1) For the purposes of this Act, an alien is a person who is not an Estonian citizen.»;

2) subsection 9 (1) is amended and worded as follows:

«(1) A legal basis must exist for an alien to enter Estonia or stay in Estonia. An alien shall hold a work permit to work in Estonia. The legal bases for an alien to stay in Estonia are:

1) a residence permit;

2) a visa, within the term for stay in Estonia prescribed thereby;

3) the right to stay in Estonia arising from an international agreement;

4) the right to stay in Estonia arising from a resolution of the Government of the Republic to forego the visa requirement;

5) other permission arising from law, or permission granted by administrative legislation on the basis of law for the alien to stay in Estonia.»;

3) subsection (4) is added to section 10 worded as follows:

«(4) The Government of the Republic shall establish a list of states whose citizens are unilaterally relieved of the visa requirement in Estonia.»;

4) clause 8) is added to subsection 12 (4) worded as follows:

«8) with regard to whom a prohibition on entry applies.»;

5) clause 3) is added to subsection 14 (3) worded as follows:

«3) upon application of a prohibition on entry.»;

6) section 16 is amended and worded as follows:

«§ 16. Legal liability

(1) An alien shall bear administrative liability for violation of this Act, pursuant to the procedure provided for in the Code of Administrative Offences (RT 1992, 29, 396; RT I 1999, 41, 496; 50, 548; 58, 608; 60, 616; 87, 792; 92, 825; 95, 843; 2000, 10, 58; 25,

141; 28, 167; 29, 169; 40, 247; 45, 279; 49, 301; 305; 51, 321; 54, 346; 348; 351; 55, 361; 58, 376; 84, 533; 86, 544; 548; 89, 578; 95, 609; 613; 2001, 3, 5; 9, 41; 17, 76; 18, 87; 21, 115; 116; 31, 174; 42, 236; 52, 303; 53, 312; 313; 314; 56, 333; 335; 339; 58, 356).

(2) An alien may be required to leave the territory of the Republic of Estonia and his or her entry into Estonia may be prohibited pursuant to the procedure provided for in the Obligation to Leave and Prohibition on Entry Act."

§ 36. Amendments to Surveillance Act

Subsection 16 (1) of the Surveillance Act (RT I 1994, 16, 290; 1995, 15, 173; 1996, 49, 955; 1997, 81, 1361; 93, 1557; 1998, 47, 698; 50, 753; 51, 756; 61, 981; 98/99, 1575; 101, 1663; 1999, 16, 271; 31, 425; 95, 845; 2000, 35, 222; 40, 251; 102, 671; 2001, 3, 9; 7, 17; 58, 353) is amended by adding the words ", and to apply prohibitions on entry" after the words "to revoke residence permits and work permits".

§ 37. Entry into force of Act

This Act enters into force on 1 April 1999.

1 RT = Riigi Teataja = State Gazette

2 ENSV Ülemnõukogu Teataja = ESSR Supreme Council Gazette