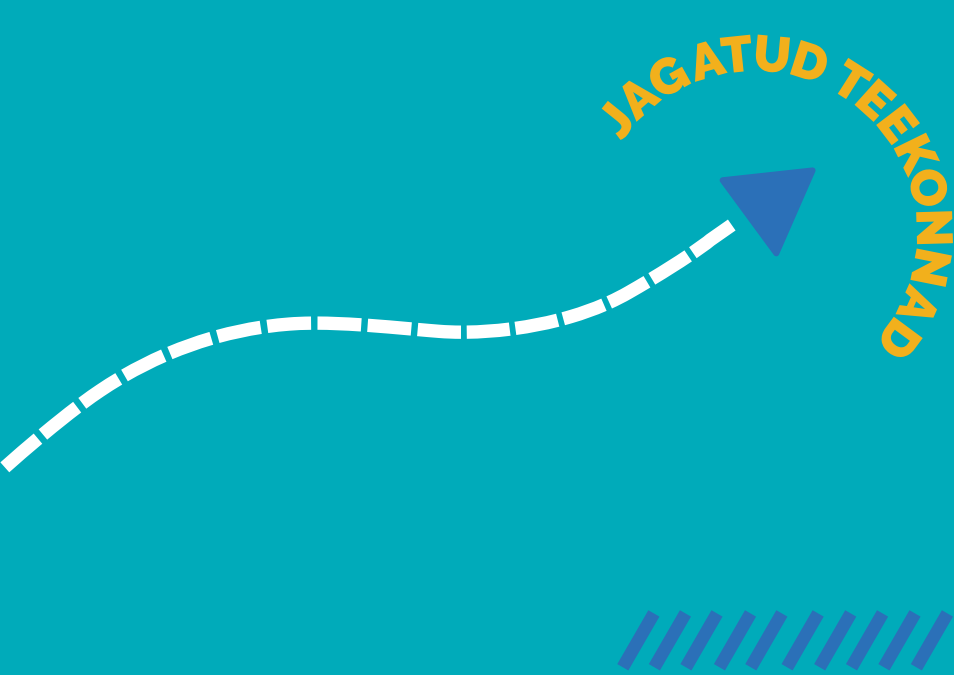





TEXT FROM ONLINE COURSE “RÄNDEKOOL”

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JAGATUD TEEKONNAD

5. HOW DOES ESTONIA REGULATE MIGRATION?

Mari-Liis Jakobson

This is a continuation of the chapter on migration policy and explains which migration policies Estonia is implementing. We will talk about how Estonia regulates labour, family and study migration, as well as the reasons for these rules. In other words, how past experiences, present needs and visions of the future affect our migration policy.

If you want to understand the country's migration policy, you have to look at the past, the present and the future plans. Estonian migration policy has been significantly affected by Soviet-era experiences, but our migration policy has also been greatly influenced by the lack of a workforce, which is especially felt during periods of economic growth. Yet Estonia's image as a digital state and its desire to become an attractive destination for high-value companies has also had a clear impact.

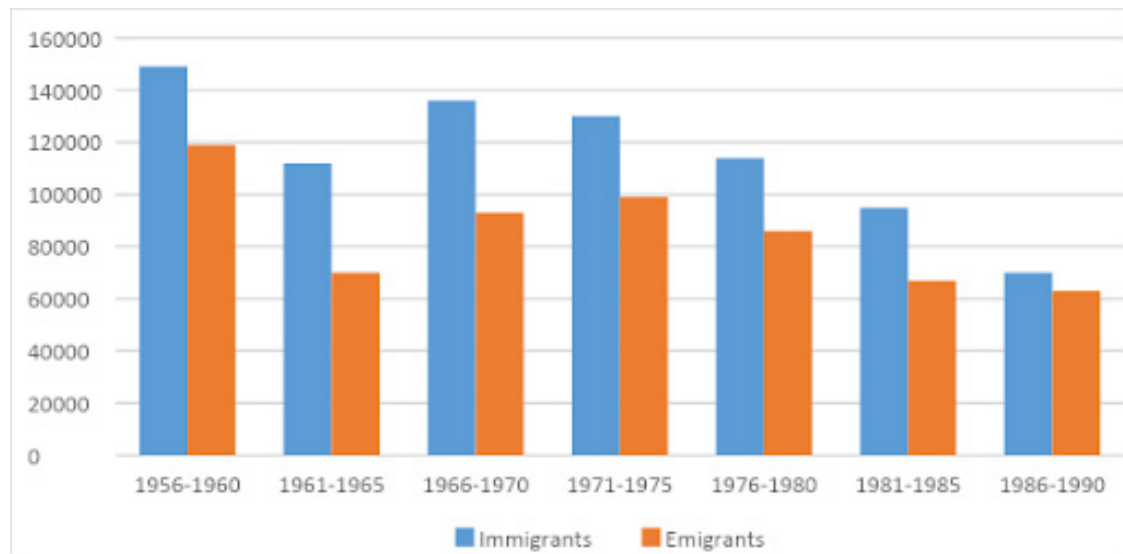
The legacy of the Soviet era in Estonian politics

At a time when many Western countries were beginning to experiment with their migration policies, Estonia was part of the Soviet Union and felt the impacts of Moscow's migration experiments. On paper, Estonia was a sovereign federal republic, but in fact, decisions concerning migration, for example, were still made far away in Moscow.

Unlike in the EU, where people can move between member states freely and according to their preferences, the Soviet-era movement was largely state-led: people who came to Estonia from other Soviet republics were assigned to work here, which means they may not have had the slightest idea of what Estonia is, and no desire to adapt to the local context.

Migration was significantly influenced by two policies: on the one hand, large factories and infrastructure projects recruiting workers from other federal republics, and on the other hand, the dream of a so-called *homo Sovieticus* (Soviet man), a Russian-speaking builder of Communism who is loyal to the Soviet regime and has cast off the yoke of national history.

By the end of the Soviet era, about [half a million people](#) had immigrated to Estonia in this way (though 350,000 of them emigrated again later) and they were mostly ethnic Russians. While more than 90% of the Estonian population was Estonian at the beginning of the 1940s, by 1990, i.e., just before Estonian independence, only 61% of the [population](#) was Estonian. There are various reasons for this. First, the Estonian population decreased during the war due to the number of war casualties, refugees, the departure of Baltic Germans, deportees and the repressed. Also, the period of rapid growth of the Estonian population had already ended by the time the Soviet powers arrived, while in several other regions of the Soviet Union it was still ongoing and there were many people at a suitable age for migration.



Immigrants from other Soviet republics into Estonia 1956–1990

Thus, due to the Soviet time experiences, Estonia has become subconsciously wary of immigration as a means of repatriation, and there is a great fear that it may get out of our control again and be managed from somewhere further away.

Immigration quota

Probably the same fears, but also the desire to control migration processes and build a nation-state, were behind the fact that newly independent Estonia's migration policy became quite conservative. When Estonia became independent and was drafting the Aliens Act in 1993, the term immigration quota was introduced.

It was stipulated that the number of residence permits issued to aliens in one year may not exceed a limit, which is equal to 0.1% of the permanent population of Estonia. In other words, if one and a half million people lived in Estonia, no more than 1,500 foreigners could settle here annually. The quota has been changed – for a while it was reduced to 0.05%, and later brought back to 0.1%. As of 2021, it was at 0.1%, or 1,315 people a year.

This is, in fact, a rather rare method in migration policy, and in most cases, the volume of migration is not fixed so categorically. In Bulgaria, for example, there is a quota for work permits for foreigners, and the extent of the quota is determined by a special council based on the workforce currently required (labour demand forecasts). For example, in 2017 the quota was set at 9,000 permits, while in 2020 the quota was already over 100,000.

It is true that over time exceptions have also been made to the Estonian immigration quota. Some of them were the result of international agreements – for example, since the 1990s, US and Japanese citizens are not limited by the quota. Later, family migration was also excluded from the quota because the fulfilment of the quota is not sufficient justification to prevent the right to family reunification. Also excluded from the quota are the student migrants and several specialists with higher

added value, such as top specialists who are paid at least twice the Estonian average salary, start-up entrepreneurs and employees, ICT specialists and researchers. The current list of exceptions can be found in §115 of the [Aliens Act](#).

Salary criterion

Additionally, Estonia has tried to avoid the introduction of low-paid labour. For this purpose, a salary criterion has been established for labour migration, which as of 2021 was equal to the official average gross monthly salary in Estonia. The salary requirement should ensure that we get more foreign added-value professionals, who do not fall into the trap of low income and therefore have better prospects for societal integration. Bringing such an employee to Estonia could also benefit Estonian society at large, as a higher-paid employee also pays more taxes to the state. And since the employee's residence permit depends on the salary information received by the Tax and Customs Board, the chances of tax evasion are also eliminated.

In fact, there are some exceptions to the salary criterion, such as foreigners working in the performing arts (ballerinas, opera singers, actors, directors, musicians), researchers, clergy, athletes and foreign nationals working on youth projects. The purpose of these exceptions is to allow the involvement of foreign labour in sectors where the average wage is lower, but in which the involvement of foreigners would provide great added value. At the same time, many of the aforementioned groups (for example, employees of performing arts institutions) are still limited by the immigration quota, which confines the possibilities of inviting them to Estonia for a longer period.

Focus on attracting highly-qualified immigrants

In recent years, there have been experiments with various measures to attract potential added value migrants to Estonia. Estonia is advertised as an attractive place to work and live, especially to ICT specialists and engineers, start-up entrepreneurs and international students. For example, the Work in Estonia programme supports ICT companies recruiting from abroad, and the Study in Estonia programme supports universities in marketing their curricula abroad. A separate Startup Estonia programme is designed to attract start-ups and keep them here. Through Startup Estonia, it is also possible to apply for a visa or residence permit specifically for start-ups. To do this, applicants must at least have a ready-made prototype or an existing company that hopes to expand abroad. And before starting the residence permit or visa procedure, the applications are evaluated by a committee of experts. The Estonian method is remarkable because the applicant can take along his/her entire team.

Additionally, Estonia issues a digital nomad visa. A digital nomad is a person who works remotely and offers his/her products or services through ICT solutions. Unlike, for example, an employee of a start-up company, it is not assumed that the digital nomad works for a company registered in Estonia. In other words, Estonia also enables, for example, a visa for an Armenian web designer whose one-man company offers services mainly to clients in the EU. Though he lives and works mainly in Armenia, he can open a bank account for his company in Estonia, use the Estonian e-government services as an e-resident and if necessary conveniently travel through Estonia to meet his clients elsewhere in Europe.

If we look at the statistics, it can be said that Estonia's current policy to contribute to higher added value labour migration is gradually bearing fruit. For example, in 2020, top specialists earning at least twice the Estonian average salary already accounted for almost a fifth of all those who received a work residence permit, and more than a tenth of the migrants came to work in Estonian start-ups. They are joined by those visa applicants who come for a shorter period and are just starting a business in Estonia.

Esmakordsed tähtajalised elamisload töötamiseks, töötamise liikide lõikes (2018-2020)

Tööränne	2018	2019	2020
Üldkorras	1224	1283	1256
Tippspetsialist	228	390	384
Iduettevõttes töötamine	186	315	232
Ekspert/nõustaja/konsultant	58	78	53
Teaduslik tegevus/õppejõud	40	42	36
Eraõigusliku juriidilise isiku juhtorgani liige	37	26	33
Sportlane/treener/kohtunik	21	10	18
EL sinine kaart	19	19	9
Vaimulik/munk/nunn	18	16	22
Loominguline töötaja	11	7	12
Õpetaja	7	15	12
Muu	2	17	22
KOKKU	1851	2218	2089

Allikas: Politsei- ja Piirivalveamet

Short-term mobility to alleviate labour shortages

On the other hand, the field of labour migration has also experienced growing labour shortages during the period of economic growth. To meet the needs of employers, in many labour-intensive sectors where wages are high enough, such as construction, the demand for workforce has also been eased by issuing work visas. For example, an alien can apply for a long-term visa and come to work in Estonia for up to a year. But in essence, it is possible to also work on a three-month Schengen visa or work without a visa when coming to Estonia from countries with which Estonia has visa-free travel. It suffices if the employer registers the short-term employment in the respective register. When the visa or visa-free stay period ends, one must return to their home country and stay there for the prescribed period – at least half a year in the case of an annual visa – before regaining the right to work in Estonia again. And this, of course, again for at least the average salary in Estonia.

Although this arrangement is perhaps not the most convenient for the employer – because employees need to be constantly rotated due to the duration of the visa – this scheme seeks to encourage circular migration: for example, instead of moving here with their whole family, one family member goes to work in Estonia intermittently, and takes the earned wages largely back to his/her home country, boosting the economy there.

In addition, foreigners can also work in Estonia as seasonal workers, for up to nine months, after which they have to leave the EU for at least three months. For example, a seasonal worker can work in agricultural, fishing, catering and accommodation companies. The most important difference to other visa-based workers is that seasonal workers are not required to receive an average wage: they must only be paid above the minimum wage. However, in addition to the salary, the employer must also cover the costs related to the reception and accommodation of the seasonal worker. Thus, in principle, certain sectors are allowed lower-paid and lower-skilled workers. The list of sectors which can employ seasonal workers is established by a regulation of the Minister of the Interior.

Lühiajalise töötamise registreerimiste arv (2016–2020)



Allikas: Politsei- ja Piirivalveamet

Family migration

As part of family migration, only the spouse and minor children of an Estonian citizen or an alien holding an Estonian residence permit can come to live in Estonia. In exceptional cases, this circle may be wider – for example, to include the spouse's parents or adult children if they need constant care due to a disability or medical condition and will otherwise no longer have a carer in their home country. For a family migrant to come to Estonia, the inviter must have sufficient income to cover the expenses necessary to support all the invited family members and must have lodging where they can settle. Family migrants are also checked to ascertain whether the family relations are genuine or whether the invitees pose a risk to public order.

Esmakordsed tähtajalised elamisload ja elamisõigused rändeliikide lõikes (2016–2020)

	2016	2017	2018	2019	2020
Esmakordsed elamisload kokku	3780	3995	4912	5984	4710
Pereränne (abikaasa juurde ja lähedase sugulase juurde kokku)	1233	1184	1661	2272	1958
Elamisluba õppimiseks	1160	1211	1267	1330	533
Töötamine	1325	1501	1851	2218	2089
Elamisluba ettevõtluseks	16	53	87	134	111
EL kodanike pereliikmed*	35	42	57	82	106
Muu põhjus**	46	46	46	30	19

* ei ole arvatud kokku hulka ** Muu põhjus - kriminaalmenetluses osalemine ja välisleping

Allikas: Politsei- ja Piirivalveamet

Student migration

To obtain an Estonian visa or residence permit for studying, a person must be admitted to an Estonian vocational or higher education institution or another study programme, meet all the related academic and language requirements, and be able to pay for the studies if there is a tuition fee. Universities have to constantly monitor that students participate in their studies and prevent students from misusing their residence permits. On the other hand, the Estonian regulation on student migration is also relatively liberal – several countries have restrictions on, for example, how many hours a week a student can work, but there are no such restrictions in Estonia – the only condition is that working must not interfere with studies. For example, if a foreign student falls behind in his/her studies and no longer meets the requirements for full-time study, his/her residence permit may be revoked.

According to research, in 2020, about half of all international students had a job. At the same time, as many as [84%](#) of students in Estonian-language curricula were employed.

The primary residence permit expires. What happens to the alien?

As in other EU countries, a person can stay in Estonia with his/her primary residence permit for as long as there is a basis for his/her stay (for example, the person still works at the place where he/she came to work or is matriculated as a student in the same curriculum) or until five years have passed. During this time, a large number of all those arriving in Estonia will find new challenges in another country. However, those who want to stay in Estonia more permanently and have already mastered Estonian at the intermediate level (B1) can also apply for a long-term residence permit and stay in Estonia even permanently. If a person does not yet speak Estonian to this extent, the residence permit can be extended for a limited period, although even then, for example, migrant workers are required to have at least A2 proficiency in Estonian.

However, if a person has lived in Estonia for eight years (at least five of them continually in Estonia), speaks Estonian at a B1 level, and has a permanent legal income, he/she also has the opportunity to apply for Estonian citizenship.

Thus, Estonia's current migration regulation seeks to partially cover the present labour needs: to pick this year's strawberries, to complete unfinished buildings, to find the additional workforce that is currently lacking. And other measures will pave the way for long-term hopes for the future: for Estonia to be a land of smart and competitive jobs and attractive to global talent. Will it really happen? We shall see. As has already been said in the chapter on migration policy, it is quite difficult to get people to follow instructions to the letter. Although migration policy determines who can come here, under what conditions and for how long, then who stays here also depends on other policies, the private sector and society at large.

Discussion points

- See also **Chapter 4 "Migration Policy: Why and How Do Countries Regulate Migration?"** and discuss which migration regulation would be most beneficial for Estonia in your opinion? Is it reasonable for Estonia to abandon the immigration quota and, for example, switch to only labour market control or a points system? Or is the quota system still worth maintaining, and perhaps should even be developed somehow?
- How do you assess the impact of the Soviet era on Estonian migration policy? How different do you think Estonia's current migration policy would have been if it had not been for the Soviet occupation and the development of Estonia's migration policy had been more in line with Western countries?

Further reading

For the current exact list of exceptions to the immigration quota, see §115 of the Aliens Act <https://www.riigiteataja.ee/akt/110072020073?leiaKehtiv>

You can find all the rules for granting citizenship by naturalisation in the second chapter of the Citizenship Act: <https://www.riigiteataja.ee/akt/103122020004?leiaKehtiv>

History of Estonian immigration: <https://www.err.ee/1608114112/jaak-valge-ja-andres-aule-sisser-ane-eestisse-eriti-eestlastele-moeldes>

You can follow the updates on migration regulation, for example, via the EMN Estonia's annual reports: <https://www.emn.ee/publications-catalog/aastaruanded/>

You can get acquainted with up-to-date migration statistics, for example, through EMN Estonia's statistical reports: <https://www.emn.ee/publications-catalog/statistikavaljaanded/>



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