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Conference on Security and Co-operation in Europe

CSCE Communication No. 20  
Prague, 14 June 1994

**RELEASE OF DOCUMENT**

Recommendations on the question of the implementation of the Estonian Law on  
Aliens

Upon the decision of the 27th Meeting of the Committee of Senior Officials taken on  
13 June 1994, the above mentioned letter of the CSCE High Commissioner on  
National Minorities to the Minister of Foreign Affairs of the Republic of Estonia,  
dated 9 March 1994 as well as the letter of reply, dated 4 April 1994 (CSCE  
Communication 20/94) has been released to the public.

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**C S C E**  
High Commissioner  
on National Minorities

His Excellency  
Mr. Jüri Luik  
Minister for Foreign Affairs of Estonia  
Rävala 9  
TALLINN EE 0100  
Estonia

Reference:  
No 3005/94/L

The Hague  
9 March 1994

Dear Mr Minister,

Permit me to express my appreciation for the help your Ministry has provided in arranging the programme of my visit to Estonia on 21 - 23 February 1994. The frank and open discussion I had with various members of the Government, including yourself, were of great value for me. Regrettably, in the public discussion in your country, there have been completely unjustified complaints that I am acting as the advocate of one population group. I was glad to note, that your Government has a better understanding of my role, the essence of which is in my view to try to help, in a strictly objective way, in finding solutions which can contribute to inter-ethnic harmony in your country.

In this letter, I will mainly concentrate on a number of suggestions concerning the implementation of the Law on Aliens. Of course, in doing so, I am very much aware that still vivid memories of the past, which led to great suffering for virtually all Estonian families, and concerns about what the future may bring have led to particularly strong insistence on the part both of the Government and the Riigikogu on the need to ensure and strengthen the Estonian identity. On the other hand, I have also registered repeated assurances of your Government that it intends to ensure for all residents-non-citizens loyal to Estonia a legal status which is in full compliance with CSCE principles and the standards of international law. Against this background, I take the liberty to stress again the importance of a frequent dialogue between your Government and representatives of various population groups, and the need, in order to avoid perhaps unnecessary concerns, to provide non-citizens with information about Governmental policies concerning them, and especially about the way the Law on Aliens will be implemented.

On the question of the implementation of this Law, I permit myself to make the following comments and recommendations:

1. I was informed that the Presidential Round Table has expressed itself in favour of an amendment to the Law on Aliens which would allow a postponement of the deadline for registration. I should like to support this proposal. The Law on Aliens, which entered into force on 12 July 1993, establishes a one year period of applications for residence permits for aliens who settled in Estonia prior to July 1, 1990 and who have permanent registration in the former Estonian SSR. Since this application procedure has required considerable preparatory work, it is not until now that it is about to start in large scale. With only four months left to the deadline of 12 July 1994, with about 400.000 possible applications and with questions still remaining about procedures, it seems essential to postpone the deadline for applications, for instance by six months, in order that the officials and applicants concerned feel that sufficient time is available for an orderly and calm registration process. Other corresponding deadlines in the Law on Aliens would have to be postponed accordingly.

2. It has been my firm understanding that the Law on Aliens, as revised by the Riigikogu on 8 July 1993, provides for the possibility of permanent residence permits for persons who settled in Estonia prior to July 1, 1990, and who continue to sojourn in Estonia on the basis of permanent registration in the former Estonian SSR. I have, however, been informed that those persons will only be granted temporary residence permits, which after a period of three years will be exchanged for permanent residence permits. Fears have been expressed among the non-citizen population that their acquired rights might be endangered during the period they have merely the status of temporary resident. These fears include possible negative consequences affecting the right to work, to pensions and other state payments, to participate in the privatisation process and to family reunification. I have, however, been assured during my visit that such fears are groundless. A clear and legally binding provision ensuring the same rights for these residents as for permanent residents, as well as proper information to the persons concerned, could therefore remove unnecessary anxiety.

3. Although a simplified procedure is envisaged for applications for residence permits for persons who settled in Estonia prior to July 1, 1990, a number of questions still seem to be unclear. It is in my view essential that the registration process for persons in this category is made as simple and as smooth as possible. For the vast majority of these persons, who do not fall into the categories of persons excluded from the right of residence permits, it is merely a question of exchanging their previous permanent registrations for new residence permits. Any requirements for these persons to provide different certificates or to pay application fees in order to apply for the necessary residence permits would therefore seem to be excessive. In order to simplify the procedure, the addition of a Russian translation to the application forms which are in Estonian, would be helpful, considering the high number of applicants who do not understand the official State language. Joint efforts of the Estonian authorities and

representatives of the non-citizen population to cooperate in this large number registration procedure should be a common interest and would be welcomed.

4. The question of travel documents for persons residing in Estonia without citizenship still has to be solved in the near future. In order to ensure the right to travel abroad and to return for aliens residing in Estonian, alien's passports should be made available without any complicated procedures and without excessive costs.

May I finally draw your attention once again to the question of training in the Estonian language. In the letter of reply to my previous recommendations to the Government of Estonia in April 1993, I was assured that the Government of Estonia is seeking to enhance the possibilities for Estonian language training and that all efforts were made to develop an effectual system of language instruction with qualified instructors, effective teaching materials and methods and greater use of varying resources, including an expanded use of the mass media. I am also aware of the willingness of a number of Governments to assist the Government of Estonia in these efforts. I recommend further efforts to make full use of these possibilities and, for the Governments concerned, to coordinate and expand these activities.

Yours sincerely,

[signature]

Max van der Stoel

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**Minister of Foreign Affairs  
Republic of Estonia**

4 April, 1994

Dear Mr. van der Stoel,

I would like to sincerely thank you for your very frank, open and constructive letter of 9 March, 1994. Indeed, the implementation of the Law on Aliens is an issue which is very much in the centre of our thinking and planning. This law has aroused interest both at home and abroad and the Government has to consider its positions very carefully in this debate. I will use this letter to provide answers to your comments and

recommendations to the fullest extent possible.

1. The deadline for applications for residence permits is a central issue in the above-mentioned debate. While it is objectively unavoidable to extend the deadline for registrations by, as you for example suggest, six months, the Government has to take into account all the potential implications of such an extension, especially its timing.

We cannot allow an impression to take root which would indicate that it is in fact not necessary to register, as the Government is not capable of enforcing its own regulations. Therefore we consider it to be of utmost importance that the registration process become as intense as possible as early as possible. Those persons which have not yet applied for permanent residency status must be made to believe that it is of utmost importance that they register as quickly as possible.

H.E. Mr. Max van der Stoep  
CSCE High Commissioner on  
National Minorities

THE HAGUE

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However, as I mentioned above it will be unavoidable to extend the registration period. The Government will take such a decision when the factors which make an early announcement of an extension non-desirable have been taken care of. Therefore, I would assume that this announcement will be made at the last possible moment to allow the registration process to gain momentum.

2. I had the pleasure to read that you have been assured during your last visit that the fears of possible negative consequences for those persons who will be granted temporary residence permits - affecting the right to work, to pensions, to participate in the privatisation process etc. - are groundless.

As you know, paragraph 20 of our Law on Aliens reads: "All aliens who settled in Estonia prior to July 1, 1990 and who continue to sojourn in Estonia on the basis of permanent registration in the former Estonian SSR shall sustain all rights and duties established in existing legal acts of the Republic of Estonia."

At the same time, the Government continues its efforts to better inform the persons concerned.

3. Concerning the procedure of applications for residence permits for persons who have settled in Estonia prior to July 1, 1990, I would like to clarify that those persons must submit only a limited number of documents.

The list of documents which are required to be submitted by the applicants for the residence permits are prescribed in the Governmental Decree on Regulations for the Issue and Extension of Residence Permits and Employment Permits to Aliens.

Referring to your concerns that the application forms should be translated also into the Russian language, I would like to confirm to you that the entire staff of the National Department of Immigration is fluent in both Estonian and Russian and is ready to assist applicants to complete their applications. The Russian translations of the registration form will be available also in every registration department.

At the same time I share your view that joint efforts by the Estonian authorities and representatives of the non-Estonian citizens are needed in this field.

According to "The Law Amending the Law on State Fees," applicants for residence and work permits must pay a fee of 20 EEK for processing the applications for the permits and 30 EEK when the permits are issued (average salary is 1200.- EEK per month).

4. As you are well aware, the Estonian Government has been fairly reluctant to provide a large number of persons with Aliens' Passports, as it is our considered opinion that such documents should only be issued to individuals who are unable to obtain any other travel document. While we are in fact in the process of printing Aliens' Passports and are being assisted in this by the Council of Europe, I believe that it is also in the interest of the world community that the number of persons who are deemed to be stateless not be artificially increased. Therefore the Estonian Government is seeking to promote the acquisition by Estonian residents of such national passports as they can obtain.

We consider it to be extremely important that residents of Estonia who are holders of documents of the former Soviet Union as speedily as possible obtain either Estonian or other countries' travel documents so as to end the period of uncertainty which commenced with the disintegration of the Soviet Union. To this end we promote the acquisition of Estonian citizenship by as many Estonian residents-non-citizens as possible through our comprehensive program of Estonian-language teaching to non-Estonian speakers.

However, in the interim period we are preparing for the issuing of travel documents which would allow the holder to exit and enter Estonia.

Finally, as you saved the best for last, it is my pleasure to do likewise. Language training for non-Estonians is undoubtedly one of the prime tasks of our Ministry of Culture and Education. It is also a priority among the topics we suggested should be discussed within the framework of the Pact for Stability in Europe.

It is very important to my Government that you, distinguished High Commissioner, also consider this item to be a priority issue and that you call on the Governments concerned to coordinate and expand their activities in this field.

Therefore I take the liberty to include in this letter two documents prepared by the Estonian Ministry of Culture and Education with the hope that through you we can

realize some of the projects which need foreign - financial - support. As you can see, all too many of these projects still remain unfunded.

Once again, may I thank you for your very useful and constructive letter.

Sincerely yours,

[signature]  
Jüri Luik

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