

REPORT

**“STRUCTURE OF MIGRATION AND
ASYLUM POLICY IN LATVIA”**

Riga, October 2011

The institution responsible for development of the report in Latvia is Latvian contact point of the European Migration Network¹.

Latvian contact point of the European Migration Network is the Office of Citizenship and Migration Affairs.

Authors of the report:

Valija Kalvāne, Head of the Planning and Control Division of the Administrative Department of the Office of Citizenship and Migration Affairs

Sarmīte Veģere, Director of the Administrative Department of the Office of Citizenship and Migration Affairs

Reviewed by:

Ilze Briede, Head of the Migration Division of the Office of Citizenship and Migration Affairs

Līga Viļupe, Head of the Asylum Affairs Division of the Office of Citizenship and Migration Affairs

Contacts:

Ciekurkalna 1st line 1, B-3,

Riga, Latvia, LV -1026

Telephone: +371 67219492

Fax: +371 67219431

E-mail: emn@pmlp.gov.lv

Web page: www.emn.lv

¹ Council Decision No.2008/381/EC of 14 May 2008 establishing a European Migration Network. – Official Journal, L 131, 21.05.2008.

TABLE OF CONTENTS

SUMMARY	4
1. INTRODUCTION: OBJECTIVE AND METHODS	5
2. POLITICAL, LEGAL AND INSTITUTIONAL FRAMEWORK IN THE AREA OF MIGRATION AND ASYLUM IN LATVIA	7
2.1. POLITICAL SYSTEM AND INSTITUTIONAL FRAMEWORK	7
2.2. LEGAL FRAMEWORK	13
3. DEVELOPMENT OF THE MIGRATION AND ASYLUM SYSTEM.....	16
4. ORGANIZATION OF THE POLICY	26
4.1. ASYLUM AND MIGRATION	26
4.1.1. <i>Entry procedures</i>	26
4.1.1.1. Asylum	26
4.1.1.2. Migration	29
4.1.2. <i>Conditions of admission</i>	34
4.1.2.1. Asylum	34
4.1.2.2. Migration	36
4.1.3. <i>Legal stay</i>	39
4.1.4. <i>Integration</i>	41
4.1.5. <i>Citizenship</i>	44
4.1.6. <i>Access to the labour market</i>	46
4.1.7. <i>Return</i>	49
4.2. CONNECTION OF THE MIGRATION AND ASYLUM POLICY TO OTHER POLICIES	51
5. ANALYSIS OF THE MIGRATION AND ASYLUM SYSTEM	54
ANNEXES	56
LIST OF THE LITERATURE AND SOURCES USED	61

SUMMARY

The report “**Structure of Migration and Asylum Policy in Latvia**” has been developed according to the work program of the European Migration Network (hereinafter – the Network).

The **objective** of the study is to provide the overview on how asylum and migration policy is organized in Latvia.

The structure of migration and asylum policy in Latvia has been described for the time period from 1991 to July 2011.

An overview of the objective, tasks, methods and target audience of the study has been provided in the **introduction** of the present report.

The political, legal and institutional framework in the area of migration and asylum in Latvia has been examined in the **second part** of the report. The general structure of migration and asylum affairs, principal institutions involved and the role thereof in decision making have been characterized in the report, as well as the legal system and main legal acts in the area of migration and asylum.

The **third part** of the report describes the development of the migration and asylum system. This section provides a short historical overview of how the system of migration and asylum has developed in Latvia. In comparison with other member states Latvia is a relatively new state,

where work on regulating migration processes was commenced only after reinstatement of the independence of the state of Latvia.

The **fourth part** of the report provides detailed information on organization of migration and asylum policy, including separate sections that characterize the procedure of entry, conditions of admission, legal stay, integration, citizenship, access to the labour market and return. The fourth part also reflects the connection of migration and asylum policy with other areas of policy. The report characterizes connection of the migration and asylum policy with labour policy, education policy, foreign affairs and integration policy.

The **fifth part** of the study characterizes the system of migration and asylum. The conclusions were drawn based on the **most essential** conclusions found in other studies, volumes of publications, and media on the migration and asylum system of Latvia.

The total scope of the study is 59 pages and contains 7 diagrams, 6 figures and 4 annexes.

1. INTRODUCTION: OBJECTIVE AND METHODS

The objective of the report *Structure of Migration and Asylum Policy in Latvia* is to provide an overview of how the asylum and migration policy has been organized in Latvia, to elaborate on the institutional, organizational, and legal framework of the migration and asylum policy, to characterize the conditions of entry for third-country nationals in the context of legal immigration or international protection.

The report *Structure of Migration and Asylum Policy in Latvia* has been developed based on the specification and structure developed by the European Commission and adopted by the national contact points of the Network.

The report was produced by the experts of the Office of Citizenship and Migration Affairs that in under the supervision of the Ministry of Interior. As extensive and topical information is available on the external websites of the other state institutions involved in the field of migration and asylum affairs, the developers of the report did not address the experts of the institutions directly.

The global web *the Internet*, where websites of the state administration institutions, database of the legal acts, articles and opinions published on news portals are freely accessible, has been extensively used for development of the report. In order to provide topical, objective, reliable and comparable information on migration and asylum, the data of the Office of Citizenship and Migration Affairs, research studies, as well as statistical data collected and information provided by other institutions have been used. Furthermore, information from the studies performed previously by the Latvian contact point of the Network and the data published by the Central Statistical Bureau has been used. All the articles, studies, opinions and other information sources that have been used for the development of the present report are included in the list of the literature sources used.

The object of the report is a third-country national who wishes to enter and reside in Latvia, excluding citizens of the European Union, who uses the possibility of free movement within the European Union.

The work task of the report is to characterize the structure of the migration and asylum policy in Latvia for the time period from 1991 to June 2011 inclusively.

In order to reach the objective of the report the following tasks have been defined: to examine the political, legal and institutional framework in the area of migration and asylum, as well as organization of the migration and asylum policy, including the procedure of entry,

conditions of admission, legal stay in the country, integration, acquiring Latvian citizenship, access to the labour market, as well as return of the third-country nationals.

The target audience of the report includes the European Commission and national contact points of the Network, institutions that develop and implement migration and asylum policy in Latvia, as well as state and municipal institutions that interact with the third-country nationals who enter Latvia and stay in the country. The present report will also serve as a source of information for nongovernmental organizations, society in general, as well as individuals who are interested in and follow the changes in the structure of migration and asylum policy in Latvia.

2. POLITICAL, LEGAL AND INSTITUTIONAL FRAMEWORK IN THE AREA OF MIGRATION AND ASYLUM IN LATVIA

Several institutions, competences and tasks whereof have been defined in the national legal acts, are involved in the development of migration and asylum policy. This section characterizes the political system of Latvia and its institutional and legal framework.

2.1. Political system and institutional framework

Latvia is an independent parliamentary democratic republic. The constitutional basis of Latvia is the Constitution² (**Satversme**) of the Republic of Latvia adopted in 15 February, 1922.

Latvian parliament – **the Saeima** – is the main institution of the state and the only institution elected by direct vote of the citizens of the Republic of Latvia. The Saeima is a one-chamber parliament, elected in general, equal, direct, secret and proportional elections. It consists of one hundred deputies, elected for a period of four years and the elected deputies are irrevocable. The newly elected Saeima convenes for the first session on the first Tuesday of November, except cases, when the Saeima is elected in extraordinary elections.

The Saeima reaches its most important tasks – legitimating of the political regime and implementation of political power for the benefit of the public – using the rights provided for by the Constitution. The Constitution determines the rights and functions of the Saeima:

1. election of the State President;
2. appointment, dismissal of the Cabinet of Ministers and monitoring of its work;
3. adoption and amendment of laws and resolutions (including the national budget);
4. appointment and dismissal of different officials.

Internal operations and procedures of the Saeima are regulated by the **Rules of Order of the Saeima**³.

On 30 May 2011 the **Central Election Commission**, based on the Order of the State President Valdis Zatlers No. 2 of 28 May 2011 “On Initiating the Dissolution of the Saeima”⁴, proclaimed the national referendum on dissolution of the 10th Saeima. During the referendum more than half of the voters that participated in the referendum supported the order of dissolution of the 10th Saeima.⁵

² Published: The Latvian Herald, No.43, 01.07.1993. – [in force since 07.11.1922.]

³ Law “Rules of Order of the Saeima”. - The Latvian Herald, No. 96, 18.08.1994. – [in force since 01.09.1994.]

⁴ Published: The Latvian Herald, No.83, 29.05.2011. – [in force since 28.05.2011.]

⁵ Results of the Referendum on Dissolution of the 10th Saeima of 23 July 2011. Central Election Commission, see on 04.10.2011. - <http://web.cvk.lv/pub/public/29957.html>

On 17 September 2011 the extraordinary elections of 11th Saeima were held. As a result of the elections, lists of deputy candidates from 5 parties and party alliances acquired deputy seats in the parliament – “Harmony Centre” (31 seats), “Zatler’s Reform Party” (22 seats), “UNITY” (20 seats), the National Alliance of the parties “All for Latvia” – “For Fatherland and Freedom”/LNNK (14 seats), and “Union of Greens and Farmers” (13 seats)⁶.

The government of the Republic of Latvia or the supreme executive power of the state is the **Cabinet of Ministers**. Composition and operation thereof is determined by the **Constitution** of the Republic of Latvia and the Law **On the Structure of the Cabinet of Ministers**⁷. The Cabinet of Ministers is composed by the person who has been invited to do so by the State President. The Cabinet of Ministers consists of the Prime Minister and the ministers invited by him.

According to the Law On the Structure of the Cabinet of Ministers, the Cabinet of Ministers currently consists of the Prime Minister and 13 ministers, with the following ministries subordinated to them:

- a) The Ministry of Defence;
- b) The Ministry of Foreign Affairs;
- c) The Ministry of Economics;
- d) The Ministry of Finance;
- e) The Ministry of Interior;
- f) The Ministry of Education and Science;
- g) The Ministry of Culture;
- h) The Ministry of Welfare;
- i) The Ministry of Transport;
- j) The Ministry of Justice;
- k) The Ministry of Health;
- l) The Ministry of Environmental Protection and Regional Development;
- m) The Ministry of Agriculture.

If the Saeima gives a vote of non-confidence to the Prime Minister, the entire Cabinet of Ministers must resign. If a vote of non-confidence is given to an individual minister, the minister must resign and another person must be invited to take their place by the Prime Minister. The Saeima gives a vote of non-confidence to the entire Cabinet of Ministers by

⁶ Confirmed results of the Elections of the 11th Saeima. Central Election Commission, see on 04.10.2011. - <http://web.cvk.lv/pub/public/30176.html>

⁷ Law “On the Structure of the Cabinet of Ministers”. – The Latvian Herald, No. 82, 28.05.2008. – [in force since 01.07.2008.]

adopting the respective decision or by declining the annual draft of the budget prepared by the Cabinet of Ministers and submitted to the Saeima.

The Cabinet of Ministers shall discuss **all** draft laws prepared by the individual ministries and the issues related to the operation of several ministries, as well as issues of state policy initiated by individual members of the Cabinet. The Cabinet of Ministers starts performing its duties after receiving the support of the Saeima in the form of a confidence vote to the Cabinet.

The issues of internal procedure and operation of the Cabinet of Ministers are determined by the **Rules of Procedure of the Cabinet of Ministers**⁸.

State Administration Structure Law⁹ ensures democratic, legal, efficient, open and publicly accessible administration of the state. The law determines the principal provisions for the operation of institutional systems of state administration subordinated to the Cabinet of Ministers and state administration.

The state administration is organized in a unified hierarchical system. The state administration, headed by the Cabinet of Ministers, performs the administrative functions of the executive power, which consist of separate tasks of the state administration and responsibility for implementation thereof.

The Ministry of Interior, the Ministry of Foreign Affairs, the Ministry of Welfare, the Ministry of Economics, the Ministry of Finance, the Ministry of Justice, the Ministry of Health, the Ministry of Education and Science and the Ministry of Culture are state administration institutions of Latvia that are responsible for a certain range of issues related to the area of migration and asylum (see Annex 1). State security institutions and municipalities are involved in solving migration and asylum issues within the limits of their competence.

The Ministry of Interior is the leading state administration institution in the sector of the interior, which also includes subsectors of migration and citizenship. The Ministry of Interior develops, organizes and coordinates implementation of the interior policy.

The Office of Citizenship and Migration Affairs is an institution subordinated to the Ministry of Interior that implements state migration and asylum policy, determines the legal status of the individuals in the country, performs record keeping of the population, issues personal identity documents and travel documents.¹⁰ According to the effective normative acts of Latvia, the Office of Citizenship and Migration Affairs considers the applications of asylum

⁸ Cabinet of Ministers Regulations No. 300 "Rules of Procedure of the Cabinet of Ministers" of 7 April 2009. - The Latvian Herald, No. 58, 16.04.2009. - [in force since 17.04.2009.]

⁹ State Administration Structure Law. - The Latvian Herald, No. 94, 21.06.2002. - [in force since 01.01.2003.]

¹⁰ Cabinet of Ministers Regulations No.811 "By-law of the Office of Citizenship and Migration Affairs" of 3 October 2006. - The Latvian Herald, No.160, 06.10.2006. - [in force since 07.10.2006.]

seekers, decides on granting status of a refugee or an alternative status or refusing to grant such, as well as provides accommodation for the asylum seekers, issues, registers and annuls residence and work permits of foreigners, approves invitations for visa requests and written requests for residence permits, issues visas within the country, is the central body in the meaning of part two, Section 17 of the Convention on implementation of the Schengen Agreement of 14 June 1985¹¹, decides on affiliation of individuals with the citizenship of Latvia, considers the applications of individuals on admitting into Latvian citizenship by procedure of naturalization¹², considers cases of administrative breaches and applies administrative fines¹³ (see Annex 2).

The State Border Guard is an armed direct administration institution under subordination of the Ministry of Interior that implements the security policy of the state, as well as – according to its competence – migration policy of the state. The aim of the State Border Guard operation includes provision of the inviolability of the state border, as well as prevention of illegal migration.¹⁴ According to the provisions of the normative acts, the State Border Guard controls how the laws on entry, stay, exit and transit of the foreigners in the territory of Latvia are complied with, as well as, within the limits of its competence, performs the actions provided for by the legal acts regulating the sector of migration and asylum.¹⁵

The competence of the **Ministry of Foreign Affairs** includes the external dimension of the migration and asylum issues, i.e., relations with third countries, as well as the issues related to the migration and development policy.

The Consular Department¹⁶ of the Ministry of Foreign Affairs, within the limits of its competence, cooperates with the responsible structural units of the Ministry of Interior and foreign representative offices on the issues of expulsion of foreigners, coordinates and authorizes issuing of visas by the representatives, as well as other competent institutions.

The principal functions of the **diplomatic and consular representations of the Republic of Latvia abroad** include protection of the interests of the citizens of Latvia, non-citizens of Latvia, stateless persons, as well as legal persons of Latvia abroad; informing official

¹¹ Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders. – Official Journal, L 239/19, 22.09.2000

¹² The Naturalization Board of the Ministry of Justice was reorganized by uniting it with the Office of Citizenship and Migration Affairs. The Office of Citizenship and Migration Affairs took over the function of naturalization on 1 March 2010.

¹³ Law “Amendments to the Administrative Violations Code” of 28 October 2010. – The Latvian Herald, No. 183, 17.11.2010. – [in force since 01.01.2011.]

¹⁴ Cabinet of Ministers Regulations No. 122 “By-law of the State Border Guard” of 15 February 2005. – The Latvian Herald, No. 28, 18.02.2005. – [in force since 19.02.2005.]

¹⁵ Border Guard Law. – The Latvian Herald, No. 329/330, 16.12.1997. – [in force since 01.01.1998.]

¹⁶ Regulations of the Consular Department of the Ministry of Foreign Affairs. Accessed online on 10 August 2011. <http://tpi.mk.gov.lv/ui/DocumentContent.aspx?Type=doc&ID=572>

institutions and the public abroad about Latvia; coordination of international relations of Latvian state institutions; provision of information that has been acquired abroad by any legal means to state institutions and the public of Latvia; as well as performance of consular functions, for instance, taking decisions on granting or denying a visa, provision of consultations on visa issues, accepting of the documents submitted by foreigners with the aim of receiving a residence permit in Latvia and forwarding thereof to the Office of Citizenship and Migration Affairs, which takes decisions thereon; issue of long term visa for the receipt of a residence permit; performance of the required interviews with foreigners.

The migration issues related to economic migration for the needs of the labour market and national economy lie within the competence of the **Ministry of Welfare**, which is the leading state administration institution operating in the area of labour rights, social protection, rights of the family and children, as well as equal opportunities for disabled people and gender equality¹⁷, and the **Ministry of Economics**, which develops and implements the structural policy of the national economy¹⁸, as well as develops medium and long term labour market forecasts. **The State Employment Agency**, which is subordinated to the Ministry of Welfare, implements the state policy in the area of unemployment reduction and support for the unemployed, work seekers and people subject to risk of unemployment.¹⁹ The task of the State Employment Agency in the area of migration includes registration of the vacancies declared by the employer, if the employer plans on hiring a foreigner. **The State Labour Inspectorate**, which is subordinated to the Ministry of Welfare, monitors and controls compliance with the provisions of the normative acts regulating legal labour relations and labour protection. **The Legal Aid Administration**, which is directly subordinated to the **Ministry of Justice**, is a direct administration state institution that administers the funds earmarked for state guaranteed legal aid and intended for state compensations for the victims. The Legal Aid Administration performs tasks of providing state guaranteed legal aid to the individuals who, pursuant to the international liabilities of the Republic of Latvia, are entitled to the guaranteed legal aid of the Republic of Latvia, to the foreigners, asylum seekers, refugees and people who have been granted alternative status in the Republic of Latvia. **The Ministry of Health**, which is the leading state administration institution in the sector of medicine,²⁰ approves lists of health disorders and diseases that might cause a threat to public health and serve as a basis for refusing

¹⁷ Cabinet of Ministers Regulations No. 49 “By-law of the Ministry of Welfare” of 27 January 2004. – The Latvian Herald, No. 16, 30.01. 2004. – [in force since 31.01.2004.]

¹⁸ Cabinet of Ministers Regulations No. 271 “By-law of the Ministry of Economics” of 23 March 2010. – The Latvian Herald, No. 49, 26.03.2010. – [in force since 27.03.2010.]

¹⁹ Cabinet of Ministers Regulations No. 425 “By-law of the State Employment Agency” of 29 July 2003. - The Latvian Herald, No. 111, 06.08.2003. – [in force since 01.10.2003.]

²⁰ Cabinet of Ministers Regulations No. 286 “By-law of the Ministry of Helth” of 13 April 2004. – The Latvian Herald, No. 60, 16.04.2004. – [in force since 17.04.2004.]

to grant registration or issue a residence permit to a foreigner. The task of the **Ministry of Education and Science** is to determine the educational establishments that provide opportunities of acquiring general education to asylum seekers. The task of the **National Centre for Education**²¹, which is subordinated to the ministry, is to perform checks of the state language knowledge of the foreigners who are entitled to request a permanent residence permit and status of permanent resident of the European Union. Regulation of the issues connected with the integration of immigrants lies within the competence of the **Ministry of Culture**²². The Ministry of Culture develops and implements the state policy in the area of integration of society and facilitates development of the civic society and intercultural dialogue, coordinates development of the support system in order to facilitate successful integration of the immigrants into the society, implements monitoring of the European Fund for the Integration of third-country nationals.

Besides the aforementioned institutions, national security institutions (the Constitution Protection Bureau, the Security Police and the State Police), and **courts** (Senate of the Supreme Court, Administrative District Court, Administrative Regional Court, the first instance courts of the respective administrative territory), the Ombudsman's Office and municipal custody courts must also be mentioned, as they are also involved in migration and asylum affairs.

National security institutions perform preventive measures, ensure information exchange, and approve decisions both on issuing visas to illegal immigration and terrorism risk countries and on issuing/denial/voiding of residence permits.

The courts ensure control of the legitimacy of the decisions taken by the Office of Citizenship and Migration Affairs and the State Border Guard. The **Ombudsman's Office** observes compliance with human rights during the process of forced return. The Ombudsman is entitled to involve unions or establishments whose aim of operation is connected with observation of the forced return into observation of this process.

The municipal custody courts appoint a representative for minor foreigners who are not accompanied by their parents, including minor asylum seekers.

In order to coordinate the cooperation and ensure united operation of all institutions involved in control of migration processes, several constantly operating workgroups have been established:

a) **Visa working group**²³, whose tasks are:

²¹ Cabinet of Ministers Regulations No. 682 "By-law of National Centre for Education" of 30 June 2009. – The Latvian Herald, No. 103, 03.07.2009. – [in force since 04.07.2009., applicable from 01.07.2009.]

²² Cabinet of Ministers Regulations No. 241 "By-law of the Ministry of Culture" of 29 April 2003. – The Latvian Herald, No. 70, 13.05.2003. – [in force since 14.05.2003.]

²³ Order of the Prime Minister No. 254 of 7 August 2002 "On Establishing of Visa Workgroup". - The Latvian Herald, No. 114, 09.09.2002. – [in force since 07.08.2002.]

- to upgrade and improve the work of the institutions involved in issuing visas by ensuring coordinated and integrated operation thereof;
- to analyse migration trends;
- to evaluate the compliance of the respective normative acts of the Republic of Latvia to the provisions of the normative acts of the European Union on visa issues as well as to the international liabilities of Latvia and national and security interests of the state, to coordinate the work of the institutions involved in the migration process and participation in the work groups of the Council of Ministers of the European Union;
- to draw up proposals for development of the information system for control of the migration process;
- to analyse the process of issuing visas, to upgrade and optimise issuing and control of visas.

Representatives of the Office of Citizenship and Migration Affairs, the State Border Guard and the Consular Department of the Ministry of Foreign Affairs participate in the working group.

b) United Latvian – Russian working group on the issues of combating illegal migration²⁴.

The coordination of the working group is performed by the Ministry of Interior (representatives from the Ministry of Interior, Office of Citizenship and Migration Affairs and State Border Guard) and the Ministry of Foreign Affairs on the Latvian side and by the Federal Migration Service on the Russian side. The aim of establishing the workgroup is improvement of coordination of the actions of the Republic of Latvia and Russian Federation in the area of preventing and combating irregular migration, including strengthening of cooperation of both countries in this area.

Along with the work of these coordinating workgroups, meetings of the representatives of all institutions involved in control of migration processes are held. Topical problems are solved during these meetings in order to agree on the most rational and efficient solution in each particular case.

2.2. Legal framework

The bills of both, the external (for example, law, Cabinet of Ministers Regulation) and internal (for example, instruction, by-law) normative acts in the area of migration and asylum

²⁴ Cabinet of Ministers Regulation No. 709 “Regulation on the Government Protocol of the Republic of Latvia and Government of the Russian Federation on Establishment of the United Latvian – Russian Workgroup on the Issues of Combating Illegal Migration” of 13 September 2005. - The Latvian Herald, No. 147, 15.09.2005. – [in force since 16.09.2005.

are mainly initiated by the leading state administration institution in the area of migration and asylum – the **Ministry of Interior** and institutions subordinated to the ministry - the **Office of Citizenship and Migration Affairs** and the **State Border Guard**.

The draft of the prepared development planning document²⁵, the draft of the external legal acts²⁶, the draft of the internal legal acts²⁷ or the draft of the document expressing the official opinion of Latvia²⁸ (hereinafter - the draft), after approval at the institution and /or ministry, is submitted by the state secretary of the Ministry of Interior to the **Meeting of the State Secretaries**, where the bill is promulgated and its content is discussed. The meeting shall decide on the further advancement of the bill, namely, its approval and discussion.

After promulgation of the draft, the Ministry of Interior approves the draft with the ministries and other institutions that have been indicated in the protocol of the state secretary meeting. If the Ministry of Interior fails to consider opinions of the other ministries or takes them into consideration only partially, an **inter-ministry (inter-institutional) meeting** shall be held.

If the other institutions have supported the project without objections or expressed proposals only in their opinions, the draft shall be deemed to be approved and the Ministry of Interior shall prepare the draft for submission at the **Session of the Cabinet of Ministers**.

If agreement on the draft has not been reached during the Meeting of the State Secretaries, the project shall be evaluated at the session of a **Committee of the Cabinet of Ministers**. Each draft discussed at the session is considered on its merits, all issues and aspects connected with adoption of the draft are exhaustively evaluated and discussed, the projected result is evaluated and inaccuracies are eliminated. Thus, the projects that have been supported by the Committee session of the Cabinet of Ministers are usually adopted at the session of the Cabinet of Ministers without repeated discussion.

At the **Sessions of the Cabinet of Ministers** the decisions are adopted in compliance with the Law “On the Structure of the Cabinet of Ministers”. Annex No. 3 schematically reflects the procedure for advancement of the policy planning draft documents and legal acts.

The **draft law** supported by the Cabinet of Ministers is sent to the **Saeima**. The procedure for adoption of the bill at the Saeima is schematically reflected in Annex No. 4.

²⁵ According to the Development Planning System Law, the development planning document may be: a policy planning document, an institution administration document, a territorial development planning document.

²⁶ According to the Rules of Procedure of the Cabinet of Ministers an external legal act may be: an international treaty or a project thereof, a draft law, a draft of the resolution of the Saeima and a Cabinet of Ministers Regulation.

²⁷ According to the Rules of Procedure of the Cabinet of Ministers an internal legal act may be: an instruction of the Cabinet of Ministers, a recommendation, a protocol decision, a resolution, an informative report.

²⁸ According to the Rules of Procedure of the Cabinet of Ministers a document expressing the official opinion of Latvia may be: a national position, a standpoint.

Development of the collection of normative acts that regulate the legal aspects of the migration and asylum issues has been commenced after the reinstatement of the independence of the Republic of Latvia. The legal acts are available at the Internet portal www.likumi.lv.

The **Immigration Law**²⁹ and Cabinet of Ministers Regulations subordinated thereto determine the procedure for entry, stay, transit, exit and detention of foreigners, as well as the procedure for keeping foreigners in detention in the Republic of Latvia and expelling thereof, which is aimed at ensuring implementation of the migration policy that corresponds to the international legal norms and interests of the Latvian state.

The **Asylum Law**³⁰ and Cabinet of Ministers Regulations subordinated thereto ensure the rights of the individuals to receive asylum in the Republic of Latvia, to receive the status of a refugee or an alternative status or temporary protection.

The Law "**On Status of Permanent Residents of the European Union in the Republic of Latvia**"³¹ determines the procedure for granting and losing of the status of the permanent resident of the European Union in the Republic of Latvia in compliance with the Directive of the Council No. 2003/109/EC³² of 25 November 2003 on the status of those third-country nationals that are regularly residing persons.

²⁹ Immigration Law. – The Latvian Herald, No. 169, 20.11.2002. – [in force since 01.05.2003.]

³⁰ Asylum Law. - The Latvian Herald, No. 100, 30.06.2009. – [in force since 14.07.2009.]

³¹ Law "On Status of Permanent Residents of the European Union in the Republic of Latvia". - The Latvian Herald, No.107, 07.07.2006. – [in force since 21.07.2006.]

³² Council Directive No. 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents. – Official Journal, L 016, 23.01.2004.

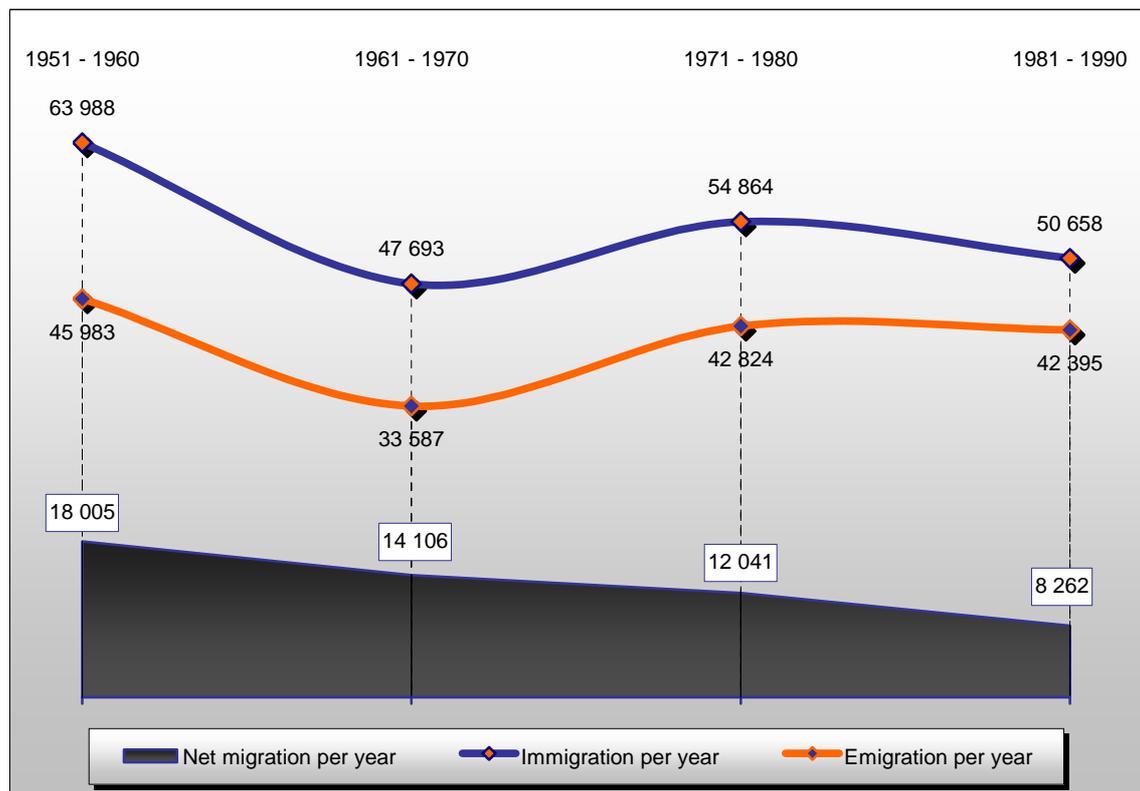
3. DEVELOPMENT OF THE MIGRATION AND ASYLUM SYSTEM

The beginnings of the migration system in Latvia are connected both with the period of World War I and with the time period of the first independence of the Republic of Latvia from 1918 to 1940, when the economic development situation made the government interested in attracting guest workers, who were involved in agricultural works on new and old farms. At the end of the 1930s attraction of guest workers from Poland and Lithuania was acceptable process. This example of granting guest workers facilitated access to Latvian citizenship indicates the rather liberal approach of that time to the issues of migration.

Based on the secret additional protocol of the Molotov-Ribbentrop Pact of non-aggression of 23 August 1939, **the Soviet Union** (USSR) occupied, annexed and incorporated Latvia in summer 1940. Formally this was achieved by means of the so-called Declaration of the Latvian National Saeima on Accession of Latvia to the USSR of 21 July 1940³³. During the incorporation of Latvia into the USSR the prevalence of immigration over emigration in the country was considerable (see Diagram 3-1).

³³ So-called Declaration of the Latvian National Saeima on Accession of Latvia to the USSR. Source: Renewal of Soviet Rule in Latvia and Accession of the Latvian SSR to the USSR. Documents and materials. - Riga: Zinātne, 1987, 207 p.

Long-term annual interstate migration of the residents, 1951 - 1990



The statistical prevalence of immigration can be explained by active russification policy, as well as by economical development strategy of the USSR, which is why at the end of the 1950s in some large Latvian cities the proportion of the non-Latvian population exceeded 50%³⁴. The high level of migration from other republics of the USSR during the last decades of Soviet rule created a situation in the society of Latvia when two communities equal in number – people speaking Latvian and people speaking Russian – lived in Latvia.

Development of the migration policy in Latvia started at the end of the 1980's. The discontent about the influx of immigrants from the territories of the USSR that was growing among the residents of Latvia created the prerequisites for adoption of the normative acts limiting migration.

Actual work on regulation of the migration processes in Latvia could be started only after the reinstatement of the independence of the state³⁵. The first decisions in the area of migration were adopted by the Supreme Council and the Council of Ministers of the Republic of Latvia in 1991 with the aim of strengthening and preserving the state independence.

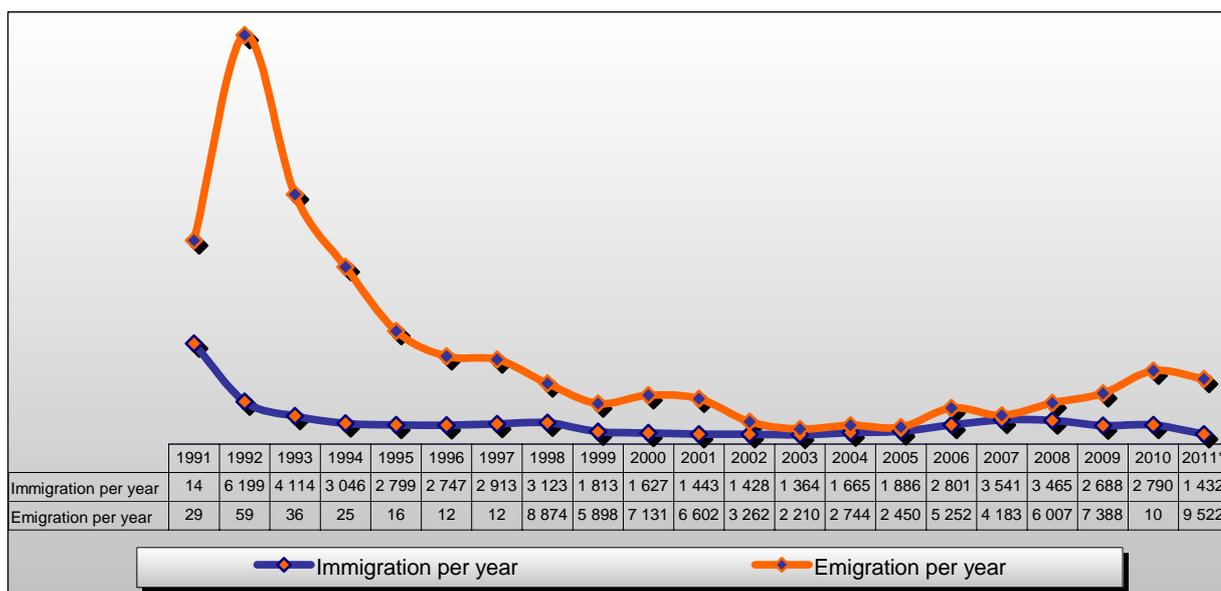
³⁴ Source of the data: Central Statistical Bureau.

³⁵ Latvia reinstated its independence on 21 August 1991.

The **Department of Migration Affairs**³⁶ that was subordinated to the Cabinet of Ministers and was involved in solving migration issues was established in 1991. One of the first normative acts drafted by the Department of Migration Affairs was the decision on temporary termination immigrant registration³⁷, by which registration in the Republic of Latvia of any individuals who have entered the Republic of Latvia from the territories of other countries was terminated. As a result of the aforementioned decision, the flow of immigration was reduced (see Diagram 3-2)

Diagram 3 -2

Long-term interstate migration of residents, 1991 – June 2011³⁸



The vast flows of emigration in the time period from 1991 to 1997 can be explained by withdrawal of the Armed Forces under jurisdiction of the Russian Federation from the territory of Latvia. In the time period from 1991 to 1997 approximately 10,000³⁹ military personnel and their family members left Latvia.

In 1992 the **Department of Migration Affairs** subordinated to the Ministry of Justice was liquidated⁴⁰ and the **Department of Citizenship and Immigration** was established instead, functions whereof included migration issues, maintenance of Population Register and issue of

³⁶ Decision of the Supreme Council of 27 March 1991 “On Establishment of the Migration Affairs Administration Department of the Council of Ministers of the Republic of Latvia”. – The Messenger, No. 21, 06.06.1991.

³⁷ Decision of the Council of Ministers No. 266 of 8 October 1991 “On Temporary Termination of Immigrant Registration”. – The Messenger, No. 7, 25.10.1991.

³⁸ Source of the data: Central Statistical Bureau.

³⁹ Source of the data: Office of Citizenship and Migration Affairs.

⁴⁰ Decision No.14 of the Council of Ministers of 14 January 1992 “On Liquidation of the Department of National Affairs, Department of Migration Affairs and Department of Religious Affairs of the Council of Ministers of the Republic of Latvia”. – [not in force since 10.06.1994.]

personal identification documents. That was the year when one of the most significant normative acts for regulation of migration flows was adopted - the law “On the Entry and Residence of Foreign Citizens and Stateless Persons in the Republic of Latvia”⁴¹.

In May 1994 the Citizenship and Immigration Department took over the **passport – visa functions** from the Passport and Visa Department of the Public Order Police. In 1996 the Citizenship and Immigration Department was renamed the **Office of Citizenship and Migration Affairs**. The name of the institution has been preserved to date.

Immigration Law was adopted in 2002. The law, with amendments, is effective to date.

The most significant events that affected the legal regulation of the migration issues in Latvia are accession of Latvia to the European Union on 1 May 2004 and joining the Schengen Agreement on 21 December 2007.

According to the data summarized by the Office of Citizenship and Migration Affairs, the population of Latvia in June 2011 was **2,224,291** people, including 366,114 or **16% of third-country nationals** (including non-citizens of Latvia⁴²).

The data summarized by the Office of Citizenship and Migration Affairs on the number of temporary residence permits or permanent residence permits that have been issued for the first time in the time period from 1995 to June 2011 makes it possible to analyse the intensity of the migration flow (see Diagram 3-3). The steep increase in the number of permanent residence permits can be explained by the fact that residents of Latvia chose to decline the status of a non-resident of Latvia in favour of receiving citizenship of the Russian Federation in order to use the possibility of receiving the old age pension of the Russian Federation or, at a certain period of time, in order to use the possibility of easier travel to Russia when the Russian Federation subjected Latvian non-citizens to the requirements of a visa regime. The analysis of the data allows the conclusion that the level of immigration in Latvia is characterized by the number of the temporary residence permits that are issued for the first time. Although the development of the economy of Latvia and demand on the local labour market after 2007 and in 2008 affected

⁴¹ Law “On the Entry and Residence of Foreign Citizens and Stateless Persons in the Republic of Latvia”. – The Messenger, No. 27/28, 09.07.1992. – [not in force since 01.05.2003.]

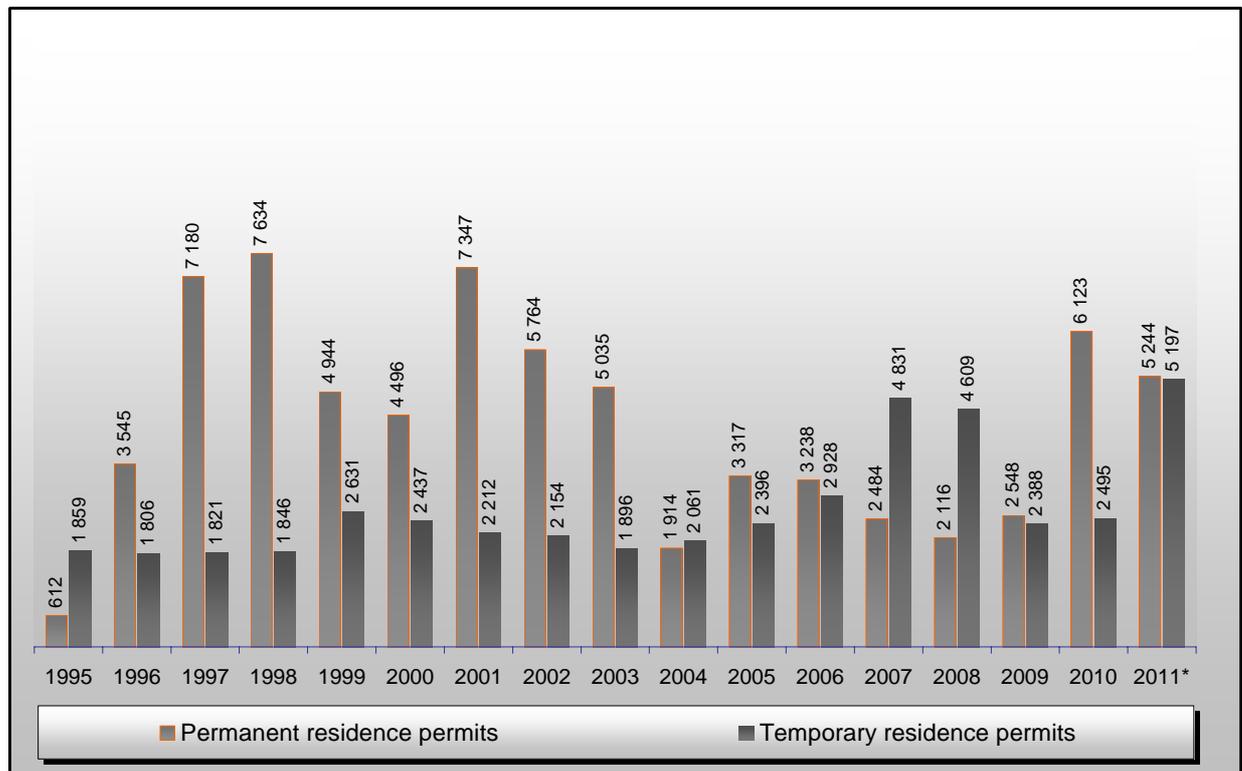
⁴² Pursuant to the law On the Status of those Former USSR Citizens who do not have the Citizenship of Latvia or that of any Other State, Latvian non-citizens are such citizens of the former USSR who reside in the Republic of Latvia as well as who are in temporary absence and their children who simultaneously comply with the following conditions:

1) on 1 July 1992 they were registered in the territory of Latvia regardless of the status of the living space indicated in the registration of residence, or up to 1 July 1992 their last registered place of residence was in the Republic of Latvia, or it has been determined by a court judgment that they have resided in the territory of Latvia for 10 consecutive years until the referred to date; 2) they are not citizens of Latvia; and 3) they are not and have not been citizens of another state.

In the context of the European Union, non-citizens of Latvia are considered to be nationals of third countries with the rights of people who have received permanent residence permits. Residence permits are not issued to this category of residents, their status is confirmed by the passport of a Latvian non-citizen.

the level of immigration in Latvia, the overall level of immigration in Latvia is low. An average of 2,000 – 3,000 immigrants enter Latvia annually. The prevalence of the permanent residence permits over temporary residence permits issued is still preserved.

Diagram 3 -3
Temporary residence permits and permanent residence permits
issued for the first time, 1995 to June 2011⁴³



On 14 September 1994, a specialized structure – **Immigration Police**⁴⁴ was established within the structure of the State Police of the Ministry of Interior (then – Police Department). The Division of Passport and Visa Control, the Criminal Police Division and the Public Order Police Division were a part of the initial structure of the Immigration Police. An immigration police group was established within the structure of each territorial police administration. The employees of immigration police were located at each border region of Latvia. They performed the functions of the operative department, deportation department and passport and visa control department.

In order to ensure accommodation for the detained illegal immigrants before their expulsion, a **Camp for Temporary Detention of Illegal Immigrants “Olaine”** was established in 1995 within the structure of Immigration Police administration. Since June 2011 the

⁴³ Source of the data: Office of Citizenship and Migration Affairs.

⁴⁴ Cabinet of Ministers order No. 418 “On Immigration Police” of 14 September 1994. - The Latvian Herald, No. 111, 22.11.1994. – [not in force since 06.02.2002.]

accommodation of the detained aliens is ensured by the **Accommodation Centre for Detained Aliens in Daugavpils**.

The following principal tasks for combating illegal immigration were set for the Immigration Police: detection and detention of aliens who have illegally entered the Republic of Latvia; control of the regime of stay of the aliens; control of the travel and residence documents; detention, placement and sustenance of the detained illegal immigrants at the detention institutions; expulsion of the illegal immigrants; conveying of the persons to be expelled, as well as interviewing and identifying the asylum seekers.

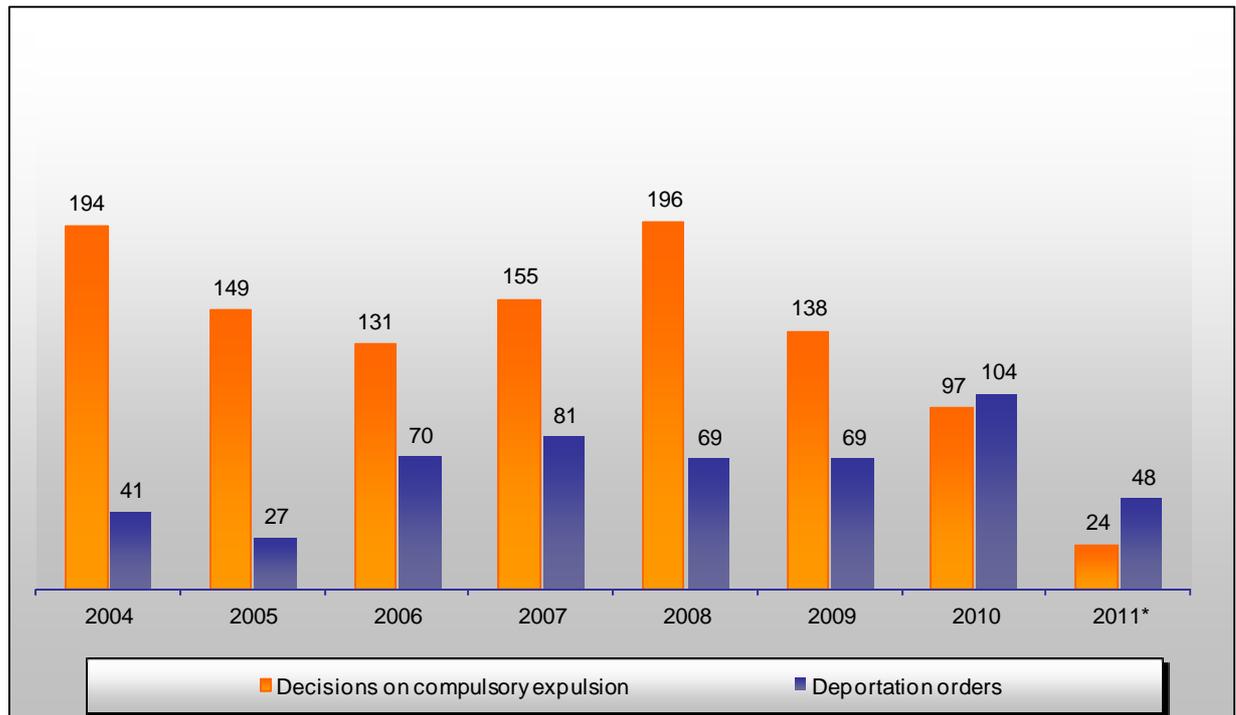
However, at the end of the 20th century illegal immigration worldwide and in Europe had become a mass phenomenon, while cross-border organized crime has grown to be one of the most profitable and developed types of illegal operation. As a reaction to such development of the situation, the need for deeper specialization of immigration control arose: first, by uniting the functions of alien control and the competence of the responsible institutions at the state border and within the country; second, by preventing overlapping functions within the institutions of the Ministry of Interior specializing in combating illegal migration and issues of asylum seekers; third, by using the state budget funds for performance of these functions more effectively.

While implementing the aforementioned measures, the Immigration Police administration of the Public Order Police of the State Police was reorganized and included into the structure of the **State Border Guard** on 2 January 2002. Thus, the State Border Guard took over all tasks of alien residence control in the whole territory of the state. The **Immigration Board of the Central Board of the State Border Guard** was established. Meanwhile immigration services/departments were established at each territorial board of the State Border Guard.

With the aim of improving the possibilities of immigration structural units, the fingerprint comparison system of the European Union *Eurodac* was introduced at the State Border Guard in 2004. In order to step up the control of alien residence and automation level of registering the detained aliens, new information systems "Register of Illegal Immigrants" and "Time Control System of Alien Residence" were introduced at the State Border Guard in 2005 - 2006.

The number of expelled individuals permits assessment of the work of both Immigration Police and State Border Guard, and also makes it possible to analyse the amount of illegal migration (see Diagram 3-4).

Diagram 3-4

Decisions on compulsory expulsion and the orders to leave, June 2004 - 2011*⁴⁵

The Latvian asylum system has been established recently, although Latvia has faced the issue of refugees several times during its history. For the first time after reinstatement of independence, Latvia faced the issue of asylum at the end of 1994, when a ship “Katrana” ran aground in the Baltic Sea. The ship was illegally carrying people, mainly nationals of the Middle East and Asia. The Nordic Countries served as a destination for the aforementioned people, where they planned to request political asylum.⁴⁶ In order to further address the situation, a special commission consisting of the representatives from the Ministry of Interior and the Ministry of Foreign Affairs, Human Rights Bureau and The UN Office of High Commissioner for Refugees was formed. The particular refugee problem in Latvia was solved with the support of the Nordic Countries and the UN in autumn 1996. Simultaneously, Latvia undertook to ratify the Convention Relating to the Status of Refugees and develop a system that would ensure asylum to the people who require it.

⁴⁵ Source of the data: Office of Citizenship and Migration Affairs.

⁴⁶ Paegle D., Gromovs J. Rokasgrāmata darbam ar patvēruma meklētājiem (A Manual for Work with Asylum Seekers). - Riga: IOM, 26 p.

The UN Convention Relating to the Status of Refugees and the Protocol of the Convention Relating to the Status of Refugees was approved and came into force in Latvia in 1997⁴⁷ and the law “On Asylum Seekers and Refugees in the Republic of Latvia”⁴⁸ was adopted.

The Latvian asylum system was established in 1998, when the legal and institutional framework of the asylum system was developed. A series of the Cabinet of Ministers regulations that determined the list of the countries where the threat of persecution does not exist, the procedure of issuing the document identifying the person of an asylum seeker or a refugee, the procedure for granting benefits, the procedure for issuing residence permits, etc., were adopted in 1998.

The institutional framework of the asylum system was established as a centralized system subordinated to the Ministry of Interior. The procedure according to which the **State Police** is responsible for identification and interviewing of the asylum seeker was established, and since 7 December 2001 these functions are performed by the **State Border Guard**⁴⁹. In January 1998, within the limits of the Office of Citizenship and Migration Affairs a **Centre for Refugee Affairs** was established as a first instance of taking the decisions on granting the status of a refugee, it was later renamed in 2005 to the **Department of Refugee Affairs** and in 2009 – the **Division of Asylum Affairs**. A special appellation institution the **Appellation Council for Refugee Affairs**⁵⁰ subordinated to the Ministry of Justice was established as well. The Asylum Seekers’ Reception Centre “Mucenieki” was established for accommodation of asylum seekers. The first asylum seekers were accommodated at the centre in December 1998.

In order to harmonize the legal acts of Latvia to the European Union *acquis* requirements, the **Asylum Law**⁵¹ was adopted and came in effect on 1 September 2002. After accession of Latvia to the European Union the number of asylum seekers in Latvia was still low, therefore, upon evaluation of the efficiency of the asylum system and, in order to guarantee the rights of the asylum seekers to efficient legal protection, the decision to entrust the functions of the Appellation council for Refugee Affairs provided for by the Asylum Law to the **Administrative District Court**⁵², while repeated evaluation of the application of the asylum

⁴⁷ Law “On the Convention Relating to the Status of Refugees of 28 July 1951 and Protocol of the Convention Relating to the Status of Refugees of 31 January 1967”. - The Latvian Herald, No. 171, 04.07.1997. – [in force since 04.07.1997.]

⁴⁸ Law “On Asylum Seekers and Refugees in the Republic of Latvia”. – The Latvian Herald, No. 171/174, 04.07.1997. – [not in force since 01.09.2002.]

⁴⁹ Law “Amendments to the Law “On Asylum Seekers and Refugees in the Republic of Latvia””. - The Latvian Herald, No. 170, 23.11.2001. – [not in force since 01.09.2002.]

⁵⁰ Cabinet of Ministers Regulations No. 26 “By-law of the Appellation Council for Refugee Affairs” of 20 January 1998. - The Latvian Herald, No. 21, 27.01.1998. – [not in force since 01.09.2002.]

⁵¹ Asylum Law. – The Latvian Herald, No. 48, 27.03.2002. – [not in force since 14.07.2009.]

⁵² Law “Amendments to the Asylum Law”. - The Latvian Herald, No. 98, 26.06. 2006. – [not in force since 14.07.2009.]

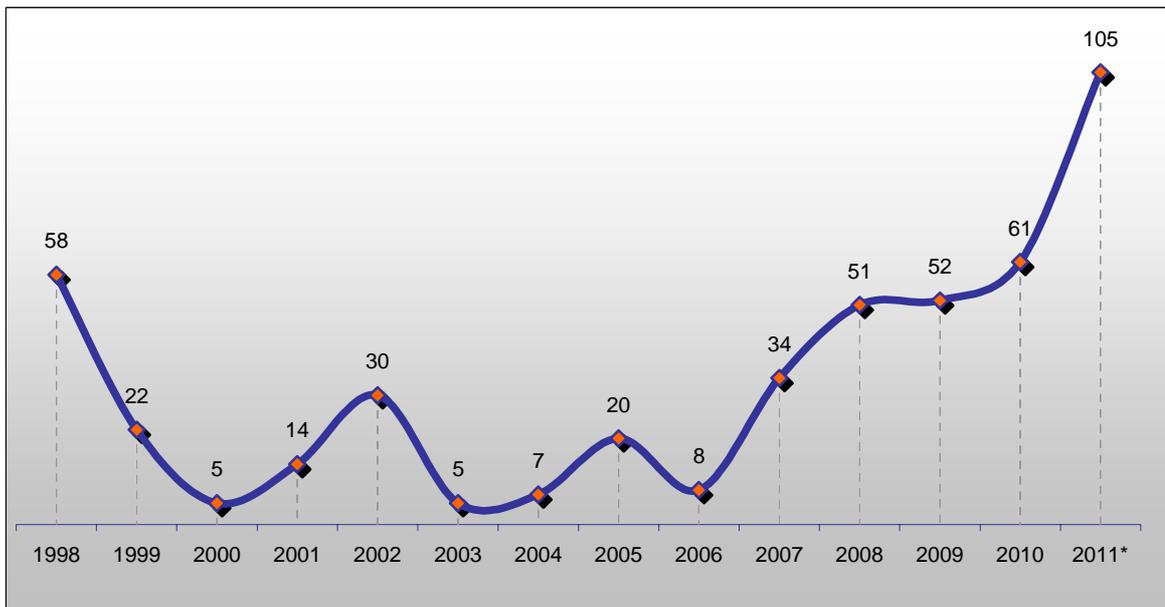
seeker in the cases when new essential facts have arisen, was entrusted to the Administrative Regional Court.

In order to ensure complete transfer of the provisions of the European Union legal acts regarding asylum affairs, a new Asylum Law⁵³ was adopted in 2009 and normative acts subordinate to the Asylum Law were adopted in 2010. The most essential changes affected the decision-making and appeal procedure – a new type of decision – on accepting the application for consideration or leaving it without consideration was introduced, the procedure for considering a repeated application was changed by establishing that, after taking the final decision, the Asylum Affairs Division shall evaluate the repeated application as the first instance institution, if new considerable circumstances on the asylum case have arisen, the Administrative District Court shall act as appellation instance (Administrative Regional Court considered the repeated applications prior to that). In order to give the asylum seeker an opportunity to prepare for the appeal of the decision and to simplify the appeal procedure, the terms for submitting an appeal have been extended for all procedures.

From 1998 to June 2011 a total of **472**⁵⁴ people requested asylum in Latvia. The analysis of the situation allows the conclusion that the economic condition of Latvia, the geographic position of the state, low benefits and lack of the respective ethnic community has so far stimulated the asylum seekers to choose other countries, however, a stable growth of the number of asylum seekers has been observed in recent years (see Diagram 3-5).

⁵³ Published: The Latvian Herald, No. 100, 30.06.2009. – [in force since 14.07.2009.]

⁵⁴ Source of the data: Office of Citizenship and Migration Affairs.

The total number of applications by asylum seekers, 1998 – June 2011*⁵⁵

⁵⁵ Source of the data: Office of Citizenship and Migration Affairs.

4. ORGANIZATION OF THE POLICY

4.1. Asylum and migration

The institution that is responsible for implementation of the migration and asylum policy in Latvia is the Office of Citizenship and Migration Affairs. The Office of Citizenship and Migration Affairs performs its functions in cooperation with the State Border Guard, Latvian diplomatic and consular representations abroad, Consular Department of the Ministry of Foreign Affairs and other state and municipal institutions (see Annex 1).

Immigration Law and Cabinet of Ministers Regulations subordinate to it determine the procedure for entry, stay, transit, exit and detention of the aliens and the procedure according to which the aliens are kept under detention in the Republic of Latvia and expelled therefrom.

The procedure for granting the status of a refugee or an alternative status and provision of temporary protection, as well as the institutions involved in provision of the asylum and competence thereof was determined by the Asylum Law and Cabinet of Ministers Regulations subordinated to it.

4.1.1. Entry procedures

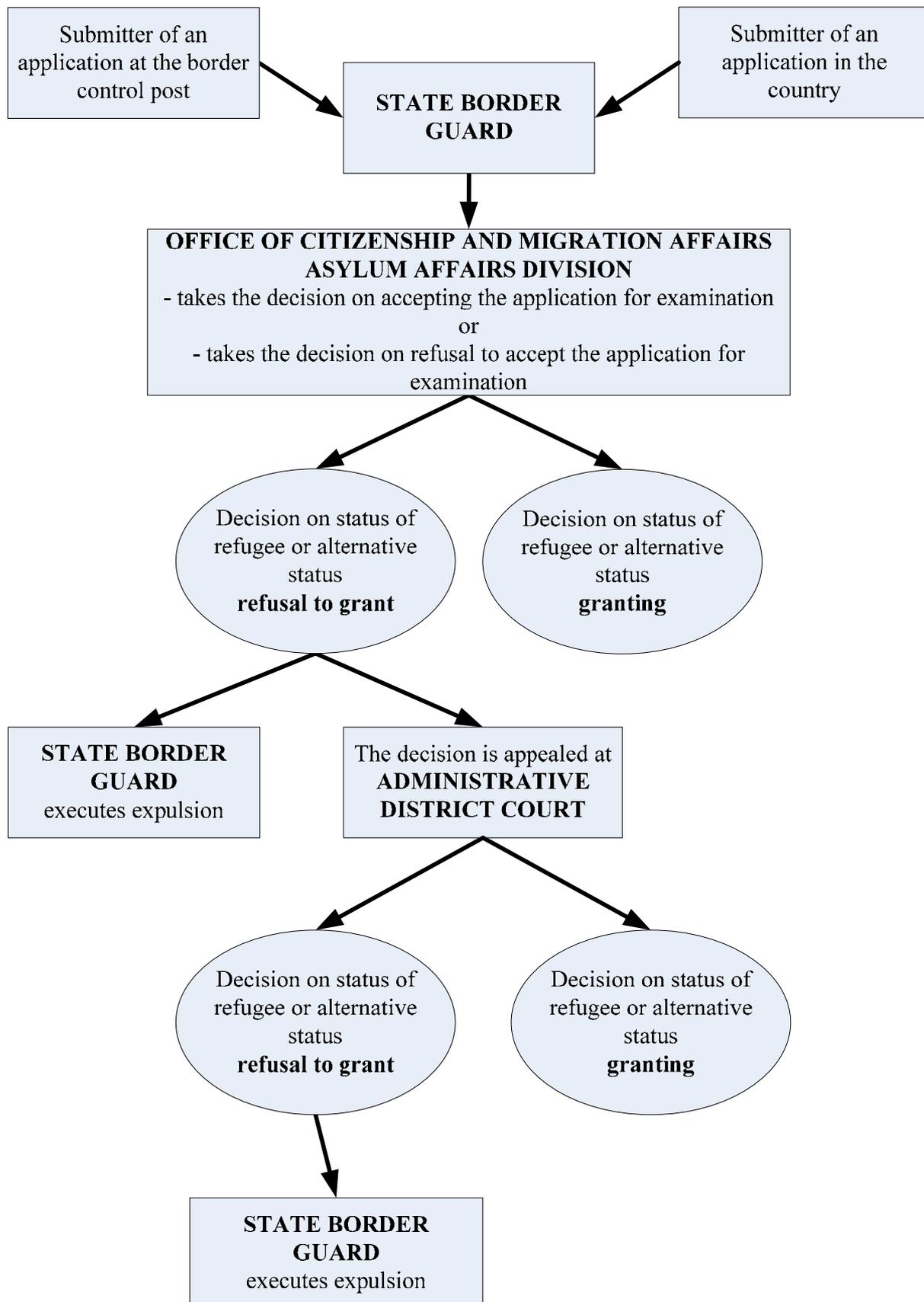
4.1.1.1. Asylum

A person is considered to be an asylum seeker if the person has submitted an application on granting the status of a refugee or an alternative status pursuant to the procedure provided for by the Asylum Law. The asylum seeker retains their status until the moment when the final decision concerning their application has become effective and irrevocable.

According to the legal acts of Latvia, the asylum procedure is a procedure according to which the application of the asylum seeker on granting the status of a refugee or an alternative status is being evaluated from the moment of its submission to the moment when the final irrevocable decision on their application is taken. The structural unit of the Office of Citizenship and Migration Affairs, the **Division of Asylum Affairs**, the **State Border Guard**, the **Administrative District Court** are involved in the asylum procedure (see Figure 4-1).

Figure 4-1

Procedure for granting international protection



The person who arrives to Latvia in order to seek asylum and receive the status of a refugee or an alternative status submits the application to the border guard officer at the border

control post before entry to Latvia. Meanwhile, if the person is residing in Latvia, the application on granting the status is submitted to the structural unit of the State Border Guard.

The State Border Guard informs the person on the asylum procedure, on the rights and duties of the asylum seeker during this procedure and on the competence of the institutions involved in the asylum procedure. The State Border Guard performs interviews with the asylum seeker, performs the identification of the asylum seeker and accommodates them at the premises intended for this purpose, if the asylum seeker is detained.

The State Border Guard has rights to detain the alien. During the detention, the alien is accommodated at the reception centre for detained aliens.

The State Border Guard submits the information that is at its disposal about the asylum seeker, the information acquired during the interview and the application to the Asylum Affairs Division of the Office of Citizenship and Migration Affairs.

The **Asylum Affairs Division** evaluates the application of the individual and takes the decision on accepting the application for consideration or leaving it without consideration within five business days.

The application that has been accepted for consideration may be evaluated **according to the regular procedure** or **according to the urgent procedure** within the terms provided for by the Asylum Law⁵⁶.

The **decision** of the Asylum Affairs Division may be appealed **at the Administrative District Court**. The court decision is final and non-appealable.

The person in respect of whom the decision on refusal to grant the status of a refugee or alternative status has been taken is **expelled** from Latvia if they do not have any other legal basis for residing in Latvia. The expulsion is performed by the State Border Guard pursuant to the procedure provided for by the Immigration Law.

If the unfavourable decision has become effective and irrevocable, the person is entitled to submit a **repeated application** in the event that the conditions that served as the basis for taking the decision have changed in their favour.

During certain stages of the asylum procedure the **Custody Court** and **Legal Aid Administration** get involved into the procedure.

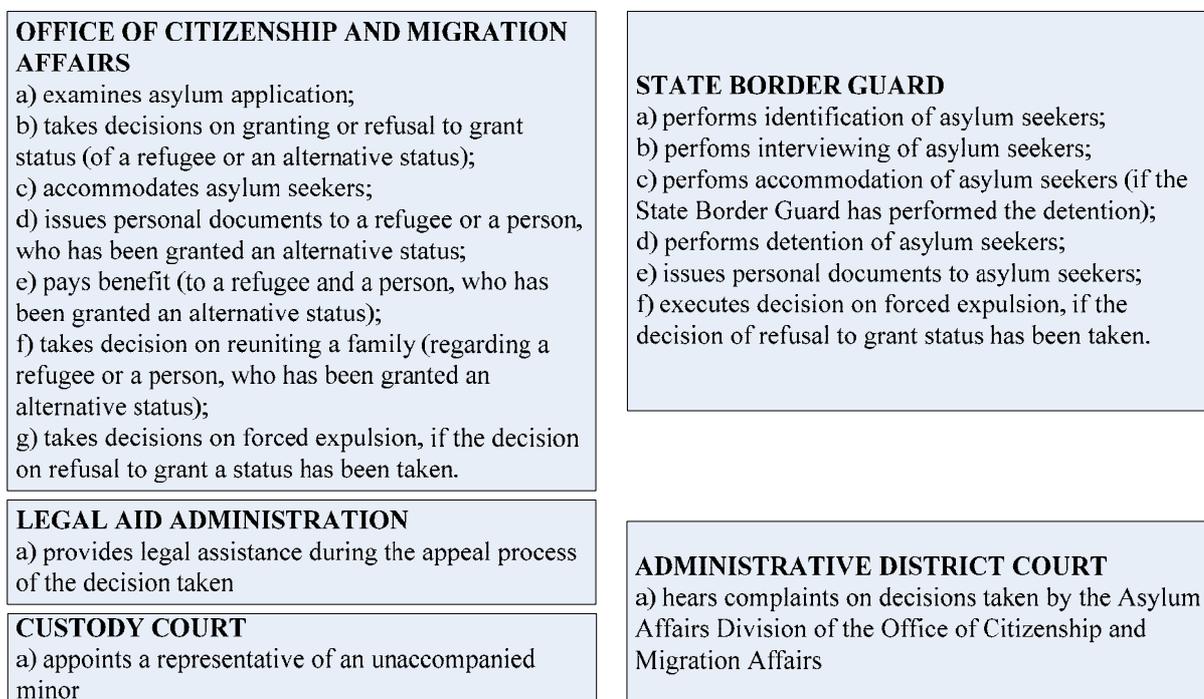
If an unaccompanied minor is requesting the asylum, the Custody Court is involved in the asylum procedure. The Custody Court decides on appointment of the representative of the minor person and their accommodation during the asylum procedure with consideration of the interests of the minor person. The distribution of the competence of the institutions involved in

⁵⁶ Section 13 of the Asylum Law.

the asylum procedure according to the provisions of the Asylum Law has been provided in the following figure (see Figure 4-2)

Figure 4-2

Institutions involved in the area of asylum



4.1.1.2. Migration

According to the legal acts of Latvia, the procedure of entry is the procedure according to which the request of the individual on issue of a visa or a residence permit is considered from the moment of its submission to the moment of taking the final decision thereon.

An alien may reside in Latvia with a visa (till 90 days in six months period) or a residence permit.

Depending on the purpose of entry the alien may be issued a collective visa, a visa with limited territorial validity, an airport transit visa (hereinafter – the Schengen visa) or a long-term visa.

The decision on issuing the Schengen visa or a refusal to issue a visa is taken pursuant to the procedure established by the Visa code⁵⁷. The term of the residence established by the visa does not exceed 90 days within a period of 90 days, counting from the first day of entry.

The term of residence in the Republic of Latvia that is based on the long-term visa may exceed 90 days within half a year counting from the first day of entry, if such stay is in

⁵⁷ Regulation of the European Parliament and of the Council No. 810/2009 of 13 July 2009 establishing a Community Code on Visas. – Official Journal, L 234/1, 15.09.2009. – [applicable from 05.04.2010.]

compliance with the international legal norms, the interests of the state of Latvia or is connected with *force majeure* or humanitarian considerations. The long-term visa is issued pursuant to the provisions of Immigration Law.

A long-term visa with a period of stay up to 15 days is issued also to the third-country nationals for entry aimed at obtaining residence permit – based on the decision on granting a residence permit adopted by the Office of Citizenship and Migration Affairs.

Visas are issued by the Latvian diplomatic and consular representations abroad, the Office of Citizenship and Migration Affairs, the State Border Guard or the Consular Department, according to their competence⁵⁸. The visa is extended by the Office of Citizenship and Migration Affairs or the Consular Department, according to their competence. The distribution of the competence of the institutions is provided in the following figure (see Figure 4-3).

Figure 4-3

Institutions involved in the issuing of visas

<p>OFFICE OF CITIZENSHIP AND MIGRATION AFFAIRS</p> <p>a) coordinates visa policy; b) takes decisions on invitation issues; c) takes decisions on visa issues (all types of entry and transit visas, except diplomatic and service visas); d) develops projects of normative acts in the area of visa issues.</p>	<p>CONSULAR DEPARTMENT OF THE MINISTRY OF FOREIGN AFFAIRS</p> <p>a) implements visa policy on the issues of waiving a visa regime; b) takes decisions on visa issues (long-term visas marked „diplomatic visa” and „service visa”); c) develops projects of normative acts in the area of visa issue.</p>
<p>STATE BORDER GUARD</p> <p>a) takes decisions on visas issues, if it is connected with issue of a visa on the border of Latvia to foreign sailors and in the cases when the purpose of entry corresponds to international legal norms, interests of Latvia or is connected with <i>force majeure</i> or human considerations.</p>	<p>DIPLOMATIC AND CONSULAR REPRESENTATIONS ABROAD</p> <p>a) performs examination of the documents submitted for the receipt of visa, implements visa policy on the issues of waiving a visa regime; b) takes decisions on visa issues (concerning long-term visas marked „diplomatic visa”).</p>
<p>NATIONAL SECURITY INSTITUTIONS</p> <p>a) perform preventive measures; b) perform information exchange; c) confirm decisions on approval/refusal to approve invitations and issue/refusal to issue visas to the citizens of the countries of high risk of illegal migration or terrorism.</p>	<p>STATE EMPLOYMENT AGENCY</p> <p>registers a vacancy.</p>

⁵⁸ According to Section 5 of the Cabinet of Ministers Regulations No. 676 “Visa Regulation” of 30 August 2011. The Latvian Herald, No. 144, 13.09.2011. – [in force since 14.09.2011.]

Upon requesting a visa for entry into Latvia the alien must submit the visa application form, a photograph, a valid travel document that is recognized⁵⁹ in Latvia, a valid health insurance policy⁶⁰, the financial resources necessary for residence in Latvia and return to the country of residence⁶¹, as well as the document that substantiates the purpose of entry and residence and confirms the place of residence, or a written request⁶² or an invitation⁶³ (see Figure 4-4).

⁵⁹ According to the Cabinet of Ministers Regulations No. 215 “Procedures for Recognition of Travel Documents of Aliens” of 29 April 2003. - The Latvian Herald, No. 65, 30.04.2003. – [in force since 01.05.2003.]

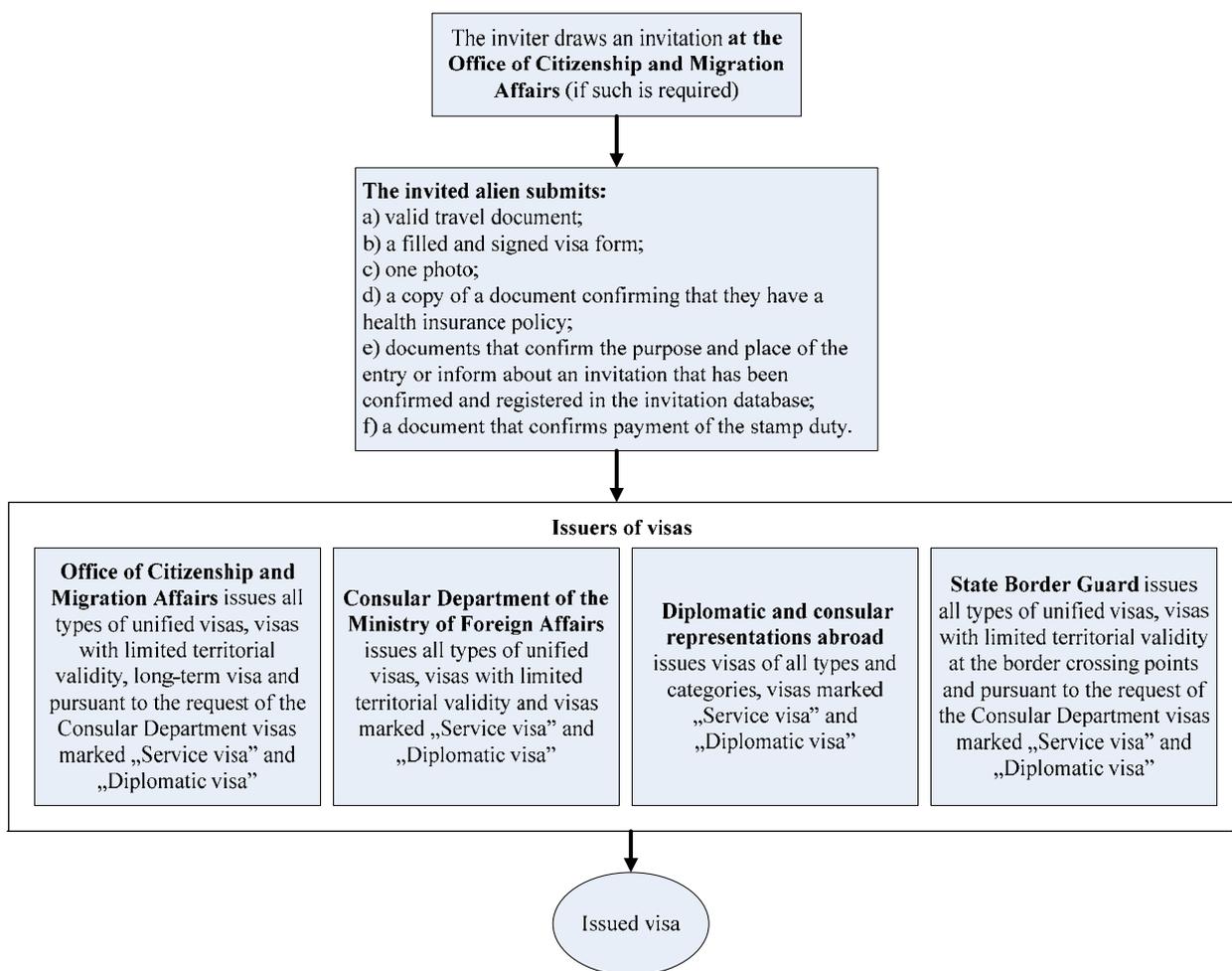
⁶⁰ According to Cabinet of Minister Regulations No. 591 “Regulation on Health Insurance of Aliens” of 28 July 2008. - The Latvian Herald, No.117, 31.07.2008. – [in force since 01.08.2008.]

⁶¹ Cabinet of Ministers Regulations No. 550 “Regulations Regarding the Amount of Necessary Financial Means for a Foreigner and Procedures for the Determination of the Existence of Financial Means” of 21 June 2010. – The Latvian Herald, No. 100, 28.06.2010. – [in force since 01.07.2010.]

⁶² A written request is a document wherewith the inviter undertakes the liabilities provided for by the present law in respect of the alien whom they have call to stay in the Republic of Latvia (with a visa), the written request must be sent to the alien in order to produce it at the embassy.

⁶³ According to the Immigration Law the invitation is a document, pursuant to which the inviter undertakes the liabilities provided for by this law regarding the alien whom they have invited to reside in the Republic of Latvia with a visa. The invitation shall be registered in the database of invitations that was introduced on 1 February 2003.

Procedure for receipt of the visa



A visa for entry into Latvia may be received at the diplomatic or consular representations abroad. In individual cases, if it is in the interests of the state of Latvia, if *force majeure* conditions are in force or due to humanitarian considerations, a single entry individual transit visa and short term visas may be requested at the state border control posts of the Republic of Latvia. A visa for entry into Latvia may be issued to an alien at diplomatic and consular representations of the member states to the Schengen agreement, if an agreement between such state and Latvia on such representation in issuing visas has been reached.

The decision on issuing of a long term visa is taken **within fifteen days** after submission of all documents. If additional information or consultations with the competent institutions of the Republic of Latvia or other member state to the Schengen agreement, as provided for by Part two, Section 17 of the Schengen Convention, is required for issuing of a long term visa, the decision is taken **within 60 days**.

The invitation is mandatory if the private individual or the legal person is considered to be an employer according to the law “On State Social Insurance”⁶⁴ and plans to employ the alien by concluding an employment agreement or a contractor agreement. The invitation is registered in the invitation register and serves as a document that substantiates the purpose of entry. Administration of invitations is performed electronically and the Invitation Registry is available to all Latvian diplomatic and consular representations abroad.

A foreigner is entitled to challenge the decision on annulment or revocation of a Schengen visa prepared in accordance with the requirements of the Visa Code within a period of 30 days as from the respective decision coming into effect. The foreigner may appeal the decision on the contested administrative deed to the Administrative District Court. The court ruling is final and may not be appealed. Filing of the application at the court does not entitle the alien to enter or stay in the Republic of Latvia.

The decision on annulment or revocation of a long-stay visa may not be challenged or appealed, as well as officials are not entitled to provide any clarifications on the grounds of annulment or revocation.

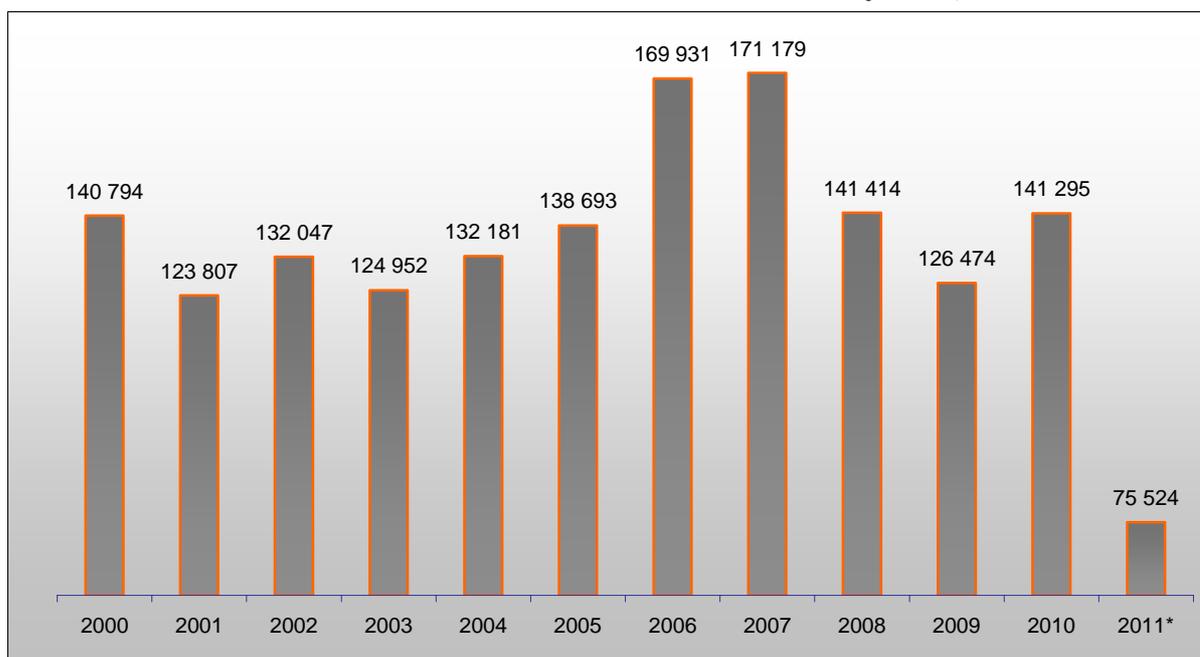
The State Border Guard controls entry, residence, exit and transit of the aliens in the territory of the Republic of Latvia. The State Border Guard is entitled to take a decision on refusal of entry into the Republic of Latvia to the alien according to Section 13 of Regulation No. 562/2006⁶⁵ of the European Parliament and Council of 15 March 2006. In 2008 the State Border Guard took 875 decisions on refusal of entry into the Republic of Latvia to aliens, in 2009 – 670 decisions and in 2010 – 843 decisions.⁶⁶

The quantity of the issued visas indicates that the number of visitors was the highest in 2006 and 2007. This can be explained by the development of the Latvian tourism industry during these years. The overall trends regarding the number of visitors have retained a certain level. On average 130 – 140 visas are issued in Latvia annually (see Diagram 4-1).

⁶⁴ Published: The Latvian Herald, No.274/276, 21.10.1997. – [in force since 01.01.1998.]

⁶⁵ Regulation No. 562/2006 of the European Parliament and Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code). – Official Journal, L 105/1, 13.04.2006.

⁶⁶ Source of the data: for the years 2008 and 2009 – Eurostat, for the year 2010 – the State Border Guard.

Number of issued entry visas, 2000 – June 2011*⁶⁷

4.1.2. Conditions of admission

A wide range of state and municipal institutions is involved in the area of admission of aliens. The Office of Citizenship and Migration Affairs coordinates cooperation in this area.

4.1.2.1. Asylum

The State Border Guard and the Office of Citizenship and Migration Affairs are the state institutions that coordinate cooperation between the state and municipal institutions involved in the admission of asylum seekers. The institutions involved are the Asylum Seekers' Reception Centre "Mucenieki", municipal custody courts and education establishments determined by the Ministry of Education and Science.

Considering the measures and terms of performance thereof provided for by the Asylum Law that are necessary for taking a decision on granting or refusal to grant the status of a refugee or an alternative status, it can be considered that the **asylum procedure is comparatively short**. For example, the total duration of examination of the asylum application according to the regular procedure by both the Office of Citizenship and Migration Affairs and the Administrative District Court is approximately 8 to 9 months. The aforementioned term also includes actions performed by the State Border Guard – identification and interview with the

⁶⁷ Source of the data: Office of Citizenship and Migration Affairs.

asylum seeker, as well as the time provided for the appeal of the decision of the Office of Citizenship and Migration Affairs.

If the asylum seeker lacks the funds required for provision of legal assistance, the **Legal Aid Administration** shall provide legal assistance in drawing up the procedural documents, legal consultations during the administrative process, as well as representation during the administrative process. Considering the low number of asylum seekers in Latvia, the number of cases of providing legal assistance to asylum seekers is low. Legal aid was provided in 6 cases in 2010, in 7 cases in June 2011 and in 16 cases before August 2011 inclusively.⁶⁸

Asylum Seekers' Reception Centre "Mucenieki" ensures accommodation of the asylum seekers during the procedure.

The municipal custody court appoints a guardian to the minor asylum seeker. During the procedure an unaccompanied minor individual may be represented on personal and property issues by: the Custody Court or a guardian appointed by the Custody Court or a manager of a childcare institution. The Custody Court, considering the interests of the child decides on accommodating the unaccompanied minor at the asylum seeker reception centre, with the guardian or at the childcare institution. Considering the low number of asylum seekers in Latvia, the number of unaccompanied minor asylum seekers has also been low to date. 15 unaccompanied minor asylum seekers have arrived in Latvia in the time period from 1998 until 2010 (1999 – 3, 2005 – 3, 2008 – 4, 2010 – 5)⁶⁹.

The Ministry of Education and Science determines the educational establishments that provide opportunities for acquiring general education to asylum seekers. A minor asylum seeker may acquire education at a municipal or a state educational establishment. Primary and secondary education is free of charge in Latvia. Preparation of the children for primary education from the age of five is compulsory, as well as primary education or continuing to acquire primary education until the age of 18. The amendments to the Education Law⁷⁰ enforce the rights for general education free from charge for all minor third-country nationals and provide that the minor asylum seekers are entitled to primary education and secondary education, as well as the right to continue the acquisition of education after reaching the legal age.

The residence permit and an identification document shall be issued to a refugee and a person who has been granted an alternative status by the Office of Citizenship and Migration Affairs. A permanent residence permit is issued to a refugee and a residence permit for one year

⁶⁸ Source of data: Legal Aid Administration.

⁶⁹ Source of data: Office of Citizenship and Migration Affairs.

⁷⁰ Law "Amendments to the Education Law". - The Latvian Herald, No. 47, 24.03.2010. – [in force since 26.03.2010.]

is issued to a person who has been granted an alternative status with the right to extend the residence permit for one year.

4.1.2.2. Migration

The largest number of institutions is involved in the area of admission of aliens: the Office of Citizenship and Migration Affairs, the State Border Guard, Latvian diplomatic and consular representations abroad, national security institutions, the State Employment Agency, the State Labour Inspectorate, the Ministry of Health, the National Centre for Education, municipalities, as well as the court.

The **Office of Citizenship and Migration Affairs** coordinates the migration processes, performs recording of the number of aliens, takes decisions on the issues of residence permits, issues work permits and residence permits.

Latvian diplomatic and consular representations abroad accept documents and interview the aliens who have submitted applications for issue of a residence permit, issue long term visas for entry into Latvia, to enable receipt of the residence permit by the alien.

The **State Border Guard** performs control of residence and employment of the aliens in Latvia.

The **State Employment Agency** registers the free vacancies reported by the employee, if the employee plans on employing a third-country national.

The **State Labour Inspectorate** monitors and controls compliance with the provisions of the normative acts regulating legal labour relations and labour protection.

The **Ministry of Health** approves the lists of diseases and health disorders that could endanger public health.

The **National Centre for Education** performs checks of the state language knowledge of the aliens who are entitled to request a permanent residence permit.

National security institutions perform preventive measures targeted against illegal migration and terrorism threats.

The **courts** ensure control of the legality of the decisions taken by the Office of Citizenship and Migration Affairs and the State Border Guard.

Two types of residence permits are issued in Latvia – temporary residence permit and permanent residence permit. Residence permits of both types are **issued, registered** and **voided** by the Office of Citizenship and Migration Affairs.

The documents for requesting the residence permit are submitted by the alien **personally** or by the legal representative or inviter of the alien. The general requirement concerning submission of the documents provides that the documents must be submitted at **Latvian diplomatic or consular representations abroad**, however, the normative acts provide for the

exceptions⁷¹, allowing the situation that the aliens may submit the documents at the Office of Citizenship and Migration Affairs. This provision mainly applies to the citizens of the countries with whom Latvia has concluded an agreement on a visa-free regime, as well as to the aliens who have received a visa and a work permit in Latvia.

In order to request a residence permit, the alien must have a **written request**⁷² approved by the Office of Citizenship and Migration Affairs. A person who requests the residence permit as a private merchant, self employed individual, the sole official with representation rights of a merchant registered in the commercial register, an alien who requests or wishes to register a permanent residence permit, a guardian or a trustee of a citizen of Latvia or a non-citizen of Latvia, a person, who has been granted an alternative status and temporary protection, etc., are exempt from the requirement to submit the written request.⁷³

In order to receive the residence permit the alien must produce a valid travel document and submit: a form of a certain type, a photograph, a reference on the criminal record (only for citizens of countries which require visa for entry into the Republic of Latvia); a document that confirms the necessary financial means of subsistence; a document that confirms the expected place of residence in Latvia; and a document that confirms payment of the stamp duty. Upon the receipt of the residence permit, the alien shall produce a valid health insurance policy and a reference confirming that they are not tuberculosis patients.

Depending on the expected purpose⁷⁴ of the residence of the alien in Latvia (**family reunification, employment or other purpose** (studies, medical care, religious activity)), he or she has to submit **additional documents**⁷⁵ that confirm such purpose of stay.

During examination of compliance with the provisions for admission, the Office of Citizenship and Migration Affairs evaluates the submitted documents, as well as receives the information necessary for taking the decision and performs checks using the data accumulated by the information systems of other state institutions (State Employment Agency, Register of Enterprises, State Revenue Service, State Land Service etc.). The decision on issuing of a residence permit is taken after examination of **all submitted** documents: within 30 days if the

⁷¹ The range of the individuals is determined in Sections 3 and 4 of the Cabinet of Ministers Regulations No. 564 "Regulation Regarding Residence Permits" of 21 June 2010. - The Latvian Herald, No. 101, 29.06.2010. – [in force since 01.07.2010.]

⁷² A **written request** is a document, according to which the inviter undertakes the liabilities provided for by this law regarding the alien whom they have invited to reside in Latvia with a residence permit.

⁷³ The range of the individuals is determined in Sections 3 and 4 of the Cabinet of Ministers Regulations No. 564 "Regulation Regarding Residence Permits" of 21 June 2010.

⁷⁴ The purposes of entry are listed in Section 23 of the Immigration Law.

⁷⁵ The additional documents are determined in Parts IV, V, VI of the Cabinet of Ministers Regulations No. 564 "Regulation Regarding Residence Permits" of 21 June 2010.

documents for receipt of the temporary residence permit have been submitted; within 90 days if the documents for receipt of the permanent residence permit are submitted.⁷⁶

The decision is issued to the person if the documents for receipt of the residence permit have been submitted in Latvia. Meanwhile, if the documents were submitted at a Latvian diplomatic or consular representation abroad, the decision is sent to the representation. Pursuant to the receipt of a positive decision, Latvian diplomatic or consular representation abroad shall issue a **long-term visa** to the alien with the validity term of 15 days⁷⁷, during which the alien must arrive to Latvia to **personally** receive the residence permit at the Office of Citizenship and Migration Affairs.

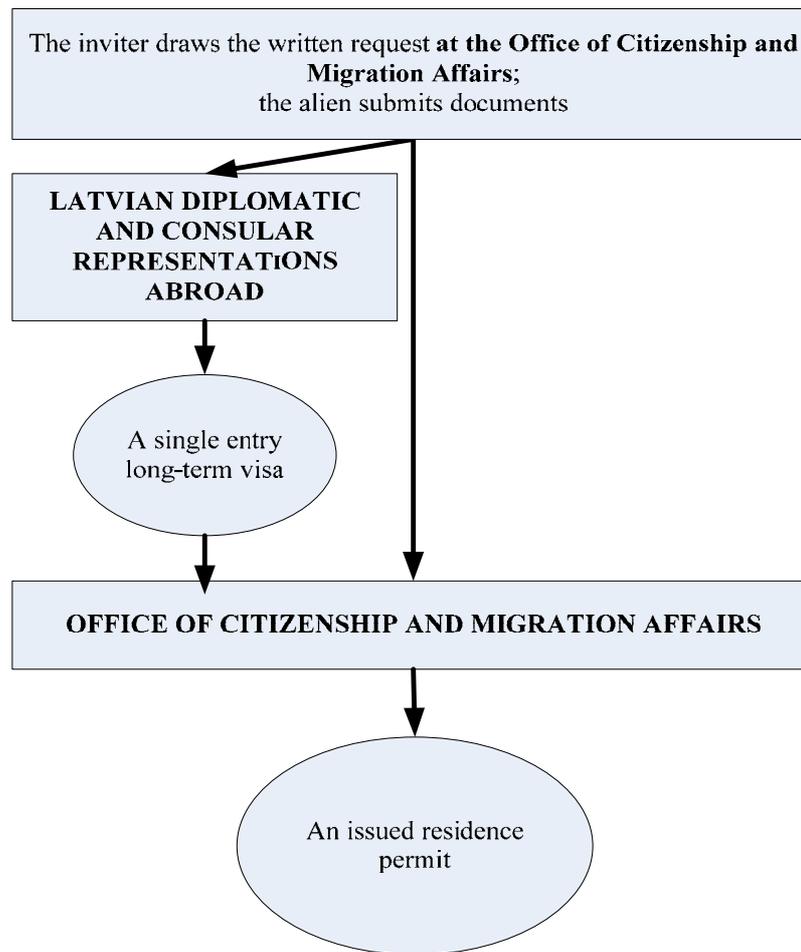
The decision on the issuing of the residence permit is valid for three months. If during this time the residence permit is not received, the alien must repeatedly submit the documents for the requesting of a residence permit.

The decision of an official of the Office of Citizenship and Migration Affairs may be contested by submitting it to a higher ranking official at the institution and the decision of a higher ranking official may be appealed in the court according to the procedure provided for by the Legal acts of the Republic of Latvia. The procedure of issuing the residence permits is reflected in the following figure (see Figure 4-5).

⁷⁶ According to Section 33 of the Immigration Law.

⁷⁷ According to Section 20 of the Cabinet of Ministers Regulation No. 676 “Visa Regulation” of 30 August 2011.

Procedure of issuing a residence permit



4.1.3. Legal stay

Two types of residence permits are issued in Latvia – temporary residence permits and permanent residence permits. The temporary residence permit with the validity term of more than one year shall be registered **every year**, meanwhile, the permanent residence permit is registered once every **five years**.⁷⁸

The person who has been granted the status of a refugee shall be issued a permanent residence permit free of charge, meanwhile, a person who has been granted an alternative status shall be issued a temporary residence permit for one year. If a person submits an application for extension of the term and the conditions that have been in effect at the time when the status was granted, a new temporary residence permit for one year is issued.⁷⁹

⁷⁸ According to Part Two, Section 22 of the Immigration Law.

⁷⁹ According to Section 36 of the Asylum Law.

If the refugee does not have other source of sustenance, they shall receive a benefit that covers sustenance expenses for the first 12 months after receiving the status of a refugee, as well as the costs required for learning the state language.⁸⁰ The state grants the benefit for acquiring a state language to the refugee from the age of seven. The benefit is determined in the amount that covers the actual costs of acquiring Latvian language, but not more than 35 lats monthly. Payments of the benefit for acquisition of the Latvian language are terminated if the refugee has acquired the state language at the first competence level of the state language and has received a document certifying their language competence.

If a person who has been granted an alternative status does not have another source of sustenance, they shall receive a benefit that covers the costs of sustenance for the first nine months after the receipt of the alternative status.

A refugee and a person who has been granted an alternative status is entitled to work for any employer in Latvia without the necessity of receiving a work permit.

Non-citizens of Latvia and aliens who have received permanent residence permits, as well as persons who have been granted alternative status are entitled to receive social services and social care, including social care benefits.⁸¹

Latvian citizens, non-citizens, aliens and stateless persons who have been granted a personal identity code and who permanently live in the territory of Latvia are entitled to receive state social benefits. Persons who have received temporary residence permits in Latvia are not entitled to the state social benefits.⁸²

If the alien wishes to request a permanent residence permit, the person, upon submission of the required documents, has to submit a certificate that confirms acquisition of the Latvian language.⁸³

An alien is entitled to receive a permanent residence permit or a status of a permanent resident of the European Union if they have acquired the Latvian language at least at grade 2 of the **basic** (the lowest) **level** (A2).⁸⁴ A2 grade of the basic level means that a person is capable of

⁸⁰ According to Section 2.2 of the Cabinet of Ministers Regulation No. 23 “Regulations Regarding Allowances for a Refugee and a Person who have been Granted Alternative Status” of 12 January 2010. Published: The Latvian Herald, No. 8, 15.01.2010. – [in force since 16.01.2010.]

⁸¹ According to Section 3 of the Social Services and Social Assistance Law. Published: The Latvian Herald, No. 68, 19.11.2002. – [in force since 01.01.2003.]

⁸² According to Part one and two, Section 4 of the Law on State Social Allowances. Published: The Latvian Herald, No. 168, 19.11.2002. – [in force since 01.01.2003.]

⁸³ According to Section 35 of the Cabinet of Ministers Regulations No. 564 “Regulation regarding Residence Permits” of 21 June 2010.

⁸⁴ According to Section 10 of the Cabinet of Ministers Regulation No. 733 “On the Extent of the State Language Knowledge and the Procedure for Testing the State Language Proficiency for Fulfilment of Professional and Occupational Duties, Receiving Permanent Residence Permit and Obtaining the Status the Permanent Resident of the European Union and on the State Fee For the State Language Proficiency Test” of 7 July 2009. Published: The Latvian Herald, No. 110, 14.07.2009. – [in force since 01.09.2009.]

communicating by using simple sentences on household and professional topics known to the person, reading and understanding simple texts, filling out standard documents, forms, bills, receipts.

The state language tests **must not be taken** by people who have received primary, secondary or higher education in the accredited study curricula in Latvian; persons who have passed centralized exams in Latvian, which is confirmed by the certificate of primary or general secondary education; persons who have functional impairments or diagnoses linked to their health status. The state language tests **with mitigated conditions** are passed by people who have functional impairments linked to their health conditions.

If an alien **fails to acquire** the Latvian language at the requested level, such person shall be entitled to continue residing in Latvia with a temporary residence permit.

An alien who resides in Latvia with a valid residence permit may submit a request for issuing of a new residence permit not later than 30 days before the expiry of the validity term of the residence permit. If the condition on the basis of which the residence permit was issued has disappeared, the alien must leave Latvia, unless they have other grounds for requesting a residence permit.

An alien who has received a residence permit is entitled to reside outside the territory of Latvia and return to Latvia once annually only in order to register the residence permit. Similarly, an alien is entitled to notify a long term absence which permits their stay outside Latvia for a longer term while retaining the residence permit in Latvia.

If an alien who has a valid Blue Card⁸⁵ of the European Union that has been issued in Latvia and who wishes to change the employer or, who has a valid Blue Card of the European Union issued in another member state of the European Union has submitted documents for requesting a Blue Card of the European Union in the Republic of Latvia, the respective alien and members of their family are entitled to reside in the Republic of Latvia until the day when the decision on granting the Blue Card of the European Union or a residence permit or a decision on refusing to grant a Blue Card of the European Union or a residence permit is made.

4.1.4. Integration

Now the institution responsible for integration policy is the **Ministry of Culture**. The Ministry of Culture develops and implements the state policy in the area of integration of the society and facilitates the development of civic society and intercultural dialogue, coordinates

⁸⁵ Council Directive No.2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment. – Official Journal, L 155, 18.06.2009.

development of the support system in order to facilitate successful integration of the immigrants into the society, implements monitoring of the European Fund for the Integration of third-country nationals.

It should be highlighted that in last few years integration issues were under competence of different state institutions – until 2009 responsible institution was the Secretariat of the Special Assignments Minister for Social Integration, later integration function was transferred into the competence of the Ministry of Children and Family Affairs, which on the same time was renamed to the Ministry of Children, Family and Society Integration Affairs. With the restructure of the Ministry of Children, Family and Society Integration Affairs in May 2009, the integration function was handed over to the competence of Ministry of Justice.

Such variability of responsible institutions is one of the purposes why until now the new political document on integration issues has not been taken.

It must be admitted that within the framework of implementing various programs before more attention was paid to the integration of Latvian non-citizens without paying sufficient attention to the issues of integration of third-country nationals.

On 11 October 2011, the Cabinet of Ministers approved “The Guidelines for the National Identity and Society Integration Policy for 2012 - 2018”⁸⁶. The public consultation of the project slightly delayed the approval of the guidelines at the Cabinet of Ministers. The Minister for Culture Ms. Sarmīte Ēlerte, who managed the development of the integration guidelines, admits that preparation of the guidelines took more time than planned earlier, as almost 400 proposals for amendments were received – both from the ministries and non-governmental institutions.⁸⁷

Main goal of the guidelines is a strong, united Latvian nation – national and democratic community, which provides preservation and enrichment on its unifying basis – Latvian language, cultural and national identity, European democratic values, the unique cultural space – of Latvia’s as national and democratic state sustainable development.

Further action on integration of society is planned in three directions:

- course of action “**Civil society and integration**” prescribes development of civic education through the formal and informal education methods, strengthening of traditional and non-traditional forms of civic participation, promotion of inclusion into society of socially excluded groups and prevention of discrimination, strengthening

⁸⁶ Cabinet of Ministers Order No. 542 of 20 October 2011 “The Guidelines for the National Identity and Society Integration Policy for 2012 – 2018”. – The Latvian Herald, No.167, 21.10.2011. – [in force since 20.10.2011.]

⁸⁷ Zvirbulis Ģ. Integrācijas pamatnostādnes – pēdējā brīdī (Integration guidelines – at the last moment). – www.la.lv (Latvijas Avīze (Latvian Newspaper)), 05.10.2011.

qualitative and democratic information space and increase the role of the media in the integration process;

- in course of action “**National identity: language and cultural space**” is planned to ensure the use of Latvian language into Latvian public space, to strengthen Latvian language skills of Latvians living abroad, minorities, non-citizens and new immigrants, to strengthen Latvian cultural space as a unifying community basis, to strengthen Latvian identity and belonging to Latvia of Latvians living abroad;
- course of action “Unified social memory” prescribes strengthening appropriate understanding of the World War II as well as Soviet and Nazi occupation based on true evidence and democratic values, promotion of exploration, research and understanding of local and European history.

Acquisition of language is a significant integration instrument, which facilitates inclusion into local society and labour market.

In Latvia the state aid for integration into the society is provided for refugees, i.e. the state compensates the costs required for acquisition of the language. An interactive course of the Latvian language acquisition is accessible to the asylum seekers during the asylum procedure and refugees. It has been developed using funds from the European Refugee Fund.

Acquisition of the Latvian language is provided to the children of immigrants within the Latvian education program. State support for acquisition of the Latvian language is not earmarked for other groups of immigrants, which is why within the General program “Solidarity and Management of Migration Flows” the activities of the European Fund for Integration of third-country nationals are the most efficient tools in providing integration measures of the immigrants, for example, the possibility of acquiring the Latvian language is provided to aliens studying at Latvian higher educational establishments within the framework of the project of the European Fund for Integration of third-country nationals.

Latvian citizenship is still one of the most significant indicators of integration, and the high number of non-citizens among the people residing permanently in Latvia prevents evaluation of the integration of the society.⁸⁸

⁸⁸ Ed. Muižnieks N. *Cik integrēta ir Latvijas sabiedrība? Sasniegumu, neveiksmju un izaicinājumu audits (How Integrated is the Society of Latvia? Audit of Achievements, Failures and Challenges)*. - Rīga: LU Akadēmiskais apgāds (Academic Printing House of the University of Latvia), 2010, 121 p.

4.1.5. Citizenship

The legal basis for acquiring, losing and restoring citizenship of the Republic of Latvia has been specified in the **Citizenship Law**⁸⁹ and the Cabinet of Ministers Regulations subordinated thereto. According to the provisions of the legal acts, citizenship of the Republic of Latvia can be acquired by registering the status of a Latvian citizen, by admission to citizenship for special meritorious service for the benefit of Latvia pursuant to the decision of the Saeima and by admission to citizenship using the procedure of naturalization.

An alien may be admitted to the **citizenship of Latvia** according to **naturalization procedure** only. One of the principal conditions for acquisition of Latvian citizenship is: **Latvia** had been the **permanent place of residence** of an alien at the moment of submitting the naturalization application for not less than **five years**. The five-year term is counted from the moment of the receipt of the permanent residence permit. Children below the age of 15 whose permanent place of residence is Latvia, can be naturalized together with their parents.

In order to be admitted to citizenship according to the procedure of naturalization, an examination of Latvian language knowledge, the test on knowledge of the basic provisions of the Constitution of the Republic of Latvia, the knowledge of the text of the Latvian anthem and the knowledge of the history of Latvia must be passed and former citizenship must be renounced.

The examination of the knowledge of the Latvian language is performed in two parts. During the first part the listening, reading and writing skills of the applicant are checked. The applicant receives the examination material and performs the tasks in written form within 90 minutes. During the second part, the capacity of the applicant to talk on topics of a social character is checked within a time period of 15 minutes.

If the applicant fails the examination, the examination may be taken for the second and third time not earlier than three months after the previous examination, while the second and third attempt to pass the knowledge test may be made not earlier than one month after the previous test within the procedure of examination of one application for acquisition of citizenship.⁹⁰

The examinations must not be passed by persons who submit a certificate of the knowledge of the state language that has been issued after 1 September 2009 and certifies that the applicant has acquired level B or C during the state language examination taken in order to

⁸⁹ Citizenship Law. - The Latvian Herald, No. 93, 11.08.1994. – [in force since 25.08.1994.]

⁹⁰ According to Section 7 of the Cabinet of Ministers Regulation No. 522 “Regulation Regarding Examinations of the Proficiency of the Latvian Language, Tests of Knowledge of the Basic Provisions of the Constitution of the Republic of Latvia, the Text of the National Anthem and Latvian History as Provided for by the Citizenship Law” of 5 July 2011. – The Latvian Herald, No. 105, 08.07.2011. – [in force since 09.07.2011.]

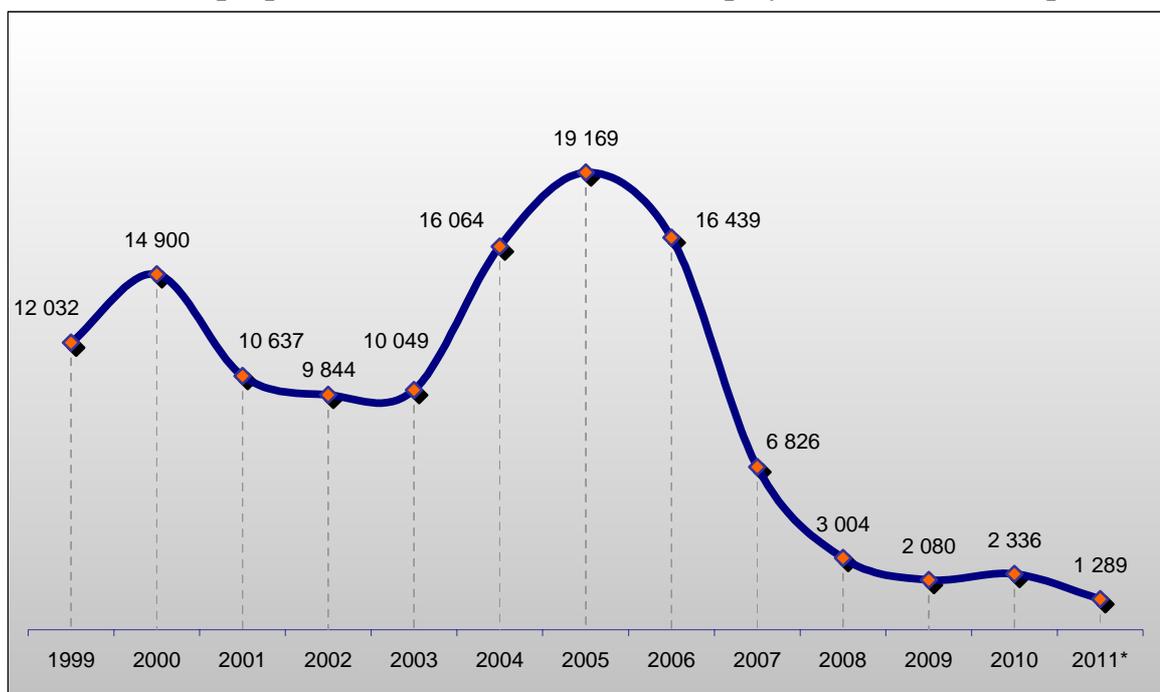
perform professional duties or duties of the position assumed, in order to receive a permanent residence permit and in order to acquire the status of the permanent resident of the European Union, a document that confirms passing a centralized exam in the Latvian language according to A, B, C, or D level, a document that confirms that the person has acquired primary, secondary or higher education at the education establishment with Latvian as the language of instruction must be submitted.

All applicants who have reached the age of 65 shall pass only the spoken part of the Latvian language proficiency exam.

The applications on acquisition of Latvian citizenship by naturalization procedure have been accepted since 1 February 1995. The statistics summarized by the Office of Citizenship and Migration Affairs until June 2011 indicate that since commencement of the naturalization process 136,495 people have been admitted to Latvian citizenship. The highest number of the people admitted to the citizenship occurred within the time period from 1999 to 2006. This can be explained by the accession of Latvia to the European Union. Non-citizens of Latvia wanted to get naturalized in order to use the possibility of travel and work in the member states of the European Union. Currently the majority (98%) of all people admitted to the citizenship of Latvia by naturalization procedure have been **non-citizens of Latvia** (see Diagram 4-2).

Diagram 4 -2

Number of people admitted to Latvian citizenship by the naturalization procedure⁹¹



⁹¹ Source of the data: Office of Citizenship and Migration Affairs.

4.1.6. Access to the labour market

The Office of Citizenship and Migration Affairs, the State Employment Agency and Latvian diplomatic and consular representations abroad are involved in the employment process of the third-country nationals.

The State Labour Inspectorate and the State Border Guard are responsible for the control of employed third-country nationals.

The legal employment relations in Latvia are regulated by the Labour Law⁹² and the international legal norms that are binding to Latvia.

An alien who wishes to establish legal employment relations by concluding a labour agreement or to be employed based on another civil rights agreement (including member of the management of the commercial company or an executive body), or to be a self employed person, requires a **work permit**.

The work permit is not required if the alien has received a permanent residence permit; if an alien has received a temporary residence permit related to pupil or student exchange, practice or apprenticeship and does not receive remuneration for the job performed; arrives as a performer, author, administrative or technical employee involved in provision of the shows (concerts) on a visiting tour and if their stay does not exceed 14 days; arrives in connection with performance of scientific research or participation in implementation of educational programs and the planned duration of their stay in the Republic of Latvia does not exceed 14 days; has received a residence permit of a permanent resident of the European Union in the Republic of Latvia; performs scientific activity according to the agreement of scientific cooperation that has been concluded with the scientific institution included on the register of scientific institutions; is a crew member of a ship registered in the Latvian Ship Register that performs international sea routes; works legally in any other member state of the European Union, a state of the European Economic Zone or Swiss Confederation and an employer appoints them for provision of services in Latvia.

An **employer** who plans employing a third-country national based on the employment agreement registers the vacancy at the branch of the **State Employment Agency**, identifying the profession, the education and work experience of the desired applicant. If the third-country national is employed based on the contractor agreement, the vacancy is not registered.

The State Employment Agency informs the residents of Latvia and the Member States of the European Union who are registered as unemployed.

⁹² Published: The Latvian Herald, No.105, 06.07.2001. – [in force since 01.06.2002.]

The employer submits the documents⁹³ at the Office of Citizenship and Migration Affairs and confirms the invitation for the requesting of a visa or a written request for requesting of a residence permit and submits the documents that confirm the qualification of the potential guest worker.

In order to request a visa or a residence permit, the alien submits the documents at the Latvian diplomatic or consular representation abroad or at the Office of Citizenship and Migration Affairs⁹⁴.

The **Office of Citizenship and Migration Affairs** checks whether the workplace or a specialist vacancy registered at the branch of the State Employment Agency has been free for at least a month after registration thereof and before the moment when the employer submitted the documents for **confirmation** of a **written request** or **invitation**.

The Office of Citizenship and Migration Affairs takes the decision on issuing of a residence permit after examination of **all submitted** documents. The decision is taken within **30 days**. The decision is issued to the person if the documents have been submitted in Latvia. Meanwhile, if the documents were submitted at Latvian diplomatic or consular representation abroad, the decision is sent to the representation.

Pursuant to the receipt of a positive decision, the Latvian diplomatic or consular representation abroad shall issue a single entry **long-term visa** to the alien with the validity term of 15 days, during which the alien must arrive in Latvia in order to **personally** receive the work and residence permit at the Office of Citizenship and Migration Affairs.

If it is indicated in the visa that has been issued to the alien that it is valid together with the work permit only, the alien must, upon their first entry to Latvia, apply to the Office of Citizenship and Migration Affairs in order to request the work permit within three business days.

The official of the Office of Citizenship and Migration Affairs may take a decision to issue a work permit according to the validity term of the visa for a period of time that does not exceed 90 days during a period of six months, if such decision corresponds to the international liabilities or state interests or is connected with *force majeure* or humanitarian considerations.

The regulation on work permits⁹⁵ indicates the professions whose representatives are issued work permits without registering a free vacancy at the branch of the State Employment

⁹³ The amount of the submitted documents is determined in Section 16 of the Cabinet of Ministers Regulations No. 564 "Regulation Regarding Residence Permits" of 21 June 2010 and in Section 9 of the Cabinet of Ministers Regulations No. 552 "Procedures for Approval of Invitations and Drawing up of Written Requests" of 21 June 2010 (published: The Latvian Herald, No.100, 28.06.2010. – [in force since 01.07.2010.]).

⁹⁴ The group of persons who are permitted to submit the documents at the Office of Citizenship and Migration Affairs is determined in Section 3 and 4 of the Cabinet of Ministers Regulations No. 564 "Regulations Regarding Residence Permits" of 21 June 2010.

Agency according to the validity term of the visa and according to the validity term of the temporary residence permit.

The work permit is issued to an alien based on a visa, a residence permit or a personal identity document of an asylum seeker.

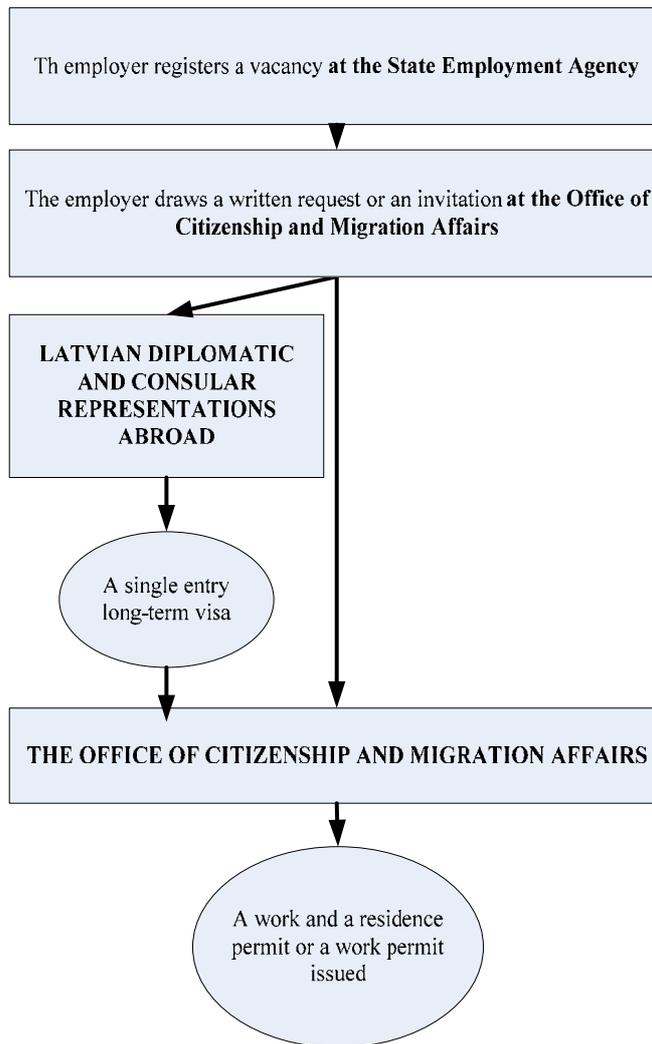
As a permanent residence permit is issued to refugees, issue of the work permit is not required.⁹⁶

A person who has been granted an alternative status or a family member of a person who has received a temporary residence permit and wishes to work is entitled to work for any employer without the need to receive a work permit. If the asylum seeker has not received the decision of the Office of Citizenship and Migration Affairs on granting the status of the refugee or an alternative status or a refusal to grant such within one year after submission of the application for granting the status of the refugee or an alternative status and such failure was not due to the fault of the asylum seeker, they are entitled to work for any employer in the Republic of Latvia. The aforementioned procedure is applicable in general cases (see Figure 4-6).

⁹⁵ Cabinet of Ministers Regulations No.553 “Regulations Regarding Work Permits for Third-country Nationals” of 21 June 2010. – The Latvian Herald, No.100, 28.06.2010. – [in force since 01.07.2010.]

⁹⁶ According to Article 1, Part Two, Section 9 of the Immigration Law.

Entry with the purpose of employment



4.1.7. Return

The following institutions are involved in the return procedure: **the Office of Citizenship and Migration Affairs, the State Border Guard, the Consular Department of the Ministry of Foreign Affairs, diplomatic and consular representations of foreign countries in Latvia, national security institutions, the Ombudsman Office, the municipal Custody Court and the Court.**

The Immigration Law and the Cabinet of Ministers Regulations subordinate thereto determine the procedure according to which the Republic of Latvia expels an alien if the alien has breached the established procedure of entry or residence of aliens.

According to the Immigration Law, if an alien has breached the procedure for entry or residence of aliens in the Republic of Latvia provided for by the normative acts, **an official of**

the Office of Citizenship and Migration Affairs or the State Border Guard shall issue **the order to leave the country**, wherewith the duty of leaving a country is placed upon the alien. The term for the performance of the duty applied by the order to leave the country is determined in the amount of seven to thirty days. The official is entitled to extend the term by a term that does not exceed one year.

The Office of Citizenship and Migration Affairs in cooperation with the State Border Guard controls whether the alien has left the Republic of Latvia within the term stipulated in the order to leave the country after receiving it.

If the alien fails to leave the country voluntarily within the stipulated period of time, the Head of the Office of Citizenship and Migration Affairs or an official authorized by them or the Head of the State Border Guard or an official authorized by them shall take the decision on **forced return** of the alien. The Immigration Law also provides for other cases when a decision on forced return of the alien may be taken.

The alien may contest the decision on issuing the order to leave the country or a decision on forced return and the decisions on inclusion on the lists and prohibition of entry to the territory of the Schengen zone included in the aforementioned documents within seven days after the effective date of such decisions at a higher ranking institution according to the subordination procedure. The decision of the higher ranking institution may be appealed by the alien at the Administrative District Court within seven days as of the effective date of such decision. The decision of the Administrative District Court may be contested by submitting a cassation complaint at the Department of Administrative cases of the Senate of the Supreme Court.

The State Border Guard organizes and performs forced return of the alien.

The Ombudsman observes the process of forced return. The Ombudsman is entitled to involve unions or establishments whose aim of operation is connected with observation of the forced return into observation of this process.

Upon detecting a minor alien who travels without being accompanied by a parent or a legal representative and whose stay in the Republic of Latvia is illegal, the State Border Guard informs the **State Police** and **Custody Court** and, through the **Consular Department** of the Ministry of Foreign Affairs, contacts the diplomatic or consular representation of the respective state, the respective competent institutions or non-governmental organizations that monitor protection of the rights of children in the respective country and performs other measures that are necessary to ensure performance of the provisions of the order to leave the country or the decision on forced return and handing the minor alien who is not accompanied by a parent or a legal representative to a member of their family, a legal representative of the parents, a

representative who supervises the protection of the rights of the children in the respective country, or a representative of an institution that ensures placement of the child at the appropriate receiving institution.

If an alien who has been issued an order to leave the country or concerning whom a decision on forced return was taken does not have a valid travel document and such cannot be acquired using diplomatic or consular services, a travel document is issued to them.

If an order to leave the country has been issued to the alien or a decision of forced return has been taken in their respect, the alien is given an opportunity to return to the country of their residence using the voluntary return program⁹⁷.

4.2.Connection of the Migration and Asylum Policy to Other Policies

The migration and asylum policy has always been linked to other areas of politics. It is confirmed by the projects discussed and implemented at the level of the European Union (for instance, global approach to migration, the Directive of the Council Regarding Specific Procedure of Admission of Third Country-Nationals for the Purposes of Scientific Research⁹⁸, the Directive of the Council on the Provisions of Admission of Third-Country Nationals for the Purposes of Studies, Pupil Exchange, Unremunerated Training or Voluntary Service⁹⁹, etc.), and by the aforementioned institutional framework and process diagrams that graphically prove how many state institutions are responsible for a certain range of issues that is related to the area of migration and asylum.

The migration and asylum policy is most closely linked to employment and welfare. However, other areas like education policy, foreign policy and integration policy must be mentioned along with the aforementioned ones.

The **employment policy** - one of the most urgent topics at the time when the steep economic development of Latvia after joining of the European Union in 2004 positively affected the situation in the labour market: the employment rate grew, the level of unemployment declined and the number of economically active residents increased. However, steep growth of economic activity in some industries, emigration of the workforce and irregular regional development created an imbalance of the supply and demand of the workforce in individual industries, profession groups and regions. In order to balance the supply and demand of labour,

⁹⁷ According to Section 45 of the Immigration Law.

⁹⁸ Council Directive No.2005/71/EC of 12 October 2005 on a Specific Procedure for Admitting Third-Country Nationals for the Purposes of Scientific Research. - Official Journal, L 289, 03.11.2005.

⁹⁹ Council Directive 2004/114/EC of 13 December 2004 on the Conditions of Admission of Third-Country Nationals for the Purposes of Studies, Pupil Exchange, Unremunerated Training or Voluntary Service. - Official Journal, L 375, 23.12.2004.

attraction of highly qualified employees has become one of the priorities of the policy. In order to reach this target, implementation of the appropriate migration policy must be ensured, considering that labour migration policy must explicitly target the national interests of Latvia. Regarding entry of aliens with the purpose of employment, the migration policy of Latvia is open to an influx of highly qualified workforce, meanwhile in the area of unqualified workforce it is targeted at protection of the local labour market.

The **education policy** – attraction of foreign students is essential for development of Latvian higher educational establishments. Foreign students enrich the academic environment of the higher educational institutions and provide an economic contribution to the state. As the Ministry of Education and Science indicates, the most important benefit from the presence of foreign students in Latvia is the diversity of the study environment, as well as attraction of the best specialists to the solution of Latvian labour problems after they have graduated from the higher educational establishment. Foreign students are very important resource for international recognition of the higher educational establishments. Amendments to the legal acts of Latvia have been effected in recent years in order to mitigate the administrative procedures for the receipt of a residence permit in Latvia by foreign students who are eager to study.

The **integration policy** – changes in the migration policy are closely linked to the issues of integration of the society. Integration of immigrants has to date not been on the lists of the most important works of the government of Latvia. As the performed research proves, the opinion in society prevails that the state institutions are insufficiently examining the problems of the integration of immigrants, underscoring that the policy of immigrant integration lacks a systematic approach¹⁰⁰. Latvia has achieved a lot in the area of integration in recent years, mainly by using the funds of the European Fund for Integration of third-country nationals, which has the aim of supporting the attempts of the member states in assisting third-country nationals who have different economic, social, cultural, language, religious and ethnic origin to comply with the conditions of residence and to facilitate their integration in Latvia and the European Union. Amendments to the Education Law have been adopted in order to guarantee asylum seekers access to education and the rights of the children of third-country nationals of acquiring mandatory general education.

The **foreign policy** – the Ministry of Foreign Affairs is actively involved in development of the migration (visa) policy. The Ministry of Foreign Affairs provides the establishment and development of migration policy that complies with the foreign policy of

¹⁰⁰ Kaša R., Akule D. Imigrantu integrācija Latvijā: valodas apguve un pilsoniskā izglītība (Integration of immigrants in Latvia: Acquisition of Language and Civic Education). - Centre for Public Policy "Providus", accessed at the portal www.politika.lv on 20.09.2011.

the country. The outposts implementing the state migration policy abroad are the diplomatic and consular representations of the Republic of Latvia.

5. ANALYSIS OF THE MIGRATION AND ASYLUM SYSTEM

The migration and asylum policy in Latvia is under constant development process, as it follows the contemporary **trends** of migration and asylum in the European Union and the world, namely, different legal provisions regulating migration and asylum area of the European Union step by step are introduced in Latvian legal acts. Although various state institutions, also non-governmental bodies are involved in the migration and asylum issues, it did not cause any significant obstacles for the functioning of the system.

The system of Latvian immigration policy is liberal. The meaning of family reunification is expanded, including the parents of a Latvian citizen and a Latvian non-citizen who have reached the age of retirement and major children of a Latvian citizen.

Several amendments to the Immigration Law and related Cabinet of Ministers Regulations that stimulate immigration have been adopted, for example, it is easier for investors to receive residence permits, as the Immigration Law provides that an alien and their family are entitled to request a residence permit in Latvia if the alien has performed significant investment or purchased real estate in Latvia. The procedure for receipt of the work permits was relieved considerably the number of submitted documents has been reduced in case of repeated requesting of a residence permit.

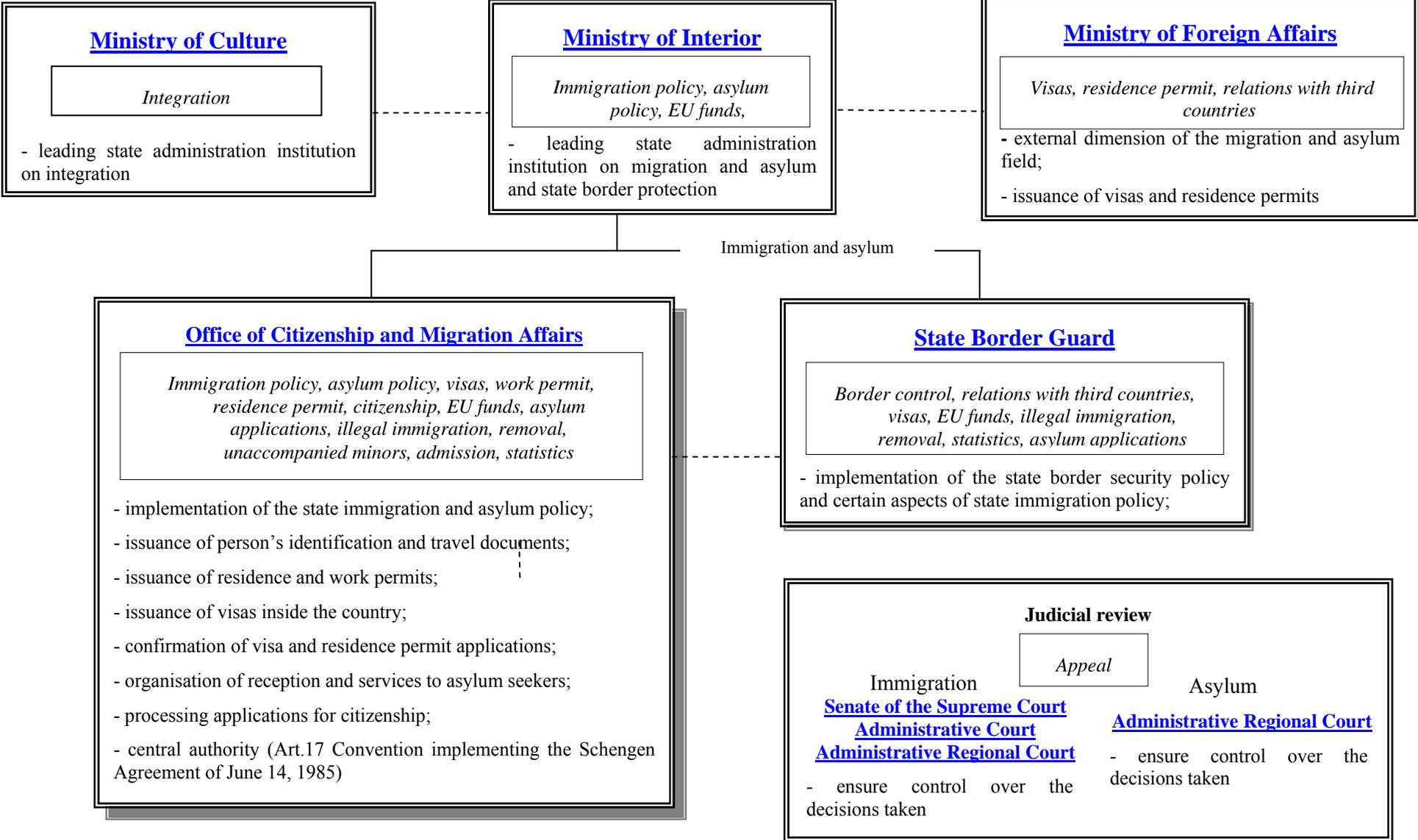
The immigration policy regarding immigration that is connected with employment is targeting the needs of the domestic labour market – mutual balancing of the supply and demand. The Latvian labour market is protected against an influx of unqualified labour, and is open to attraction of highly qualified labour. The admission of the workforce from third countries is regulated, although the maximum number of admitted guest workers is not limited – there is no quota system in existence in Latvia. According to the existing normative acts, employers are entitled to hire a guest worker of any qualification in any sector of the national economy. Free access to the labour market of Latvia is granted to any alien who has received a permanent residence permit and spouses of all citizens and non-citizens of Latvia who have received a permanent residence permit, as they can receive a work permit that would entitle them to work for any employer. Foreign students are entitled to part-time work for any employer – up to 20 hours weekly. The asylum system of Latvia complies with the provisions of the international rights and minimum requirements of the European Union legal acts in the area of asylum.

Since the reinstatement of the independence of Latvia the attitude of the public towards migration has been explicitly negative. As high level of unemployment is retained in Latvia as a result of the economic crisis, the question of facilitating the immigrants is not currently being

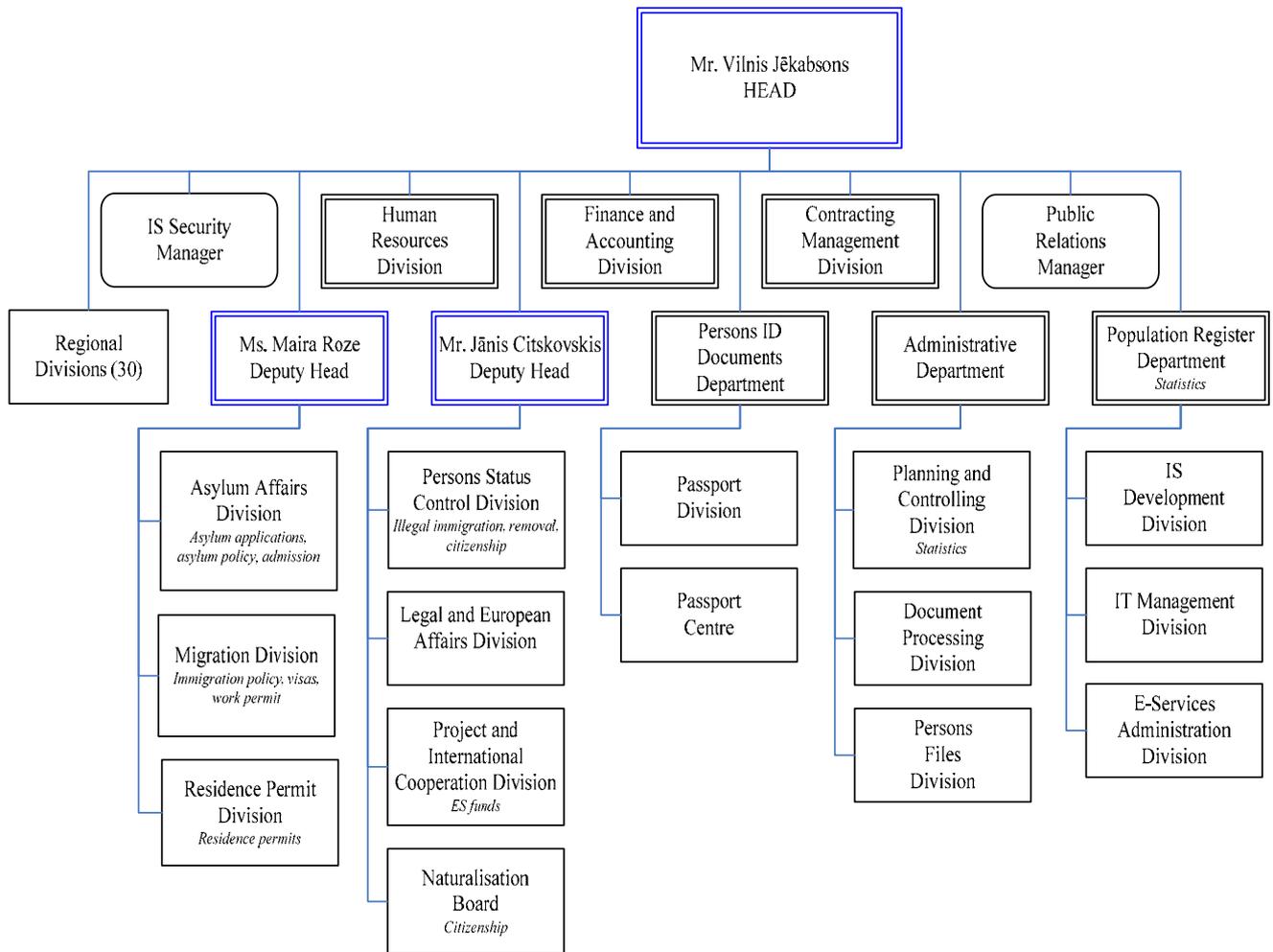
discussed at the political level. The forecasts of Latvian economic and demographic development bear evidence that in the nearest future the population of Latvia of economically active age will decline and ageing of the population will continue, which is why Latvia will need to attract labour in order to maintain the development of the economy. Currently an immigration policy document establishing the guidelines and criteria that Latvian immigration policy has to be based on is being developed in Latvia.

ANNEXES

Institutions involved in the migration and asylum area

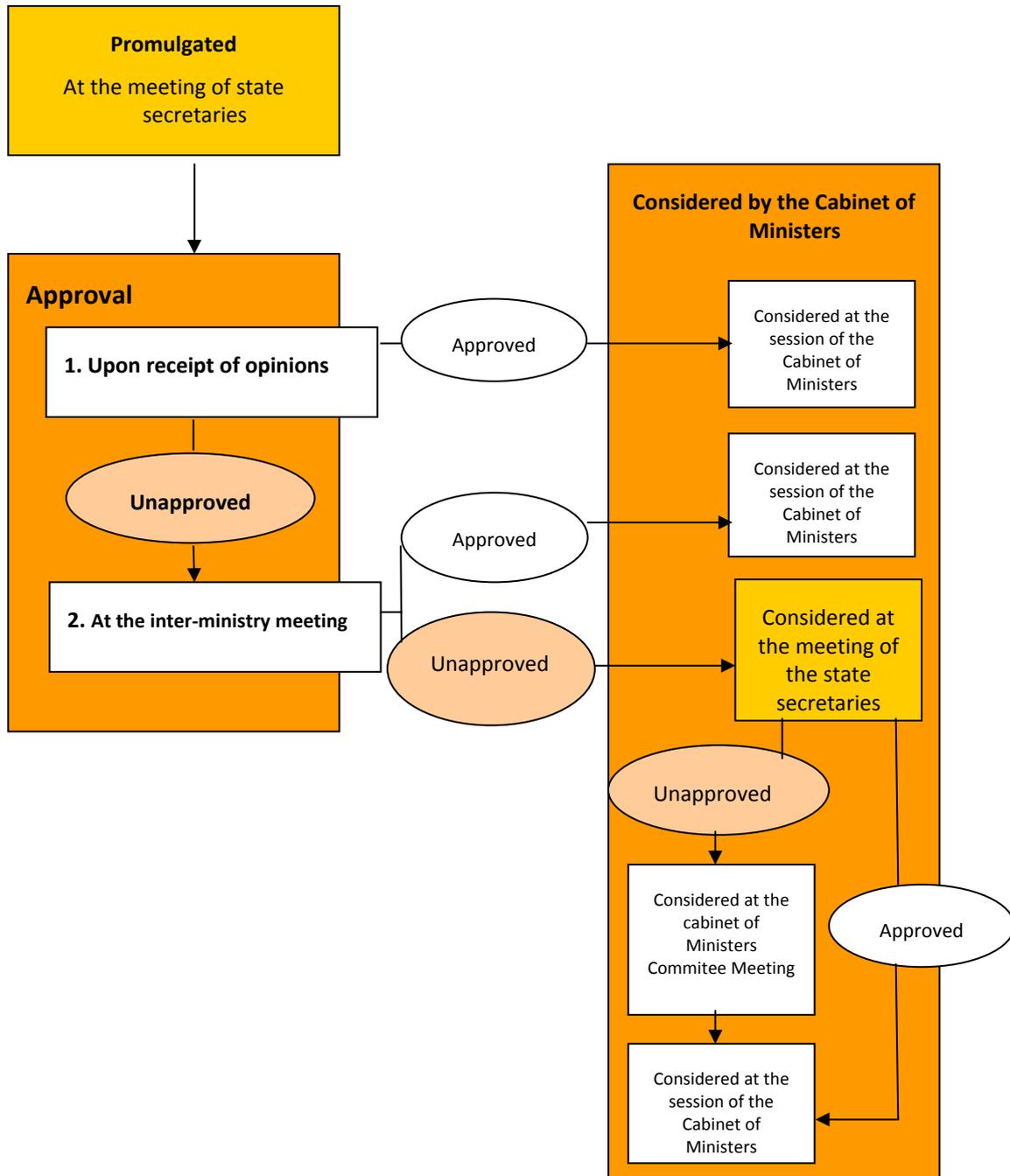


Structure of the Office of Citizenship and Migration Affairs

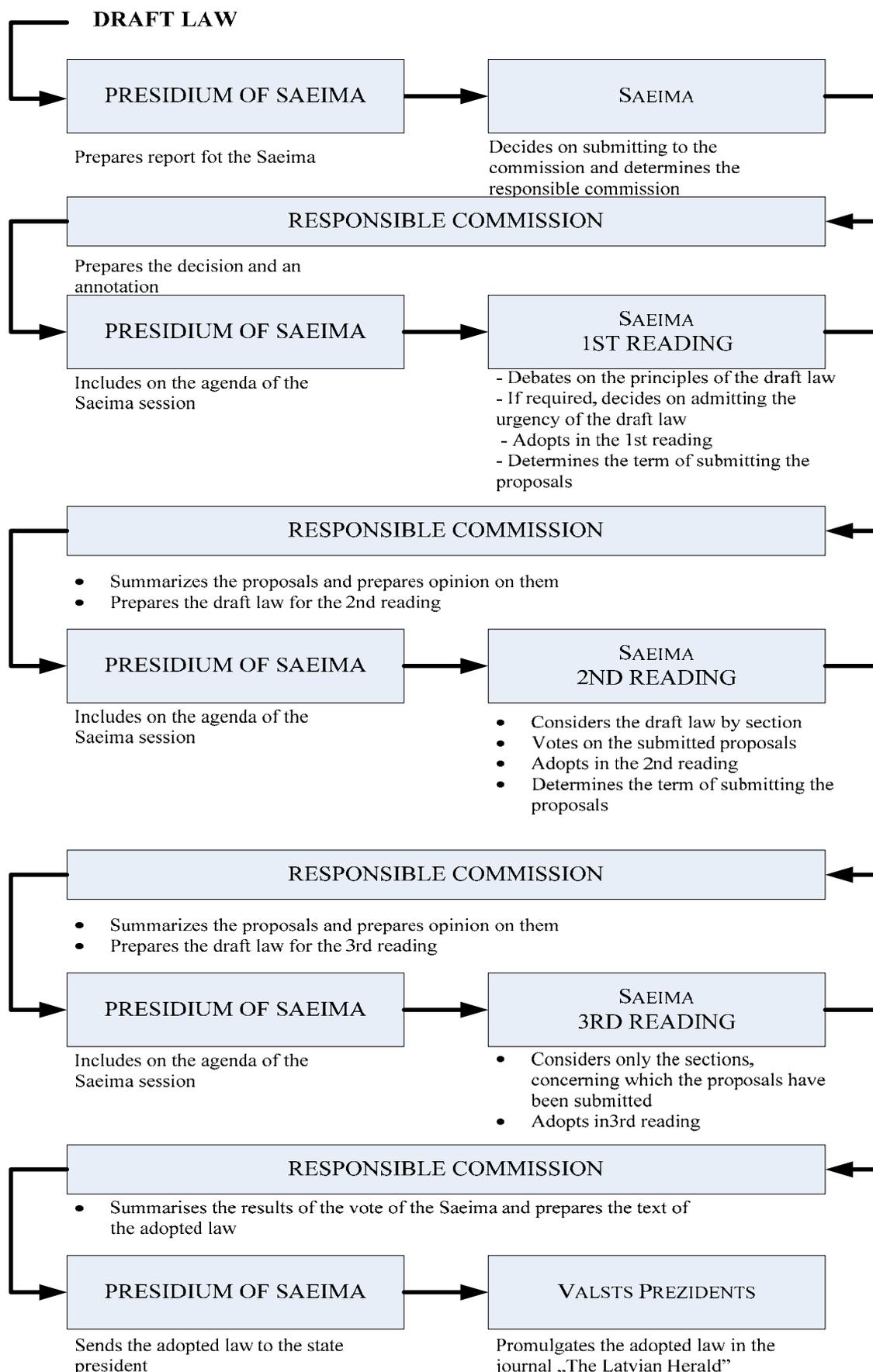


Procedure of adopting a legal act at the Cabinet of Ministers

The legal act project:



Procedure for adopting a draft law



List of the literature and sources used

Sources:

1. Asylum Law. – The Latvian Herald, No. 48, 27.03.2002. – [not in force since 14.07.2009.]
2. Asylum Law. - The Latvian Herald, No. 100, 30.06.2009. – [in force since 14.07.2009.]
3. Border Guard Law. – The Latvian Herald, No. 329/330, 16.12.1997. – [in force since 01.01.1998.]
4. Cabinet of Ministers Order No. 418 “On Immigration Police” of 14 September 1994. - The Latvian Herald, No. 111, 22.11.1994. – [not in force since 06.02.2002.]
5. Cabinet of Ministers Order No. 542 of 20 October 2011 “The Guidelines for the National Identity and Society Integration Policy for 2012 – 2018”. – The Latvian Herald, No.167, 21.10.2011. – [in force since 20.10.2011.]
6. Cabinet of Ministers Regulations No. 26 “By-law of the Appellation Council for Refugee Affairs” of 20 January 1998. - The Latvian Herald, No. 21, 27.01.1998. – [not in force since 01.09.2002.]
7. Cabinet of Ministers Regulations No. 215 “Procedures for Recognition of Travel Documents of Aliens” of 29 April 2003. - The Latvian Herald, No. 65, 30.04.2003. – [in force since 01.05.2003.]
8. Cabinet of Ministers Regulations No. 241 “By-law of the Ministry of Culture” of 29 April 2003. – The Latvian Herald, No. 70, 13.05.2003. – [in force since 14.05.2003.]
9. Cabinet of Ministers Regulations No. 425 “By-law of the State Employment Agency” of 29 July 2003. - The Latvian Herald, No. 111, 06.08.2003. – [in force since 01.10.2003.]
10. Cabinet of Ministers Regulations No. 49 “By-law of the Ministry of Welfare” of 27 January 2004. – The Latvian Herald, No. 16, 30.01. 2004. – [in force since 31.01.2004.]
11. Cabinet of Ministers Regulations No. 286 “By-law of the Ministry of Health” of 13 April 2004. – The Latvian Herald, No. 60, 16.04.2004. – [in force since 17.04.2004.]
12. Cabinet of Ministers Regulations No. 122 “By-law of the State Border Guard” of 15 February 2005. – The Latvian Herald, No. 28, 18.02.2005. – [in force since 19.02.2005.]
13. Cabinet of Ministers Regulation No. 709 “Regulation on the Government Protocol of the Republic of Latvia and Government of the Russian Federation on Establishment of the United Latvian – Russian Workgroup on the Issues of Combating Illegal Migration” of 13 September 2005. - The Latvian Herald, No. 147, 15.09.2005. – [in force since 16.09.2005.]

14. Cabinet of Ministers Regulations No.811 “By-law of the Office of Citizenship and Migration Affairs” of 3 October 2006. – The Latvian Herald, No.160, 06.10.2006. – [in force since 07.10.2006.]
15. Cabinet of Minister Regulations No. 591 “Regulation on Health Insurance of Aliens” of 28 July 2008. - The Latvian Herald, No.117, 31.07.2008. – [in force since 01.08.2008.]
16. Cabinet of Ministers Regulations No. 300 “Rules of Procedure of the Cabinet of Ministers” of 7 April 2009. - The Latvian Herald, No. 58, 16.04.2009. – [in force since 17.04.2009.]
17. Cabinet of Ministers Regulations No. 682 “By-law of National Centre for Education” of 30 June 2009. – The Latvian Herald, No. 103, 03.07.2009. – [in force since 04.07.2009., applicable from 01.07.2009.]
18. Cabinet of Ministers Regulation No. 733 “On the Extent of the State Language Knowledge and the Procedure for Testing the State Language Proficiency for Fulfilment of Professional and Occupational Duties, Receiving Permanent Residence Permit and Obtaining the Status the Permanent Resident of the European Union and on the State Fee For the State Language Proficiency Test” of 7 July 2009. - The Latvian Herald, No. 110, 14.07.2009. – [in force since 01.09.2009.]
19. Cabinet of Ministers Regulation No. 23 “Regulations Regarding Allowances for a Refugee and a Person who have been Granted Alternative Status” of 12 January 2010. - The Latvian Herald, No. 8, 15.01.2010. – [in force since 16.01.2010.]
20. Cabinet of Ministers Regulations No. 271 “By-law of the Ministry of Economics” of 23 March 2010. – The Latvian Herald, No. 49, 26.03.2010. – [in force since 27.03.2010.]
21. Cabinet of Ministers Regulations No. 550 “Regulations Regarding the Amount of Necessary Financial Means for a Foreigner and Procedures for the Determination of the Existence of Financial Means” of 21 June 2010. – The Latvian Herald, No. 100, 28.06.2010. – [in force since 01.07.2010.]
22. Cabinet of Ministers Regulations No. 552 “Procedures for Approval of Invitations and Drawing up of Written Requests” of 21 June 2010. - The Latvian Herald, No.100, 28.06.2010. – [in force since 01.07.2010.]
23. Cabinet of Ministers Regulations No.553 “Regulations Regarding Work Permits for Third-country Nationals” of 21 June 2010. – The Latvian Herald, No.100, 28.06.2010. – [in force since 01.07.2010.]
24. Cabinet of Ministers Regulations No. 564 “Regulation Regarding Residence Permits” of 21 June 2010. - The Latvian Herald, No. 101, 29.06.2010. – [in force since 01.07.2010.]

25. Cabinet of Ministers Regulations No. 676 “Visa Regulation” of 30 August 2011. - The Latvian Herald, No. 144, 13.09.2011. – [in force since 14.09.2011.]
26. Cabinet of Ministers Regulation No. 522 “Regulation Regarding Examinations of the Proficiency of the Latvian Language, Tests of Knowledge of the Basic Provisions of the Constitution of the Republic of Latvia, the Text of the National Anthem and Latvian History as Provided for by the Citizenship Law” of 5 July 2011. – The Latvian Herald, No. 105, 08.07.2011. – [in force since 09.07.2011.]
27. Citizenship Law. - The Latvian Herald, No. 93, 11.08.1994. – [in force since 25.08.1994.]
28. Confirmed results of the Elections of the 11th Saeima. Central Election Commission, see on 04.10.2011. - <http://web.cvk.lv/pub/public/30176.html>
29. Council Decision No.2008/381/EC of 14 May 2008 establishing a European Migration Network. – Official Journal, L 131, 21.05.2008.
30. Council Directive No. 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents. – Official Journal, L 016, 23.01.2004.
31. Council Directive 2004/114/EC of 13 December 2004 on the Conditions of Admission of Third-Country Nationals for the Purposes of Studies, Pupil Exchange, Unremunerated Training or Voluntary Service. - Official Journal, L 375, 23.12.2004.
32. Council Directive No.2005/71/EC of 12 October 2005 on a Specific Procedure for Admitting Third-Country Nationals for the Purposes of Scientific Research. - Official Journal, L 289, 03.11.2005.
33. Council Directive No.2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment. – Official Journal, L 155, 18.06.2009.
34. Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders. – Official Journal, L 239/19, 22.09.2000.
35. Decision of the Supreme Council of 27 March 1991 “On Establishment of the Migration Affairs Administration Department of the Council of Ministers of the Republic of Latvia”. – The Messenger, No. 21, 06.06.1991.
36. Decision of the Council of Ministers No. 266 of 8 October 1991 “On Temporary Termination of Immigrant Registration”. – The Messenger, No. 7, 25.10.1991.

37. Decision of the Council of Ministers No.14 of 14 January 1992 “On Liquidation of the Department of National Affairs, Department of Migration Affairs and Department of Religious Affairs of the Council of Ministers of the Republic of Latvia”. – [not in force since 10.06.1994.]
38. Immigration Law. – The Latvian Herald, No. 169, 20.11.2002. – [in force since 01.05.2003.]
39. Labour Law. - The Latvian Herald, No.105, 06.07.2001. – [in force since 01.06.2002.]
40. Law “Amendments to the Asylum Law”. - The Latvian Herald, No. 98, 26.06. 2006. – [not in force since 14.07.2009.]
41. Law “Amendments to the Education Law”. - The Latvian Herald, No. 47, 24.03.2010. – [in force since 26.03.2010.]
42. Law “Amendments to the Law “On Asylum Seekers and Refugees in the Republic of Latvia””. - The Latvian Herald, No. 170, 23.11.2001. – [not in force since 01.09.2002.]
43. Law “Amendments to the Administrative Violations Code” of 28 October 2010. – The Latvian Herald, No. 183, 17.11.2010. – [in force since 01.01.2011.]
44. Law “On Asylum Seekers and Refugees in the Republic of Latvia”. – The Latvian Herald, No. 171/174, 04.07.1997. – [not in force since 01.09.2002.]
45. Law “On State Social Insurance”. - The Latvian Herald, No.274/276, 21.10.1997. – [in force since 01.01.1998.]
46. Law “On State Social Allowances”. - The Latvian Herald, No. 168, 19.11.2002. – [in force since 01.01.2003.]
47. Law “On the Convention Relating to the Status of Refugees of 28 July 1951 and Protocol of the Convention Relating to the Status of Refugees of 31 January 1967”. - The Latvian Herald, No. 171, 04.07.1997. – [in force since 04.07.1997.]
48. Law “On the Entry and Residence of Foreign Citizens and Stateless Persons in the Republic of Latvia”. – The Messenger, No. 27/28, 09.07.1992. – [not in force since 01.05.2003.]
49. Law “On Status of those Former USSR Citizens who do not have the Citizenship of Latvia or that of any Other State”. – The Latvian Herald, No.63, 25.04.1995. – [in force since 09.05.1995.]
50. Law “On Status of Permanent Residents of the European Union in the Republic of Latvia”. - The Latvian Herald, No.107, 07.07.2006. – [in force since 21.07.2006.]
51. Law “On Structure of the Cabinet of Ministers”. – The Latvian Herald, No. 82, 28.05.2008. – [in force since 01.07.2008.]

52. Law “Latvijas Republikas Satversme” (the Constitution of the Republic of Latvia). - The Latvian Herald, No.43, 01.07.1993. – [in force since 07.11.1922.]
53. Law “Rules of Order of the Saeima”. - The Latvian Herald, No. 96, 18.08.1994. – [in force since 01.09.1994.]
54. Order of the Prime Minister No. 254 of 7 August 2002 “On Establishing of Visa Workgroup”. - The Latvian Herald, No. 114, 09.09.2002. – [in force since 07.08.2002.]
55. Order of the State President Valdis Zatlers No. 2 of 28 May 2011 “On Initiating the Dissolution of the Saeima”. - The Latvian Herald, No.83, 29.05.2011. – [in force since 28.05.2011.]
56. Regulation of the European Parliament and of the Council No. 810/2009 of 13 July 2009 establishing a Community Code on Visas. – Official Journal, L 234/1, 15.09.2009. – [applicable from 05.04.2010.]
57. Regulation No. 562/2006 of the European Parliament and Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code). – Official Journal, L 105/1, 13.04.2006.
58. Regulations of the Consular Department of the Ministry of Foreign Affairs. Accessed online on 10 August 2011. <http://tpi.mk.gov.lv/ui/DocumentContent.aspx?Type=doc&ID=572>
59. Social Services and Social Assistance Law. - The Latvian Herald, No. 68, 19.11.2002. – [in force since 01.01.2003.]
60. State Administration Structure Law. – The Latvian Herald, No. 94, 21.06.2002. – [in force since 01.01.2003.]
61. Results of the Referendum on Dissolution of the 10th Saeima of 23 July 2011. Central Election Commission, see on 04.10.2011. - <http://web.cvk.lv/pub/public/29957.html>

Literature:

1. Ed. Muižnieks N. Cik integrēta ir Latvijas sabiedrība? Sasniegumu, neveiksmju un izaicinājumu audits (How Integrated is the Society of Latvia? Audit of Achievements, Failures and Challenges). - Riga: LU Akadēmiskais apgāds (Academic Printing House of the University of Latvia), 2010, 121 p.
2. Kaša R., Akule D. Imigrantu integrācija Latvijā: valodas apguve un pilsoniskā izglītība (Integration of immigrants in Latvia: Acquisition of Language and Civic Education). - Centre for Public Policy “Providus”, accessed at the portal www.politika.lv on 20.09.2011.

3. So-called Declaration of the Latvian National Saeima on Accession of Latvia to the USSR. Source: Renewal of Soviet Rule in Latvia and Accession of the Latvian SSR to the USSR. Documents and materials. - Riga: Zinātne, 1987, 207 p.
4. Paegle D., Gromovs J. Rokasgrāmata darbam ar patvēruma meklētājiem (A Manual for Work with Asylum Seekers). - Riga: IOM, 71 p.
5. Zvirbulis Ģ. Integrācijas pamatnostādnes – pēdējā brīdī (Integration guidelines – at the last moment). – www.la.lv (Latvijas Avīze (Latvian Newspaper)), 05.10.2011.