



## LEGAL AND JUDICIAL INFORMATION ON MIGRANT SMUGGLING

### ESTONIA

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#### GENERAL INFORMATION ON MIGRATION



#### MAIN FIGURES AND TRENDS

In 2022, by way of registered migration, 49,414 individuals came to live in Estonia. As compared to 2021, immigration increased by 29,890 individuals. The main reason for increased immigration was the arrival of Ukrainian war refugees in Estonia – 75% of those who arrived in the country, i.e. 31,594 individuals, were Ukrainian citizens. Irregular migration from and through Russia towards the European Union (EU) is not high due to the fact that Russian Federation implements sufficient border control measures at their borders with EU member States. In 2022, 13 illegal border crossings were detected at Estonia-Russia land border (in 2021 the number of illegal border crossings was 10). However, there is continuously high demand for foreign labour in construction, agriculture and accommodation and food service sectors which thus can pose a risk of labour exploitation.



#### MIGRATORY ROUTES

As Estonia is one eastern member State and shares border with the Russian Federation, smuggling routes lead from Russia to the Baltic States (Estonia, Latvia and Lithuania) or to Nordic countries (Finland, Sweden). There are good ferry connections from Tallinn to Helsinki in Finland and Stockholm in Sweden facilitating secondary movements and also travelling from Nordic countries by other means of transportation (car, bus, plane) through borders with Latvia is not complicated, because of the Schengen area.



## INSTITUTIONAL ORGANISATION

In 2010 the Police Board, Central Criminal Police, Public Order Police, Border Guard Board, and Citizenship and Migration Board were merged into the Police and Border Guard Board (PBGB) in the area of government of the Ministry of the Interior. The main tasks of PBGB are:

- Security and public order in the State;
- The securing of the external border of the European Union;
- The investigation and prevention of crimes and offences;
- Migration management (issuing of visas and residence permits, migration surveillance).

PBGB (4 regions: North, South, East and West and National Criminal Police) is providing criminal investigations related to the migrant smuggling cases, including migrant smuggling investigations related to money laundering (ML). If the migrant smuggling investigation is related to terrorist financing (TF), then it is provided by the Internal Security Service. The main responsibilities of the Internal Security Service are:

- collection and processing of information for the prevention and combating of activities aimed at changing by force the constitutional order and territorial integrity of Estonia;
- collection and processing of information for the prevention and combating of intelligence activities directed against the State;
- collection and processing of information for the prevention and combating of terrorism (including financing and supporting thereof);
- protection of State secrets and classified information of foreign States, performance of security vetting;
- non-proliferation of weapons of mass destruction, conduct of proceedings of offences related to explosive substances;
- anti-corruption combat;
- conduct of proceedings of other offences within the investigative jurisdiction of the Board.

The Financial Intelligence Unit analyses and verifies information about suspicions of money laundering (ML) or terrorist financing (TF), takes measures for preservation of property where necessary and immediately forwards materials to the competent authorities upon detection of elements of a criminal offence.

To detect illegally staying/working third country nationals, including potential cases of migrant smuggling and human trafficking, PBGB carries out inspections based on risk assessment as well as on an ad-hoc basis without prior notice. There are also joint inspections with the Labour Inspectorate and Tax and Customs Board.



## LEGISLATIVE FRAMEWORK

Estonia is Party to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. As a member of the EU, Estonia is bound by Directive 2002/90/EC and Framework Decision 2002/946/JHA.



\*The responsibility for the content lies exclusively with every responding State and does not constitute the official position of the Council of Europe.



Illegal transportation of a foreigner across the State border or temporary border line of the Republic of Estonia is punishable as criminal offence under the Article 259 of the Penal Code. The aiding the stay of illegally staying foreigners for the purpose of proprietary benefits is punishable under the Article 259 of the Penal Code.



## JUDICIAL FRAMEWORK

The Prosecutor's Office is a government agency in the area of government of the Ministry of Justice. The Prosecutor's Office directs pre-trial criminal proceedings, ensuring lawfulness and effectiveness thereof; represents public prosecution in court, participates in planning surveillance activities necessary for prevention and identification of crimes, and performs other duties assigned to the Prosecutor's Office by the law. As a body directing criminal proceedings, the Prosecutor's Office guides investigative bodies in gathering evidence and, according to identified circumstances, decides on bringing charges against a person. The Prosecutor's Office prosecutes crime related to migrant smuggling in cooperation with the PBGB. If needed in international cases, then JIT possibilities are used either through Eurojust or Europol.



## INTERNATIONAL COOPERATION

National Coordination Center (hereinafter "NCC") is responsible for effective information exchange with EU member States and Frontex. NCC Estonia has been operating as the Single Point of Contact (SPoC) of the PBGB. Additionally, besides NCC Estonia, it houses NCC Estonia SIRENE Bureau, National Europol (ENU), INTERPOL (NCB), Prüm NCP, FRONTEX NFPOC and Internal Duty Service for other Police matters. Such solution allows access to the broadest range of relevant national and international law enforcement databases in order to efficiently manage direct information exchange between the national and international competent authorities.

Cooperation between member States is established by bilateral and/or multilateral cooperation agreements and protocols. NCC Estonia cooperates with other member States' NCCs, especially with the neighbouring ones, on a daily basis in the field of border management. NCC Estonia exchanges operational information on persons, vehicles, documents, exchanges alerts for warning purposes in order to prevent cross-border crime as smuggling, illegal migration, trafficking in human beings etc.

In order to facilitate cooperation with member States in criminal police matters a police liaison officer is deployed in Europol in The Hague, the Netherlands. The tasks of the liaison officers is to exchange information in the field of organized crime in the framework of international police cooperation.

PBGB also participates in EU Working Groups activities and cooperates with international organisations.



## RELEVANT CASES

[No major national cases to report]