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THE LEGAL FRAMEWORK FOR EMPLOYING THIRD-COUNTRY NATIONALS IN ESTONIA: BALANCING LABOUR MARKET NEEDS AND PUBLIC INTEREST

Key words: third-country nationals, labour migration, Aliens Act, immigration quota, residence permit, Estonia

Summary

This article offers the analysis of the Estonian legal framework governing the employment of third-country nationals (TCNs) and evaluation whether the current regulatory model facilitates or restricts access to the labour market while safeguarding public interests. Doctrinal legal analysis is applied to the Estonian Aliens Act, relevant EU directives, case law, and constitutional principles, examining short-term employment registration, temporary residence permits for employment, the immigration quota system, and obligations of employer.

Estonia has developed a differentiated migration regime favouring highly qualified labour while incorporating strict labour market protection mechanisms. Although the framework does not fundamentally obstruct employment of TCNs, instruments such as the immigration quota and employer-specific residence permits may reduce labour mobility and administrative flexibility.

Introduction

Better job opportunities, higher wages, a higher standard of living and educational opportunities are pull factors that motivate migration to countries with better economic prospects. The European Union has declared the free movement of citizens of Member States as one of the economic freedoms, also referred to as the free movement of workers or labour. The free movement of workers is provided for in Article 45 of the TFEU and constitutes the fundamental right of workers to move and reside freely within the territory of the Member States. One of the objectives of EU migration policy is to enable the free movement of labour

within the EU; however, in order to alleviate labour shortages and shortages of skilled workers and to stimulate economic growth, the EU also supports the lawful movement of labour from outside the Member States.

The arrival, temporary stay, employment and liability of persons from third countries in Estonia are regulated by the Aliens Act (hereinafter VMS).[1] Within the meaning of § 3 of the VMS, an alien is a person who is not an Estonian citizen. Pursuant to § 2(1) of the VMS, the Aliens Act does not apply to citizens of European Union Member States, European Economic Area Member States, and the Swiss Confederation, nor to their family members who have the right of residence or permanent residence in Estonia within the meaning of the Citizen of the European Union Act. The aforementioned persons have the right to move and reside freely within the territory of the Member States. When citizens of Member States exercise their right to free movement and residence, their fundamental status should be that of Union citizenship.

Estonian migration policy has always been based on encouraging the arrival of those aliens whose settlement in Estonia is in line with public interests and preventing the arrival of those who may pose a threat to public order or national security.[2] In addition, the Estonian legislator follows the generally recognised principle of international law according to which every state has the sovereign right to control the entry, stay and departure of persons who are not its citizens, taking into account its international obligations, including the obligation to grant international protection. Therefore, a person who is not a citizen of a state does not have a human right to enter and stay in a foreign state.

The purpose of this article is to analyse the employment opportunities of persons from third countries in Estonia and the obligations of such workers while working in the territory of the Republic of Estonia.

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1 Aliens Act. Passed 9 December 2009. RT I 2010, 3, 4. Available: https://www.riigiteataja.ee/en/eli/506012026003/consolide [last viewed 14.02.2026].

2 Tammaru T., Eamets R., Pedaste M., Jarve J., Tamm M., Klaas-Lang B., Uibu M. Randesoltuvus ja loimumise valjakutsed Eesti riigile, tooandjatele, kogukondadele ja haridusele [Migration dependence and integration challenges for the Estonian state, employers, communities and the education system]. 2021, p. 3. Available: https://www.etag.ee/wp-content/uploads/2021/03/L%C3%B5pparuanne.pdf [last viewed 14.02.2026]; Vollmer M., Luik E., Murov A., Orloff B. Rande-ja kodakondsuspoliitika aastaraport 2022 [Migration and Citizenship Policy Annual Report 2022]. EMN Estonia, p. 17. Available: https://www.emn.ee/wp-content/uploads/2022/11/rande-raport-2022-veeb-1.pdf [last viewed 14.02.2026].

1. Employment opportunities in Estonia

1.1. Short-term employment in Estonia

Third-country nationals have several lawful options for working in Estonia, each with different conditions.[3]

An alien temporarily staying in Estonia may work in Estonia if the employer has registered their short-term employment with the Police and Border Guard Board (hereinafter – PPA) or if their right to work in Estonia arises directly from law or from an international agreement ratified by the Riigikogu (VMS § 104 (1)). For temporary stay and short-term employment in Estonia, a residence permit is not required; however, a lawful basis for entry into and temporary stay in Estonia is necessary. An alien staying in Estonia without a lawful basis, including a person who has been ordered to leave Estonia by an administrative act or court decision, is prohibited from working in Estonia (VMS § 104 (3)). Likewise, an alien temporarily staying in Estonia is prohibited from working if the employer has not registered their short-term employment with the PPA, except in cases provided by a law or an international agreement ratified by the Riigikogu (VMS § 104 (2)).

Within the meaning of the Aliens Act, employment in Estonia means any activity in Estonia on the basis of an employment contract or other contract, as well as any other activity for the benefit of another person from which income or other pecuniary benefit may be presumed, regardless of the type or form of the contract or the location or residence of the other contracting party, unless otherwise provided by an international agreement or law (VMS § 8).

Pursuant to VMS § 43 (1), an alien must have a lawful basis to enter and temporarily stay in Estonia. Lawful grounds for temporary stay include, inter alia: a visa; visa-free travel; a visa or residence permit issued by another Member State; an EU Blue Card; a right to stay in Estonia arising directly from an international agreement; a diplomatic identity card; or a right or obligation to stay arising directly from law, a court decision or an administrative act.

Under VMS § 44(1), an alien may stay in Estonia under the conditions specified in the visa. A visa is an authorisation granted to an alien for entry into the territory of the Schengen Convention Member States, Estonia or an airport transit zone and for temporary stay therein under the conditions specified in the visa, unless otherwise provided by law (VMS § 56). A visa for short-term employment in Estonia is issued either as a short-stay or long-stay visa (VMS § 110(2)). On the basis of a short-stay visa, an alien may stay in Estonia for up to 90 calendar days within a six-month period. A long-stay visa may be issued for up to 365 days within twelve consecutive months. If an alien applies for a visa for short-term employment, the short-term employment must be registered in advance with the PPA (VMS § 62^1(1)).

[3] Tammaru T. et al. 2021, p. 25.

Importantly, the period of employment in Estonia is linked to the validity of the lawful basis for stay. No later than upon expiry of the visa, the alien must leave the territory of the Schengen Convention Member States, Estonia or the airport transit zone (VMS § 74).

In summary, short-term employment in Estonia does not require the acquisition of a residence permit; rather, for the purposes of entry and stay, a foreign national is issued either a shortterm or a longterm visa. In addition to a visa, the lawful bases for temporary stay in Estonia include visa-free movement, a visa or residence permit issued by another Member State, the EU Blue Card, a right of stay arising directly from an international agreement, a diplomatic identity card, as well as a right or obligation to remain in Estonia deriving directly from statute, a judicial decision, or an administrative act. The mere possession of a visa or the enjoyment of visa-free movement does not confer the right to work in Estonia. A foreign national may engage in short-term employment provided that they have a lawful basis for temporary stay and that their employment has been registered with the PPA prior to commencement of work. Where a thirdcountry national is exempt from the visa requirement, registration of shortterm employment alone is sufficient. A foreign national temporarily staying in Estonia is prohibited from working if their employer has not registered the shortterm employment with the PPA, except in cases expressly provided for by law or an international agreement.

1.2. Registration of short-term employment

Registration of short-term employment allows an alien to work temporarily in Estonia without a residence permit. It is intended for situations where the alien wishes to work in Estonia temporarily, usually for up to 365 days. Short-term employment is permitted only if the alien has a lawful basis for staying in the country and the employment has been registered with the PPA prior to commencing work. For longer-term residence and employment in the country, a residence permit is required.

Short-term employment may be registered by the employer or an authorised representative by submitting an application for registration of short-term employment to the PPA. Registration does not constitute a lawful basis for stay in the country. Nevertheless, registration is linked to the alien's lawful basis of stay. The registration of short-term employment expires if the alien's temporary basis of stay expires, if a residence permit is granted, if a visa is refused and there is no other lawful basis for stay and employment, or if the employer registers the termination of employment in the employment register (VMS § 109^1(1)).

In general terms, it may be observed that shortterm employment in Estonia is permitted for a foreign national who meets the qualification, educational, health and professional experience requirements established for the specific position, and who possesses the specialised skills and knowledge necessary for the performance of the relevant duties. In order to obtain the right of temporary

stay, the foreign national must have a lawful basis for residing in Estonia, and prior to the commencement of employment the employer is obliged to register the foreign national's short-term employment with the PPA. As a rule, short-term employment is permitted for a period of up to 365 days. Moreover, shortterm employment is subject to a fulltime work requirement, and the employer must ensure remuneration that is not lower than the average annual gross monthly wage in Estonia.

The regulation of short-term employment set out in the VMS may be characterised as relatively flexible, supplemented by several specific derogations aimed at facilitating opportunities for temporary employment in the Estonian labour market. Distinct regulatory arrangements and more favourable conditions have been established for seasonal workers, highly skilled specialists, as well as temporary agency and posted workers, reflecting the legislator's intention to balance labour market needs with the objectives of migration policy.

1.3. Seasonal work

Seasonal work can be conceptualised as a distinct modality within the broader framework of temporary labour mobility, characterised by its structural embeddedness in cyclical economic processes and by its alignment with sectorspecific fluctuations in labour demand.[4] From the perspective of labour market segmentation theory, seasonal work occupies a peripheral yet functionally indispensable position within the secondary segment of the labour market, where employment is typically marked by temporality, lower employment security and heightened sensitivity to economic cycles. The sectors most reliant on seasonal labour – agriculture and forestry, fisheries, manufacturing, construction and tourism – exemplify this segmentation through recurrent peaks in labour demand that cannot be met by the resident workforce alone.

Within the European Union, seasonal work is undertaken by both EU citizens and thirdcountry nationals, reflecting broader patterns of circular migration in which workers engage in repeated, timebound mobility between their country of origin and the host state. Such mobility patterns are often institutionalised through seasonal labour regimes, which constitute regulatory frameworks designed to channel temporary labour inflows in a manner that reconciles economic imperatives with migration governance objectives. In both Estonia and other EU Member States, seasonal workers thus serve as a critical supplementary workforce, enabling employers to respond to shortterm labour shortages while simultaneously

[4] Orloff B. Attracting and Protecting Seasonal Workers from third countries in the EU – Estonian National report. Tallinn: EMN Study, 2020, p. 3. Available: https://www.emn.ee/wp-content/uploads/2020/12/seasonal-workers-estonia-final.pdf [last viewed 14.02.2026]; European Migration Network. Attracting and protecting the rights of seasonal workers in the EU and the United Kingdom. – Synthesis Report. Brussels: European Migration Network, 2020, p. 5. Available: https://www.emn.ee/wp-content/uploads/2020/12/00-eu-seasonal-workers-study-synthesis-report-en.pdf [last viewed 14.02.2026].

illustrating how migration policy, labour market needs and regulatory design interact within contemporary mobility regimes.

Seasonal work is a type of temporary work linked to specific periods of the year and particular economic sectors in which demand for labour is significantly higher than at other times. The main sectors employing seasonal workers include agriculture and forestry, fishing, manufacturing, construction, and tourism.

Within the meaning of the VMS, a seasonal worker is an alien whose permanent or principal residence is in a third country and who stays in Estonia on the basis of a visa or visa-free travel and performs seasonal work under a fixed-term employment contract concluded with an employer registered in Estonia (VMS § 106(11)).

As a general rule, short-term employment may be registered if the alien has a lawful basis for temporary stay and employment is registered before starting work. There is no restriction as to which lawful basis allows registration.

Normally, the employer must pay the alien remuneration at least equal to the annual average gross monthly salary in Estonia. However, no salary threshold applies to seasonal workers (VMS § 107(12) 11). The employer is required to conclude a fixed-term employment contract with the alien.

1.4. Temporary agency work and posted workers

In a temporary agency work relationship, the employer (the agency) concludes an employment contract with the agency worker, who is then assigned temporarily to perform work for a third party (the user undertaking), under whose supervision and direction the worker operates. A service contract is concluded between the agency and the user undertaking.

Intra-EU labour leasing means that the agency worker is also considered a posted worker. Posted workers are subject to special EU regulation, including the right to receive the minimum wage of the host country. Posting occurs in the context of cross-border provision of services. Under VMS § 106(7), short-term employment may also be registered in cases of temporary agency work within the meaning of § 6(5) of the Employment Contracts Act (TLS).[5] TLS § 6(5) defines temporary agency work as work performed under the direction and control of a third party.

Short-term agency work may be registered if the employer is a company registered in Estonia or another EEA Member State engaged in labour leasing and has provided a guarantee equal to one month's salary of the alien, at least equal to the annual average gross monthly salary in Estonia (VMS § 106(8)). The guarantee may be provided as a guarantee or deposit (VMS § 106(8^1)) and must remain valid throughout the period of short-term employment (VMS § 106(9)).

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[5] Employment Contracts Act. Passed 17 December 2008. RT I 2009, 5, 35. Available: https://www.riigiteataja.ee/en/eli/511022026002/consolide [last viewed 14.02.2026].

Employers must also register posted workers from another EU Member State with the Labour Inspectorate (ELTTS § 5[1]).[6]

1.5. Residence permit for employment

1.5.1 General requirements

To live and work in Estonia for longer than one year, it is possible to apply for a temporary residence permit for employment, which may be issued for up to five years. A temporary residence permit is an authorisation granted to a foreign national for settling in Estonia and residing in Estonia under the conditions established in the Aliens Act and specified in the residence permit (VMS § 112).

Under Aliens Act § 118(1) p. 4, a temporary residence permit may be issued to a foreign national for employment. The purpose and additional conditions for issuing a temporary residence permit for employment are set out in Aliens Act § 176. The purpose of issuing a temporary residence permit for employment is to promote the development of Estonia's economy, science, education or culture by enabling the recruitment of foreign nationals with the necessary skills and knowledge (VMS § 176 (1)).

A temporary residence permit for employment grants a foreign national the right to stay in Estonia and work for an employer registered in Estonia under the conditions specified in the residence permit (VMS § 176 (2)).

A residence permit for employment is suitable for: a skilled worker; a temporary agency worker; a top specialist; a member of a company's management body; an expert; a clergyperson; a startup employee; a researcher; a lecturer; an athlete; a creative worker; an EU Blue Card holder; a graduate of an Estonian higher education institution; an employee posted from the EU; an employee of an international company; or in other exceptional cases.[7]

1.5.2 Validity period

A temporary residence permit may be issued for up to five years (VMS § 119(1)). When determining the period of validity, account is taken of the proven circumstances forming the basis for issuing the residence permit or other relevant circumstances, as well as the possibility that these circumstances may change during the validity period (VMS § 119(2)).

A temporary residence permit may be extended for up to ten years at a time if the conditions for extension are met and none of the grounds for refusal apply (VMS § 128 and 132). If it becomes evident that the foreign national is not using the residence permit for its intended purpose or the conditions for issuing it are not met, the permit may be annulled (VMS § 135).

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[6] Working Conditions of Employees Posted to Estonia Act. Passed 17 March 2004. RT I 2004, 19, 134. Available: https://www.riigiteataja.ee/en/eli/522122025003/consolide [last viewed 14.02.2026].

[7] Ibid.

1.5.3 Immigration quota and labour market considerations

When applying for a temporary residence permit for employment, both the employer and the foreign national must consider that the number of foreign nationals permitted to settle in Estonia is limited by the annual immigration quota (VMS § 113(1)). If the quota is full, the issuance of a temporary residence permit is refused (VMS § 123(1) 4)).

In addition, foreign labour arriving in Estonia must meet the country's economic and labour market needs. At the employer's request, the Estonian Unemployment Insurance Fund assesses whether filling the position with a foreign national is permissible, taking into account labour shortages and the availability of local labour.

A temporary residence permit for employment may be applied for only if the position cannot be filled by an Estonian citizen, an EU citizen, or a foreign national already residing in Estonia with a residence permit, who meets the qualification and professional requirements, and if filling the position with a foreign national is justified based on the labour market situation and the data of the Unemployment Insurance Fund (VMS § 177(1)).

The administrative court has further articulated its position in terms that underscore the normative centrality of public interest within Estonia's migration governance framework. According to the court, a foreign national's stay in Estonia must conform to public interests as defined in § 13 of the VMS. The statutory purpose of granting a temporary residence permit for employment – set out in § 176(1) of the VMS – is explicitly developmental: it seeks to advance the Estonian economy, science, education, and culture by enabling the recruitment of foreign nationals whose knowledge and skills are deemed necessary for these domains.

Within this regulatory architecture, the immigration quota established in § 113 of the VMS functions as a key instrument for operationalising public interest in the context of labour migration. The quota mechanism is designed, inter alia, to ensure labour market prioritisation for Estonian citizens and persons with long-term residence rights. At the same time, it serves a broader socio-cultural function by safeguarding the capacity of Estonian society to accommodate foreign nationals without jeopardising the preservation and protection of the Estonian nation, language, and culture. In this sense, the quota reflects a balancing exercise between economic demand for foreign labour and the constitutional imperative to maintain the continuity of the Estonian cultural and linguistic community.

1.5.4 Requirements for the foreign national

Aliens Act § 179 sets out the requirements for foreign nationals. To be issued a temporary residence permit for employment, the foreign national must have the qualification, education, state of health, work experience, and necessary professional skills and knowledge required for the position (VMS § 179(1)).

When assessing an employer, the PPA also considers the employer's trustworthiness. If there is reason to doubt the employer's reliability, the PPA may refuse to issue a temporary residence permit for employment (VMS § 180).

A temporary residence permit for employment grants the foreign national the right to stay in Estonia and work for the employer registered in Estonia under the conditions specified in the permit. Under VMS § 185(1), the conditions for working in Estonia must be established in the permit, including at least the employer, place of work, and the work position. Under the permit, the foreign national may work only under the conditions specified (VMS § 185(3)).

If the foreign national wishes to change jobs with the same employer or start working for another employer, they must generally apply for a new temporary residence permit for employment. Under VMS § 189(1) p 2, a temporary residence permit for employment is annulled if a condition specified in the permit has changed.

The Administrative Court has explained that a temporary residence permit for employment is linked to a specific employer and position. Because the validity of the permit depends on employment with a specific employer and in a specific position, a change in these conditions constitutes grounds for annulment.[8]

However, a foreign national may work for multiple employers simultaneously, provided the conditions specified in the residence permit are followed (VMS § 181^2(1) and 189(2) p. 2). A change of position with the same employer is not considered a change of a condition of the residence permit, provided all other conditions remain unchanged and the new position requires the same qualification and professional requirements (VMS § 189(2) p. 4 and 185(4)).

2. Obligations of a worker coming from a foreign country

2.1. Obligations arising from a right of stay

The Aliens Act defines the obligations of an alien temporarily staying in Estonia or residing in Estonia. Specifically, an alien is required to comply with the constitutional order and legal acts of Estonia, to respect constitutional values and principles, a state based on liberty, justice and law, as well as the organisation of Estonian society, the Estonian language and culture (VMS § 11).

For temporary stay and shortterm employment in Estonia, an alien must comply with the conditions established by the visa (VMS (1)). If Estonia has concluded a visa-free agreement with a foreign country or if the visa requirement has been waived for citizens of that foreign country, the citizen of that foreign country may stay in the Schengen Convention Member States, including Estonia, for up to 90 days within any 180-day period, unless an international agreement provides otherwise (VMS § 44(2)).

The general conditions for issuing short-term and long-term visas are similar, and in reviewing the visa application, the following conditions are checked:

- The alien has a valid travel document;

[8] Judgment of Tallinn Administrative Court, 21 December 2023, case No. 3231588, section 10.

- The justification for the purpose and conditions of applying for the visa and stay;
- Sufficient financial means to cover accommodation and other costs during the stay in Estonia and to return to their country of origin or transit country;
- The admissibility of the alien's entry into the country, including any threat the alien may pose to public order, internal security or public health;
- If required, the alien must have valid travel and health insurance that covers medical expenses arising from illness or injury during the validity of the visa.[9]

The visa specifies, among other things, the period of stay^S– the number of days during which an alien may stay in the Schengen Convention Member States, including Estonia, during the validity of the visa. As a rule, the period of stay specified in the visa is not extended, and the alien must comply with it (VMS § 74).

The general conditions for issuing a temporary residence permit are provided in VMS § 117(1), and the following requirements must be met by the alien applying for a temporary residence permit:

- The purpose for applying for a temporary residence permit in Estonia is justified;
- Actual place of residence in Estonia;
- Sufficient legal income enabling the alien and their family members to cope in Estonia; and
- A health-insurance contract that complies with the requirements set out in VMS § 120.

The general conditions for issuing a visa and a temporary residence permit must be continuously met during the validity period. If it becomes evident that the conditions required for issuing a visa or residence permit are not fulfilled, the basis for stay may be annulled. Upon expiry of the basis for stay, the alien must return to their country of citizenship.

When processing applications for registration of shortterm employment and temporary residence permits for employment, the Police and Border Guard Board (PPA) assesses whether there are grounds to refuse short-term employment registration or the issuance of a temporary residence permit. If the conditions are fulfilled and there is no reason to doubt that the alien will take up residence and employment in Estonia, then there is no basis for refusal.

Whether the alien has actually settled in Estonia and fulfilled their obligations becomes clear mostly during postcontrol carried out within the validity period of the residence permit. During post-control, the PPA checks whether the person has settled in Estonia and whether their activities comply with the conditions of

[9] A shortterm visa may be issued to an alien under the conditions established in the Visa Code (Regulation (EC) No. 810/2009 Article 21(3)), and a longterm visa may be issued under the conditions specified in VMS § 62 (2).

the residence permit. If it appears that the person does not reside in Estonia or does not use the residence permit for its intended purpose, the residence permit will be annulled.[10]

Estonia's residence permit regulation is largely built on post-control: the law often sets only simple, factually measurable conditions for issuing a permit, while relying on the possibility of annulment during post-control.[11] Consequently, it is important for the alien both to meet the conditions for obtaining the basis of stay and, upon arrival in Estonia, to ensure that their obligations remain fulfilled throughout the entire period of stay.

2.2. The primary purpose of stay in Estonia

Employment, within the meaning of the Aliens Act, means any activity in Estonia on the basis of an employment contract or other contract, as well as any other activity for another person from which income or other economic benefit may be expected. The purpose of registering short-term employment and of issuing a temporary residence permit for employment is to enable aliens who contribute to Estonia's economic development to stay and work in Estonia. Thus, the essence and purpose of both bases of stay is the alien's employment.

The Aliens Act establishes the conditions an alien must comply with to fulfil the purpose of the basis of stay.

A temporary residence permit for employment grants an alien the right to stay in Estonia and work for an employer registered in Estonia, under the conditions specified in the residence permit (VMS § 176(2)). The conditions of employment in Estonia are set out in the temporary residence permit. Aliens Act § 185(1) clarifies that the residence permit must specify at least the employer, the place of work and the work position. An alien holding a temporary residence permit for employment is allowed to work in Estonia only under the conditions specified in the residence permit (VMS § 185(3)). Thus, a temporary residence permit for employment is tied to a specific employer.

Additionally, under VMS § 181^2(1), an alien may work for multiple employers at the same time, provided the conditions laid down in the residence permit are followed. Moreover, an alien with a temporary residence permit for employment may take up another position with the same employer, provided the other conditions of the residence permit do not change and the new position requires the same professional and qualification requirements (VMS § 185(4)).

An alien whose employment relationship with the employer specified in the residence permit ends must apply for a new temporary residence permit for employment in order to work for a different employer. The Administrative Court has clarified that a temporary residence permit for employment is employerbased,

[10] Explanatory memorandum to the Act Amending the Aliens Act and the State Fees Act 212 SE, 2012, p. 3.

[11] Ibid., pp. 3–4.

and the employer, the place of employment and the work position are essential conditions for the permit (VMS § 185(1)). Under VMS § 189(1) 2), a temporary residence permit for employment is annulled if a condition specified in the residence permit has changed.[12]

Therefore, an alien must comply with the requirement that the purpose of settling and working in Estonia be justified. The purpose is to come to Estonia to work for a specific company, and this purpose must remain fulfilled until the end of the period of stay – the alien is required to work for that company.

An exception applies to work as a temporary agency worker. An alien who has obtained a residence permit to work as a temporary agency worker may work for a different user undertaking than the one specified in the residence permit, or simultaneously for both the specified user undertaking and another user undertaking, provided that the conditions of the residence permit are followed (VMS § 181^3).

2.3. Qualification requirements

A foreign national coming to work in Estonia must have the qualification, education, state of health, and work experience required for the position, as well as the necessary professional skills and knowledge. This is required both for registering short-term employment in Estonia and for issuing a temporary residence permit for employment (VMS § 106(11) 1) and § 179(1)). The employer assesses the foreign national's suitability for the position and must ensure that the foreign national meets the job requirements. The foreign national is required to prove the circumstances that form the basis for registering short-term employment, issuing a temporary residence permit, and other circumstances relevant to their temporary stay, residence, and employment in Estonia (VMS § 293(1)).

When hiring a foreign national, the employer must also consider that certain positions have mandatory language requirements. The use of Estonian and foreign languages in spoken and written communication, public information, and services is regulated by the Language Act.[13] The requirements for Estonian language proficiency and use for officials, employees, and sole proprietors are established by a regulation of the Government of the Republic. Generally, language requirements apply to positions where the employee provides public services or where Estonian language skills are necessary in the public interest – for example, customer service and sales staff, teachers, and healthcare providers. The employer must ensure that employees who are required to know Estonian at a certain level possess the necessary proficiency. This means the employer must verify that the employee's language skills are sufficient for the relevant job. A foreign national applying for a temporary residence permit for employment who has previously lived in Estonia

[12] Judgment of Tallinn Administrative Court, 13 March 2024, case No. 3231687, section 20.

[13] Language Act. Passed 23 February 2011. RT I, 18.03.2011, 1. Available: https://www.riigiteataja.ee/en/eli/518032025011/consolide [last viewed 14.02.2026].

under a temporary residence permit for at least five years must know Estonian at least at A2 level (VMS § 179(3)).

2.4. Contractual relationship

Different types of contracts may be concluded for performing work. The Employment Contracts Act or the Law of Obligations Act and their conditions apply to employment. An employment contract provides the best protection for the employee, as it grants greater rights than other types of contracts. The presumptions established in the Employment Contracts Act ensure protection for the employees where the parties have not agreed otherwise, and the Act also sets minimum conditions that cannot be made less favourable for the employee.[14]

The VMS does not require an employment contract or binding job offer when applying for a temporary residence permit for employment. Only the employer's confirmation of hiring the foreign national is required (VMS § 179(2)). An exception applies when issuing an EU Blue Card: in this case, the employer must conclude an employment contract valid for at least six months prior to applying for the permit, or make a job offer expressing the intention to be legally bound and to employ the foreign national for at least six months in a position requiring high qualifications (VMS § 190[6]).

In the regulation for registering short-term employment, special rules apply to seasonal workers and temporary agency workers. To register the short-term employment of a seasonal worker, the employer must first conclude a fixed-term employment contract with the foreign national or make a job offer indicating the intention to be legally bound and to employ the foreign national under the conditions specified in the agreement (VMS § 106(10) 2)).

The primary purpose of a foreign national's stay in Estonia is employment, and if their employment contract or other contract or activity that generates income ends, their stay must also end (VMS § 52(1) 9)). Registration of short-term employment ends, among other reasons, if the employer registers the termination of employment in the employment register (VMS § 1091(1)). Additional grounds for revoking a temporary residence permit for employment include: 1) failure to fulfil obligations arising from the Aliens Act or other legislation concerning temporary stay, residence, or employment in Estonia; or 2) a change in conditions specified in the residence permit.

2.5. Sufficient financial means

According to the general conditions for issuing a visa, a visa may be issued if the foreign national has sufficient financial means to cover accommodation and living costs during the stay in Estonia and to return to their country of

[14] Employment Contracts Act. Passed 17 December 2008. RT I 2009, 5, 35. Available: https://www.riigiteataja.ee/en/eli/511022026002/consolide [last viewed 14.02.2026].

origin or transit country (VMS Act § 62(2) 3)). The general condition for issuing a temporary residence permit is sufficient legal income to ensure the subsistence of the foreign national and their family members in Estonia (VMS § 117(1) 3)). Legal income under VMS § 9(1) includes lawfully earned wages, parental benefits, unemployment insurance benefits, income from legal business activity or property, pensions, scholarships, maintenance support, foreign state benefits, and maintenance provided by legally earning family members. The Administrative Court has explained that the purpose of the legal income requirement is to ensure that a foreign national without a fundamental right to reside in Estonia is staying here in line with public interest (VMS § 13(1)). Public interest includes ensuring that a foreign national's stay benefits local people, business, and the broader economic and social system, and that they can support themselves without burdening Estonia's social system.[15] The court has also found that if the foreign national has received subsistence benefits for most of their stay, they burden Estonia's social system.[16]

A foreign national must have sufficient legal income for the entire duration of the residence permit to ensure their and their family members' subsistence. State and local government support payments cannot be considered legal income under VMS § 9. If the foreign national lacks sufficient income during the validity of the residence permit, the purpose of issuing the temporary residence permit is not justified.

2.6. Place of residence in Estonia

Under the Aliens Act, temporary stay means staying in Estonia without a residence permit or right of residence (VMS § 7). Permanent residence means staying in Estonia with a residence permit or right of residence, with Estonia as the main place of residence (VMS § 6). A temporary residence permit is issued for settling in Estonia and residing under the conditions set out in the Act and the residence permit (VMS § 112). A general condition for issuing a temporary residence permit is having an actual place of residence in Estonia (VMS § 117(1) 2)). A temporary residence permit may be revoked if the foreign national has not registered their place of residence in the population register by the deadline (VMS § 135(1) 1)) or lacks an actual place of residence in Estonia (VMS § 135(1) 2)). A prerequisite for issuing a temporary residence permit is the foreign national's intention to settle in Estonia, and the permit is unjustified if the foreign national does not need to live in Estonia or only wishes to visit temporarily.

Seasonal workers from third countries must have a permanent or main place of residence in a third country (VMS § 106(11)). Under VMS § 106(10) 3), short-term employment as a seasonal worker may be registered only if the foreign

[15] Judgment of Tallinn Administrative Court, 13 March 2024, case No. 3231687, section 22.

[16] Ibid., section 20.

national's accommodation during their stay in Estonia is ensured in suitable housing or accommodation facilities.

Accommodation for a seasonal worker may be arranged by or through the employer, in which case stricter requirements apply. The cost of accommodation must not be excessive or disproportionate compared to the worker's monthly wage, and it cannot be deducted from the employee's wages (VMS § 106(12)).

If the foreign national's short-term employment as a seasonal worker is registered and accommodation is arranged by or through the employer, the employer must notify the PPA of any changes to the accommodation location and conditions (VMS § 285(11)). If accommodation is not provided by the employer, the foreign national must notify the PPA of any changes. Seasonal workers must provide proof that they have accommodation ensuring adequate living conditions according to national rules and/or practices.

Conclusions

Estonia's migration policy focuses primarily on recruiting highly qualified labour to address labour shortages. Lower-qualified workers are generally offered temporary employment opportunities followed by return migration. Third-country nationals have several legal pathways to work in Estonia, each with different conditions.

The regulation of short-term employment is relatively flexible and includes exceptions that facilitate temporary work, such as for seasonal workers, top specialists, agency workers, and posted workers. No permission from the Estonian Unemployment Insurance Fund is required, and the immigration quota does not apply. The regulation is an effective way to meet short-term labour needs, especially for skilled labour.

In contrast, temporary residence permits for employment are intended for longer-term employment and residence. Applicants have broader social rights than short-term workers. The number of foreign nationals settling in Estonia with residence permits is limited by the immigration quota, and the Unemployment Insurance Fund evaluates the necessity based on labour market conditions.

Estonia's regulations aim to ensure that foreign nationals' arrival, stay, residence, and departure are consistent with public interest and security. Foreign nationals must comply with Estonian laws, values, and the constitutional order. Their rights are equal to those of Estonian citizens unless otherwise provided by law.

The conditions set for foreign workers do not hinder employment but support a structured and controlled labour market. The legal framework is flexible and offers multiple avenues for employment, without imposing unreasonable burdens on employers.

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