



CIRCULAR

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**Clarification of the exemption from the requirement for obtaining a residence permit or a visa for seafarers**

The Ministry of the Interior, in cooperation with the Estonian Maritime Administration, has issued a clarification regarding the exemption from the requirement for obtaining a residence permit or a visa for alien seafarers while working on Estonian-flagged vessels.

On certain conditions a vessel flying the Estonian flag is deemed to be part of the territory of the Republic of Estonia. According to the Estonian Aliens Act there is a general requirement for aliens from third countries temporarily staying in Estonia to have a residence permit or a visa but as an exception, the Estonian legislation currently in force has no requirement for obtaining a residence permit or a visa in order for an alien to stay and work on a ship flying the flag of the Republic of Estonia. Thus, aliens may work on an Estonian-flagged vessel without an Estonian visa or residence permit.

The legal basis for staying and working on an Estonian-flagged vessel derives from treaties, first and foremost from the United Nations Convention on the Law of the Sea and the ILO Seafarers' Identity Documents Convention.

In addition, an alien who is a crew member may be permitted to Estonia in accordance with subsection 44 (4) of the Estonian Aliens Act as a transit passenger, if the purpose of entry into Estonia is commencement or termination of employment as a crew member on board of a ship at an Estonian port, or commencement of employment on board of another ship at an Estonian port or, in cases provided for in a treaty, transferring to a ship in another state or returning to the country of origin.

A more detailed procedure for an alien who is a crew member to be allowed to disembark or embark as a transit passenger is established in Regulation No. 268 of 13 August 2002 by the Government of the Republic "Procedure for Permitting Crew Members to Estonia". A crew member is permitted to Estonia on the basis of a travel document and a visa complying with international requirements and recognised by Estonia (Regulation No. 268 subsections 2 (1) and (2)). A visa is not required to be held by a crew member who has a seafarer's identity document issued by a state that is a party to the ILO Seafarers' Identity Documents Convention (ILO 108 or ILO 185), or who is a national of a foreign state that has entered into an agreement with Estonia on visa-free travel. In accordance with subsection 2 (3) of Regulation No. 268, a crew member himself or herself, or also the master of a ship or the

ship's agent, shall provide evidence to establish the circumstances of entry (for instance, the ship's crew list in addition to a recognised travel document).

If an alien crew member wishes to stay in the territory of an Estonian port or the territory of the county adjoining the port while his or her ship stays at that port, he or she shall have the right to do so, in accordance with Regulation No. 268 of 13 August 2002 by the Government of the Republic, on the basis of a travel document complying with international requirements and recognised by Estonia.

If the purpose of the entry into Estonia of an alien crew member is not to be a transit passenger returning to the country of origin, or if the seafarer wishes to exit the territory of the county adjoining the port while his or her ship stays at that Estonian port, he or she shall have one of the legal bases for entry into and stay in Estonia listed in section 43 of the Aliens Act.

In case an alien wishes to take up residence in Estonia, he or she shall have a residence permit.

Sincerely

(signed digitally)

Rene Arikas  
Director General