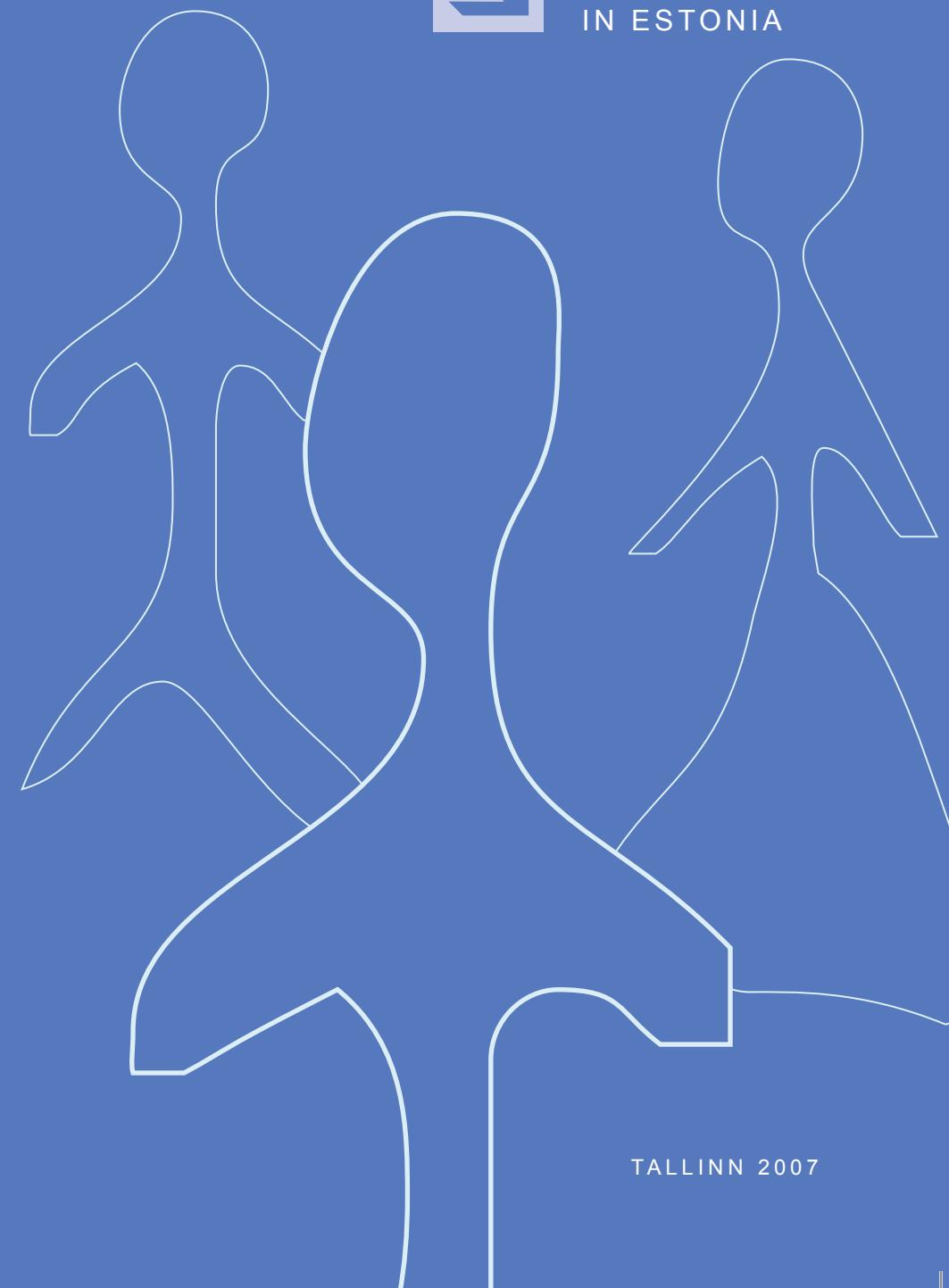


ENGLISH



APPLICATION
FOR ASYLUM
IN ESTONIA



TALLINN 2007

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YOU ARE APPLYING FOR ASYLUM IN THE REPUBLIC OF ESTONIA.

The aim of this information material is to introduce you to the procedure for the processing of asylum applications in Estonia and your rights and duties during your stay in Estonia. At the end of the pamphlet you will find details of the different authorities and organisations you may want to contact.

In 1997, Estonia became party to the 1951 Geneva Convention relating to the Status of Refugees and its 1967 New York Protocol, which means that Estonia has undertaken a commitment to protect those foreigners who meet the requirements established in this document. In addition to Estonia, about one hundred other countries all over the world have joined this Convention.

Starting from 2006, asylum issues in Estonia are governed by the Act on Granting International Protection to

Aliens, which includes the principles proceeding from the 1951 Convention, as well as the requirements established by directives of the European Union.

If you have any questions you can always contact officials of the Citizenship and Migration Board (the CMB). ■

RELEVANT TERMS

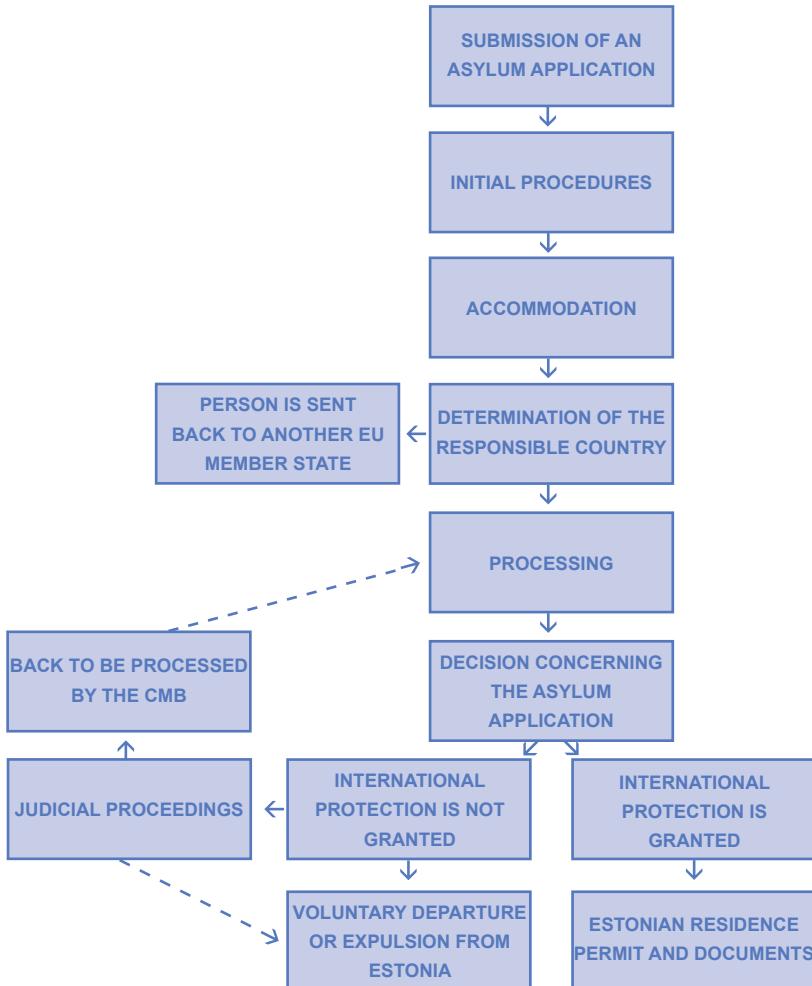
An **ASYLUM SEEKER** is a foreigner who has submitted an application for asylum in any country other than their country of origin in order to stay in this other country and to receive international protection from this country. The status of asylum seeker lasts until the CMB or the Board of the Border Guard makes a decision concerning the application for asylum.

A **REFUGEE** is a foreigner who meets the conditions provided for in the 1951 Geneva Convention relating to the status of refugees. According to this Convention a refugee is “*a foreigner who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.*”

Apart from refugee status, a foreigner can be granted **SUBSIDIARY PROTECTION**. According to the Act on Granting International Protection to Aliens a person enjoying subsidiary protection is “*a foreigner who does not qualify as a refugee and with regard to whom no circumstance exists which would preclude granting of subsidiary protection and in respect of whom substantial grounds have been shown for believing that his or her return or expulsion to his or her country of origin may result in a serious risk in the specified country, including: 1) imposition or execution of the death penalty on him or her, or 2) torture or inhuman or degrading treatment or punishment of him or her, or 3) individual threat to his or her life or civilians' life or violence towards him or her or civilians by reason of international or internal armed conflict.*”

PERSONS ENJOYING INTERNATIONAL PROTECTION are aliens with regard to whom refugee status or supplementary protection status has been established and who have been granted a residence permit in Estonia. ■

PROCESSING SCHEME



APPLICATION

There are two ways of submitting an **APPLICATION FOR ASYLUM**:

- before entry into Estonia an application for asylum can be submitted to a border guard official at any border point of the Republic of Estonia. This opportunity should be used if you do not have a valid visa, travel documents, or a residence permit in Estonia;
- if you are already in Estonia you have to contact the CMB in order to apply for asylum.

You must submit your asylum application personally as soon as possible.

Application forms are available in three languages – English, Russian, and French. If you do not understand what is written on the application form because you do not speak any of the above-mentioned languages, please inform an official immediately. In this case the application form will be completed with the help of an interpreter.

The answers you give to the questions in the application form will form the basis for the subsequent interview. There-

fore, it is very important to answer all the questions in the application form honestly and thoroughly. If you have any evidence/documents (e.g. visas and residence permits; documents certifying any border-crossings; documents which certify the circumstances of your arrival in Estonia and the stay in other countries after you left the country of your origin (documents certifying travel, transport, accommodation and other services) which support the information that you have given in your asylum application you should submit them to the relevant officials as soon as possible after the submission of your application.

If you submit any additional information or change your statement during the processing of your asylum application, it will be taken into account while making the decision concerning your application.

Irrespective of whether an application is accepted by a border guard or an official of the CMB the following mandatory proceedings will be carried out:

- 1) examination of your person and your belongings;
- 2) admission for deposit of your personal effects (e.g. cut-and-thrust weapons and firearms) and documents;
- 3) identification of your person;
- 4) a written registration of the reasons you are applying for asylum and your travel route;
- 5) photographing;
- 6) fingerprinting – fingerprints are taken from all applicants of at least 14 years of age and they are communicated to the central unit of the Eurodac System for comparison (for more details see

the chapter on the determination of the responsible country);

- 7) medical examination, if necessary;
- 8) DNA tests and fingerprints from applicants under 14 years of age if it is necessary for the verification of family relationships.

After the completion of these proceedings you will be sent for accommodation to the Reception Centre of Asylum Seekers in Jaama village of the Illuka municipality (for more details see the chapter on accommodation). ■



Location of Illuka municipality in Estonia



Location of Illuka reception centre

DETERMINATION OF THE RESPONSIBLE COUNTRY

Immediately after your asylum application has been accepted, competent officials have to determine whether it will be Estonia which is going to examine your application or another Member State of the European Union. Estonia and other Member States have agreed upon rules for determining which country has to examine an asylum application. This process is governed by the Dublin II Regulation.

All applicants who are older than 14 years of age must allow their fingerprints to be taken so they can be sent to the central database of the Eurodac system where they are preserved and compared with other fingerprints gathered by Member States. You have the right to know which data concerning you has been saved in the Eurodac database. If the database includes incorrect data you can submit a request for its amendment or deletion.

According to the Dublin II Regulation another country must examine your application if:

- any member of your family (spouse, partner, minor child) has already been granted international protection in an-

other state or their application for asylum is being examined in this Member State;

- you have a residence permit of another EU Member State or a visa for entering another Member State;
- you have entered the European Union through a Member State other than Estonia or you have resided in another Member State longer than five months after entry into the European Union;
- you have, before your arrival in Estonia, submitted an asylum application in another Member State.

The Dublin procedure may take from a couple of weeks up to several months. If it appears that another country is responsible for the examination of your asylum application you will be sent back to that member state and your application will be examined in that state.

You have the right to submit an appeal to an administrative court against the decision of the CMB to transfer you to another member state. However, such an appeal does not suspend the execution of the decision, unless the court decides otherwise. ■

If Estonia is responsible for the examination of your asylum application the CMB will start the substantial processing of your application and you will be provided with written notice about the acceptance of your application.

Within three working days of the acceptance of your application the CMB will issue you with the certificate of an asylum seeker, which will be valid for the period during which your application is being processed. The certificate of an asylum seeker is not an identity document but it allows you to identify yourself and certifies that you are staying in Estonia legally. However, you

cannot leave the Republic of Estonia using the certificate.

Each application is examined individually and all circumstances related to each specific application are taken into account when making a decision. Asylum proceedings are not public, which means that, if necessary, the relevant information may only be transferred to the authorities related to the proceedings and nobody else. In order to ensure your security and the confidentiality of the procedures the authorities involved in the processing of your application are forbidden to have any contact with the authorities of your country of origin.



Interviewing room in the CMB

PROCEDURE

During the processing of your application you are invited at least once to an interview during which you have the chance to explain thoroughly to an official of the CMB everything which is relevant to your application. You must also describe to an official of the CMB what may happen to you if you are forced to return to the country of your origin.

You can ask for the official who carries out the interview to be of the same sex as you. If an interpreter participates in the interview and you have any problems with understanding the interpreter you must inform the official who is interviewing you immediately.

It is very important that you come to the interview at the time referred to in the invitation issued by the CMB. If you do not appear at the interview and have no reasonable excuse for not doing so, it will be taken into account when making a decision concerning your application for asylum.

You are required to personally co-operate, in every way, in the clarification of the circumstances of your application for asylum. It is very important that you submit all information and documents and other evidence which support your statements. It is also important to co-operate with the CMB in order to obtain such information/evidence.

In asylum proceedings for minors, the rights and best interests of the minor are of the highest importance. ■



Illuka reception centre - winter

All asylum seekers are generally accommodated at the Illuka Reception Centre for Asylum Seekers. You are requested to spend nights (from 10. p.m. to 6 a.m.) at the Reception Centre.

In addition to accommodation, the Reception Centre will provide you, if necessary, with medical aid and transport from Illuka to Tallinn for interviews or other proceedings related to the processing of your application. Once

a month the Reception Centre will pay you a subsidy for purchasing food, toiletries, and any other essentials. Pocket money for incidentals is also provided. If necessary, the Reception Centre will provide you with clothes or help you to obtain them. You have the right to be taught the Estonian language while living at the Reception Centre.

If you want to live somewhere else you have to submit a relevant application to

ACCOMMODATION

the CMB. With the written permission of the CMB you may reside outside the reception centre if:

- your accommodation and subsistence is ensured by your relative or friend legally residing in Estonia or
- you have sufficient financial resources to ensure your accommodation and subsistence.

If you reside outside of the Reception Centre you lose the right to the above-mentioned services and subsidies.

The CMB may also give you permission to reside outside the Reception Centre if it is necessary in order to ensure your safety. In this case you will receive the above-mentioned services and subsidies.

If you are invited to Tallinn for procedural matters you will be accommodated briefly in the premises of the CMB and you will be given some money to buy food. ■

YOUR RIGHTS AND DUTIES DURING APPLICATION PROCESSING



During your stay in Estonia you are required to follow the Estonian constitutional order of Estonia and to comply with the legislation of Estonia.

While processing your application the authorities will gather various data on you, which will be entered into the National Registry of Granting International Protection to Aliens. Since the proceedings are not public the information, including your personal data, will be classified as "for internal use only". However, the CMB has the right to communicate the information concerning you to other state authorities, foreign states, and organisations if it is necessary for performing the tasks foreseen by law or for performing the commitments proceeding from an international agreement or European Union law.

You have the right to legal aid and the right to use a representative during the asylum proceedings. You can ask for legal aid and a representative from the state of Estonia (the necessary contacts are listed at the end of this pamphlet) or, alternatively, you can contact

a private company for this matter. If you contact a private company, you will be responsible for covering the costs related to the legal aid and the representative yourself. A representative can represent you in those procedural acts that do not require your personal attendance (e.g. you cannot use your representative during an interview, expert assessment, or any similar proceedings).

The CMB and the Reception Centre must provide you with interpretation services, if necessary. However, you have the right to summon an interpreter of your choosing, who meets the (professional) requirements established for asylum procedures, to accompany you during procedural matters. In this case you have to cover the costs related to the interpretation by yourself. According to the requirements established for interpreters used in asylum proceedings an interpreter must understand the Estonian language and the language of the applicant, be unbiased (cannot be your relative or a close person), and must be staying in Estonia legally.

YOUR RIGHTS AND DUTIES DURING APPLICATION PROCESSING

If you wish you can obtain psychological help you may address an official of the CMB or the Reception Centre or contact the victim support centre whose contact details are listed at the end of this pamphlet.

You have the right to be in contact with the Office of the United Nations High Commissioner for Refugees (UNHCR). If you want to contact them please address your request to officials of the CMB or the Reception Centre or use the contact listed at the end of this pamphlet. The closest representation of UNHCR is located in Stockholm (Sweden).

You may take employment in Estonia if the Citizenship and Migration Board has not made a decision on your application for asylum within one year from the submission of the application for reasons beyond your control. In order to submit an application for a work permit you have to contact officials of the CMB.

During the whole period of process-

ing your asylum application you have the right to withdraw your application and return home. In order to do that you have to submit a specific application to the CMB. If you decide to return voluntarily to your country of origin during the processing of your application, or after the decision concerning your application has been made, you can apply for consultations and monetary support from the Estonian Migration Foundation. The contact details of the Estonian Migration Foundation can be found in the list at the end of this pamphlet.

During the whole period of processing of your asylum application you also have the right of recourse to the court if you feel that your rights and freedoms are being violated. The contact details of the Tallinn Administrative Court can be found at the end of this pamphlet.

If you change your place of residence or get married or have a child during the period of processing your application for asylum you have to inform the CMB about it. ■



When making the decision concerning your application the CMB shall proceed from the information that you submitted in your application and during the interview or interviews. In addition, the CMB will gather information about the situation in your country of origin.

The CMB receives most of the information about the situation in your country of origin from public independent sources such as UNHCR, Amnesty International, and other organisations observing the human rights situation, as well as from other European Union Member States.

The CMB is competent to make four types of decisions:

- grant refugee status
- grant subsidiary protection
- refuse to grant international protection
- reject an application for asylum

Before making a final decision on the rejection or refusal of your application the CMB shall send you a written notification about the content of the deci-

sion. You may submit your opinion and objections about it, in writing, during the required time period. Your opinion and objections shall be taken into account when making the final decision. If you have a representative you will receive the written decision through them. If you do not have a representative you will receive the decision personally and it will be fully translated into a language that you understand. ■

If the CMB determines that you meet the conditions established for refugee status or subsidiary protection you will be granted a residence permit in Estonia: three years for refugees; and one year for persons enjoying subsidiary protection. Both permits can be extended respectively, if necessary.

You can also be granted subsidiary protection if, for humanitarian or for some other considerations, you cannot be sent back to your country of origin.

The Ministry of Social Affairs shall organise the settlement of persons enjoying international protection within the territory of a local government within a period of four months from the issue of a residence permit. The decision concerning the place of settlement shall be made taking into account the location of the residence of your relatives, if relevant, the state of your health, and your chances of finding work.

The local government shall help you in finding housing, obtaining social and

health services, arranging for translation and Estonian language instruction, and any other issue.

If you refuse to settle in the place of residence arranged for you in the territory of a local government you have to find a place of residence yourself and take responsibility for the costs.

During your stay in Estonia you have the right to receive state pensions, family benefits, employment services and employment subsidies, social benefits, and other assistance on the same grounds as provided by legislation for permanent residents of Estonia. You also have the right to education and employment.

Together with your residence permit you will be issued an Estonian identity card (ID card). If you have been recognised as a refugee you can apply for a travel document for a refugee. In order to obtain such a document you have to contact officials of the CMB. Persons who have been granted subsidiary pro-



tection can apply for a foreigners' passport, which allows them to travel. The form and information concerning this document can be found on the website of the CMB or at the customer service centre of the CMB.

If your residence permit is about to expire and the situation in your country of origin has not improved and you cannot return to this country, the CMB shall extend your residence permit. In order to obtain an extension you have to submit an application for the extension of your residence permit three months before the expiry date of your permit after which the CMB will verify the circumstances of the extension of your residence permit and make a decision.

If you have resided in Estonia permanently for at least five years you can apply for a residence permit for a long-term resident. You can find the information concerning the conditions for such a residence permit on the home page of the CMB or at the customer service centre of the CMB. ■

DECISION ON REFUSAL OR REJECTION

If the CMB comes to the conclusion, during the processing of your application, that you do not meet the conditions established for refugee status or subsidiary protection it shall make the decision to refuse to grant you such status. This means that you have to leave Estonia. You have the right to appeal against such a decision to the Tallinn Administrative Court within ten days of notification.

There are several cases in which the CMB may reject your application, for example, if the CMB comes to the conclusion that your application is unfounded because you have already been granted international protection in another country, or if you have an Estonian residence permit, or if your statements related to your application are inconsistent, or if the CMB is of the opinion that you can settle in a safe region of your country of origin, etc. However, you also have the right to appeal against the decision to reject your

application to the Tallinn Administrative Court within ten days of notification. In the case of a decision to reject your application the court will decide whether the submission of your appeal will suspend your expulsion or not.

If the court accepts your appeal you can stay in the Reception Centre until the court has made its decision.

If you arrive in Estonia via a safe third country, or you originate from a safe country, or if some other country is responsible for the examination of your asylum application, the decision to reject your application will enter into force immediately and you will have to leave Estonia. You have the right to appeal against such a decision but this does not suspend the execution of the requirement for you to leave Estonia. ■

If the CMB has made a decision either to refuse or to reject your application and you do not want to appeal against such a decision you have to leave Estonia. In order to arrange your departure (travel route, ticket money, etc.) you can ask for the help of the Estonian Migration Foundation or the CMB. If you do not have a valid travel document the CMB will help you to obtain one, if possible.

If you do not appeal against the decision to refuse or to reject your application during the time limit provided and you have not left Estonia voluntarily by that time, your compulsory departure from Estonia will be arranged. The CMB has the right to detain you for that purpose and accommodate you in a closed Repatriation Centre. The expulsion shall be accompanied by a ten year ban on your entry to Estonia.

YOUR APPLICATION FOR ASYLUM WILL BE EXAMINED AS EFFECTIVELY AND QUICKLY AS POSSIBLE AND ANY ADDITIONAL PROBLEMS AND COSTS FOR YOU WILL BE AVOIDED.

CONTACTS

CITIZENSHIP AND MIGRATION BOARD

Refugees Department

Vilmsi 59, 10147 Tallinn

T: +372 605 6986

F: +372 605 6990

E-mail: pagulased@mig.ee

www.mig.ee

ILLUKA RECEPTION CENTRE FOR ASYLUM SEEKERS

Jaama village, Illuka municipality, 40001 Ida-Virumaa

T: (+372) 335 4414 or (+372) 335 4410

F: (+372) 335 4411

E-mail: ivv@ivv.ee

www.ivv.ee

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR)

Ynglingagatan 14, 6th fl.

113 47 Stockholm, Sweden

T: +46 (0)8 457 4870

F: +46 (0)8 457 48 97

E-mail: swest@unhcr.org

www.unhcr.se

ESTONIAN MIGRATION FOUNDATION

Kopli 33/Paavli 1, 10412 Tallinn

T: (+372) 650 5941

F: (+372) 650 5942

E-mail: fond@migfond.ee

www.migfond.ee

TALLINN ADMINISTRATIVE COURT

Pärnu mnt 7, 15082 Tallinn

T: (+372) 628 2728

F: (+372) 6 282 737

E-mail: talhk.info@just.ee

www.kohus.ee/3479

STATE LEGAL AID

Ministry of Justice

Tõnismägi 5a, 15191 Tallinn

T: (+372) 620 8100

F: (+372) 620 8109

E-mail: info@just.ee

www.just.ee/106

CONTACTS

VICTIM SUPPORT

Preesi 5/7, 10320 Tallinn

T: (+372) 673 3854

F: (+372) 673 3854

E-mail: ohvriabi@ohvriabi.ee

Open: Mon 13-18, Wed 10-14, Thu 10-14

www.ohvriabi.ee

VICTIM TELEPHONE

T: (+372) 658 5087 Mon-Fri 10-14 (at other times an automatic answer machine is switched on)

MUSTAMÄE LAW ENFORCEMENT CENTRE FOR VICTIM SUPPORT

Akadeemia tee 34, 12611 Tallinn

T: (+372) 6542 723

Open: Mon 10-13, Wed 11-14, Thu 15-18

VICTIM SUPPORT IN JÕHVI

Kooli 2, 41533 Jõhvi

T: (+372) 337 1177

Open: Mon 16-18.30, Thu 16-18.30

VICTIM SUPPORT IN RAKVERE

Lai 1, 44308 Rakvere

T: (+372) 324 4441

Open: Tues 16-18, Thu 16-18

VICTIM SUPPORT IN RAPLA

Kalda 2, 79513 Rapla

T: (+372) 4894 997

Open: Tues 9-13, Thu 9-13, Fri 9-13

VICTIM SUPPORT IN TARTU

Pepleri 27, 51010 Tartu

T: (+372) 7403 505

Open: Mon 11-14, Wed 14-17, Thu 10-13

ESTONIAN RED CROSS

Eha 8 ,10137 Tallinn

T: (+372) 660 5343

T: (+372) 660 5344

F: (+372) 660 5344

www.redcross.ee



SISEMINISTERIUM
Estonian Ministry of the Interior

KODAKONDSUS- JA MIGRATSIOONIAMET
CITIZENSHIP AND MIGRATION BOARD

