



**THE OFFICE OF THE CITIZENSHIP
AND THE MIGRATION AFFAIRS**



**THE EUROPEAN MIGRATION
NETWORK**

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ASYLUM AND RETURN**

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A. Migration Issues

1) Analysis and interpretation of the migration statistics

a) Migration Flows.

How did migration flows in your country change in 2003 compared to the previous year 2002 and 2001? Please explain the reason for changes or the factors leading to continuity.

The collected data on the long-term migration of population in Latvia during 2003 show that in 2003 was observed the most insignificant impact of international migration on the changes in population number in the country - the excess of emigration over immigration resulted in a decrease of population by 846 persons. The tendency outlined already in previous years continuous – the excess of long-term emigration (for a permanent residence or for a period exceeding a year) over immigration. The migration volume is getting smaller.

In 2003, 1364 persons from other countries settled in Latvia while migrant departures to live permanently in other countries comprised 2210 persons (see the table 1.1.)

Table 1.1
Migration flows 2001-2004¹

	2001	2002	2003	2004
Number of long-term residents at the beginning of a year	2 364254	2 345768	2 331480	2 319203
Registered immigration	1443	1428	1364	1665
Registered emigration	6602	3262	2210	2744

Migration estimates show that in 2003 the share of Russian Federation comprised 26%, Lithuania –10.7%, USA – 7.7%, Ukraine – 6.7%, Germany – 5.8%, Estonia – 5.1%, Belarus – 4.8%, Israel – 4.3%, other countries – 28.9% in the international immigration flow of 1364 persons.

In the emigration flow the share of Russian Federation was 42.4%, Germany – 7.7%, Ukraine – 7.5%, USA – 6.2%, Belorussia – 4.2%, Lithuania – 3.6%, Israel 2.2%, Estonia – 2%, Sweden –2%, other countries – 22.2%.

Latvia has a comparatively small number of immigrants. During last years approximately 2.2 thousand third country nationals per year, respectively obtaining a

¹ Data supplied by Eurostat

residence permit, enter into Latvia for a time period exceeding three months. A share of those foreigners enter with a purpose not for a permanent residence in Latvia but for a short time with a purpose for a performance of a particular work, for example, circus artists, ship builders, teachers of the accredited educational institutions, consultants in the state or local government institutions.

b) Population by Nationality 2003. How did the total number of migrant groups with a certain nationality change in comparison to the year 2002? Please explain the reasons for changes/ continuity.

Table 1.2
Population of Latvia by Citizenship²

Population					Per cent distribution		
		2001	2002	2003	2001	2002	2003
Total		2364254	2345768	2331480	100	100	100
Citizens of Latvia		1782565	1788967	1796946	75.40	76.26	77.07
Other EU-Nationals		1038	1070	860	0.04	0.05	0.04
Total Non-EU Nationals		580651	555731	533674	24.56	23.69	22.89
	<i>Inter alia non-citizens of Latvia</i>	516639	498253	504572	21.85	21.24	21.64
<i>Most important 3rd country nat.</i>							
	Russia	21149	22333	21626	0.89	0.95	0.93
	Ukraine	1814	2046	1907	0.08	0.09	0.08
	Lithuania	1637	1737	1792	0.07	0.07	0.08
	Belarus	957	1131	1162	0.04	0.05	0.05
	Estonia	495	549	542	0.02	0.02	0.02
	USA	379	379	319	0.02	0.02	0.01
	Armenia	187	221	200	0.01	0.01	0.01
	Poland	151	164	168	0.01	0.01	0.01
	Israel	129	142	140	0.01	0.01	0.01

Also in 2003 the number of population in Latvia continued to decrease according to the information of the Central Statistical Bureau. However, it should be noted that the decrease falling rates of population in the last years have slightly slowed up - if in 2002 it decreased by 0.6%, than in 2003 - by 0.5%. Due to the natural movement (the number of deaths exceeding the number of newborns) the number of population fell by 6.5 thousand; the predominance of emigration over

² Data of the Central Statistical Bureau

immigration decreased it by 0.4 thousand persons. In 2003 the number of deaths exceeded the number of newborns also in all cities and districts of the republic.³

In 2003 the number of citizens of Russian Federation decreased by 707 persons compared with 2002. Partly it could be explained by the departures of Russians to live permanently in the Russian Federation according to the agreement concluded by the Government of the Republic of Latvia and Government of the Russian Federation on the protection of the migrants' rights. This agreement is applied to the persons who voluntary move from the Republic of Latvia to the Russian Federation. The data collected by the Office of Citizenship and Migration Affairs show that in 2003 were registered 698⁴ migrants.

c) What were the largest groups of third country nationals in 2003? Did the migration trends observed in this field reflect immigration policies at the time? If significant changes occurred in reference to the size of particular groups of third country nationals in 2003, what were the underlying causes of these changes (e.g. legal, political, and other)?

In comparison with 2002, also in 2003 the most significant part of immigrants still came from neighbouring countries, namely, Russian Federation, Ukraine, Belorussia, as well as from Lithuania and Estonia. Significant changes in the number of immigrants have not occurred.

The number of foreigners in Latvia is not large in comparison with the European countries, where the foreigners compose 4-5% of a total number of population. In Latvia the foreigners of a total number of population composes approximately 30 thousand or 1.3%⁵. Besides, of all those foreigners 60% where the persons who, living in Latvia, had acquired the citizenship of other countries, so in that way became a foreigner in their country of residence.

³ Number of population continues to decrease. Look at internet 16.02.2006.

http://www.csb.gov.lv/ateksts.cfm?tem_kods=dem&datums=%7Bts%20%272003%2D08%2D28%2013%3A00%3A00%27%7D

⁴ Data of the Office of Citizenship and Migration Affairs

⁵ Statistical Yearbook 2004 of Latvia, Riga: Central Statistical Bureau of the Republic of Latvia, 2004, p. 37

d) Residence Permits: annual total positive decisions 2003.

How did the total number of positive decisions for residence permits change? Please explain the reasons for this (legal, political, administrative changes, etc.).

Table 1.3

Residence permit: total positive decisions 2003⁶

		2002	2003
Total		6522*	8263*
Family formation/reunification		2235	4135
	Spouse	1835	3098
	Children < 18 years	400	224
	Other family members	...	813
Study		493	590
	Pupils	...	...
	students	...	...
Employment		1784	2223
	Self-employed persons	399	1173
	Employed persons	1385	1050
Other categories		2010	1315

... - Data not available or too certain for presentation

* - in the total number is not included the number of the permanent residence permits which are issued to the foreigners residing permanently in the Republic of Latvia (in 2002 – 4059, in 2003 – 3620).

The number of issued residence permits has increased in year 2003. In 2003 was planned to issue 10 500 temporary and permanent residence permits. Actually, 11 883 residence permits were issued, i.e., by 13.17 per cent more than had been planned.

This can be explained by the fact that the Immigration Law which came into force on 1 May 2003, has considerably expanded the range of subjects who according to the new Law are entitled to apply for a residence permit, more over, a new residence permit sticker is issued instead of extending the term of validity of residence permit by making a note in the existing residence permit sticker.

In 2003, 6115 temporary residence permits were issued, most of them – 1095 – to spouses of Latvian citizens. Spouses of Latvian non-citizens received 607 residence permits in 2003.

It shall be noted that most of the foreigners enter the Republic of Latvia for the purpose of family reunification (spouses and their minor children).

⁶ Data of the Office of Citizenship and Migration Affairs

In 2003 many foreigners entered the Republic of Latvia for employment, which can be explained by a simplified procedure in obtaining temporary residence permits and work permits.

Of all temporary residence permits issued in 2003, 1896 were first temporary residence permits, i.e., it was the first residence permit of foreigner in Latvia.

In 2003, 5768 permanent residence permits were issued. The major part of the foreigners having received permanent residence permits were the citizens of other countries who permanently reside in the Republic of Latvia and who had received 3620 permanent residence permits.

Many permanent residence permits are issued for the purpose of family reunification. 874 spouses of Latvian citizens, 430 spouses of Latvian non-citizens and 31 spouses of foreigners, as well as 80 minor children received them in 2003.

Evaluating the migratory trends, it is obvious, that the migration volume is relatively constant. The major groups of immigrants are foreigners, who receive the residence permits for the purpose of family reunification, followed by non-citizens, who have received the citizenship of other countries and residence permit in Latvia, and foreigners having received residence permit for the purpose for employment. It can be explained by the fact that the Immigration Law came into force, as well as by simplified procedure in obtaining temporary residence permits and work permits.

One of the risk factors which will influence in the future the migration processes in Latvia is the possibility that the number of the persons, who want to receive the residence permit in the Republic of Latvia with the purpose to obtain later the rights to move freely over the all territory of the European Union, will increase.

With the improvement of the economical well-being in the country and becoming the member state of the European Union, Latvia legislates for a potential increase of migration flow. It will be related with both the increase of legal migration – tourism, attraction of foreigner investors, establishment of representatives of international companies, employment, and tendencies of illegal migration processes in the world, for example, change of migration flows.

2) Contextual interpretations (legal, political and international factors)

- a) What have been the *main trends and most important developments* in the area of migration in your country since 2001 until 2003 (political stance; new or amended laws; procedural changes; composition of migrants)? Please give a short overview.

On 1 May 2003 the new Immigration Law came into force. The purpose of this Law is to determine the procedures for the entry, residence, transit, exit and apprehension of foreigners, as well as the procedures by which foreigners are detained in the Republic of Latvia and expelled from it in order to ensure the implementation of migration policy conforming with the norms of international law and the State interests of Latvia.

Before the new Immigration Law came into force the Law "On the entry and residence of the foreigners and state-less persons in the Republic of Latvia" has been in operation.

The following new provisions (requirements of the European Union Acquis communautaire) have been introduced into the Immigration law:

- ✓ the issue of a permanent residence permit to the persons who have continuously resided in the Republic of Latvia with a temporary residence permit for at least 10 years;
- ✓ the issue of a residence permit to the self-employed persons (the term not mentioned in the former law);
- ✓ residence permit not issued to the spouses of Latvian citizens and non-citizens in case of well – grounded suspicions of a fictitious marriage;
- ✓ the same applies to the fictitious adoption;
- ✓ the possibility of annulling a residence permit to foreigner who have provided employment and accommodation to illegal immigrants;
- ✓ impossibility for students straight on completing their studies to obtain a residence permit pertaining to work without leaving the territory of Latvia;
- ✓ persons staying in the Republic of Latvia territory with a private visa are not entitled to submit the documents for the receipt of residence permit concerning employment (the documents shall be submitted to the diplomatic and consular representation offices of the Republic of Latvia in foreign countries);
- ✓ the procedure for detention and expulsion of illegal immigrants in compliance with the requirements of acquis (providing the third country nationals with

travel documents in case of expulsion, conditions of expulsion, detention and time limits etc.);

- ✓ maximum time (20 months) for which person can be kept in custody (until expulsion) has been fixed;
- ✓ determined responsibility of carriers for transporting persons without valid travel documents;
- ✓ determined responsibility of inviting person in cases the invited foreigner has violated the visa regime (unless the expulsion expenses are covered; if the expenses are not covered, then they lose the right to invite other foreigners, except for first degree relatives);
- ✓ it has been declared that the citizens of the European Union enter into and reside in the Republic of Latvia in compliance with the legislation of the European Union;
- ✓ the institutions that issue, annul or revoke the visas – diplomatic and consular representation offices of the Republic of Latvia in foreign countries, the Office of Citizenship and Migration Affairs, the Consular Department of the Ministry of Foreign Affairs and State Border Guard – have been determined;
- ✓ it has been determined that in exceptional cases visas can be issued at the border control points specified by the Cabinet of Ministers (when the issue of visas complies with the norms of international obligations of the Republic of Latvia, the State interests of Latvia or is related to *force majeure* or humanitarian considerations);
- ✓ determined the main requirements for foreigners when applying for a visa (valid travel document, sufficient financial resources, an invitation in which the inviter assumes certain responsibility, documents substantiating the purpose of entry and residence);
- ✓ cases determined when a visa is not issued or an issued visa is annulled or revoked;
- ✓ a period of residence fixed in the visa specified – up to 90 days within half a year, counting from the first day of entry .

Additional provisions admissible in compliance with EU requirements of the European Union:

- ✓ on receiving a residence permit for the purpose of family reunification, proof must be given that the family will live together;

- ✓ foreigner, prior to the right to invite his/her spouse, must have had permanent residence permit for a certain period of time;
- ✓ a marriage must be monogamous;
- ✓ if a child arrives for the purpose of family reunification, he or she shall not be older than 18 providing that he or she is single and does not run a separate household;
- ✓ residence permit can be issued to family members (not exceeding six months) in case of some specific individual circumstances;
- ✓ differentiated reasons for cancellation of permanent residence permit and temporary residence permit.
- ✓ a residence permit may be issued to the family members (, if there are special circumstances;
- ✓ differentiated the reasons for cancellation of a permanent and temporary residence permit.

In order to implement the requirements introduced in the Immigration Law the Regulations of the Cabinet of Ministers subordinated to it were elaborated:

- 1) Cabinet of Ministers Regulations No.183 of 15 April 2003 "Procedure for Confirming Invitations". The Regulations prescribe the procedures by which the invitations for requesting a visa of the Republic of Latvia shall be approved, as well as the amount of information to be included in the electronic information system - in the Invitation Data Base, and procedures for the utilization of such information.
- 2) Cabinet of Ministers Regulations No.213 of 29 April 2003 "Regulations of Residence Permits". The Regulations prescribe the procedures for approval of invitations for obtaining the residence permit, the documents necessary for requesting a residence permit, the procedures for issuance, registration and cancellation of temporary residence permits and permanent residence permits, the range of foreigners who are entitled to submit the documents for requesting a residence permit in connection with employment or commercial activity to the Office of Citizenship and Migration Affairs, the restrictions on commercial activities for foreigners in compliance with the economic and internal security interests of the

Republic of Latvia, the procedures for reimbursement of remuneration (compensation) for departure for permanent residence to foreign states, the procedures by which a foreigner declares his or her absence outside the Republic of Latvia and the amount of information and procedures for the utilization of the information to be included in electronic information systems – databases of invitations and the register of aliens.

- 3) Cabinet of Ministers Regulation No.214 of 29 April 2003 “On State Fees for Examination of Documents necessary for an Application for a Visa or a Residence Permit and Services related thereto”. These Regulations prescribe the rates of State fees (in lats) for the examination of documents necessary for an application for a visa or a residence permit and the services related thereto, as well as the procedures for the payment of State fees and the persons who are exempted from the payment of State fees.
- 4) Cabinet of Ministers Regulations No.215 of 29 April 2003 “Procedure for Recognition of Foreigners’ Travel Documents”. These Regulations prescribe the procedures by which the travel documents of foreigners shall be recognised.
- 5) Cabinet of Ministers Regulations No.217 of 29 April 2003 “Visa Regulations”. These Regulations prescribe the procedures, by which a visa shall be issued, registered, cancelled and revoked, as well as the terms of validity of visas and the amount of information to be included in the visa information system, and the procedures for the utilisation thereof.
- 6) Cabinet of Ministers Regulation No.504 of 9 September 2003 „Procedures by which Expenses Related to the Expulsion, Apprehension and Detention of a Foreigner shall be Determined and Recovered”. These Regulations prescribe the procedure by which expenses related to the expulsion, apprehension and detention of a foreigner should be determined and recovered.
- 7) Cabinet of Ministers Regulations No.691 of 9 December 2003 “Regulations on the Health Insurance of Foreigners”. These Regulations determinates the cases when a foreigner is entitled to enter and reside in the Republic of Latvia not requiring to posses the health insurance policy, as well as prescribes the procedure for the receipt the health insurance and the health care of the foreigners in the Republic of Latvia.

- 8) Cabinet of Ministers Regulations No.692 of 9 December 2003 “Amount of Information to be included in the State Border Guard’s Border-crossing Electronic Information System and procedures for the Utilisation of Such Information”. These Regulations prescribe the amount of information to be included in the State Border Guard’s Border-crossing Electronic Information System and procedures for the utilisation of such information.
- 9) Cabinet of Ministers Regulation No 707 of 16 April 2003 “Procedures by which Foreigners Minors Enter and Reside in the Republic of Latvia Unaccompanied by Parents or Guardians”. These Regulations prescribe the procedures for the entry and residence of those foreigner minors who enter into and reside in the Republic of Latvia unaccompanied by their parents or guardians.

In 2003 the Unified Visa Information System was improved:

- ✓ On 1 February 2003 was created the Invitation Data Base. The creation of the Invitation Data Base simplifies and accelerates the procedure of conforming invitations for the receipt of a visa of the Republic of Latvia. An invitation can be processed within two working days and within ten working days if additional verification is required. Both individuals and legal entities can have the invitation processed at any regional division of the Office of Citizenship and Migration Affairs, regardless of the reiterated place of residence or the reiterated address of the legal entity, and the foreigner can receive a visa at any diplomatic or consular representation office of the Republic of Latvia in foreign countries. Electronic circulation of data is ensured between the Office of Citizenship and Migration Affairs and representation offices. Moreover, after the establishment of the new procedure of conforming invitations a greater number of invited foreigners can be indicated in one invitation in case the purpose of entry is the same.
- ✓ Created the Data Base of Entry Prohibition.
- ✓ The implementation of the project on supplementing the Unified Visa Information System and the Invitation Data Base has been completed: as a result the procedure of visa issuance procedure to officials has been facilitated and the data exchange between Visa Information System and the Invitation Data Base has been improved

- ✓ Created and introduced the Invitation Data Base for approval of invitations for obtaining the residence permit.

Since 1 May 2003 a confirmed invitation has become necessary instead of tourism and health resort voucher forms. The changes have been introduced in order to improve national security and ensure the entry of all the invited foreigners into the Invitation Data Base.

The foreigners who require visas for entry into Latvia shall receive them at the diplomatic or consular representation offices of the Republic of Latvia in foreign countries. The Office of Citizenship and Migration Affairs issues visas only due to *force majeure*, for humane considerations or if it complies with the national interests or international obligations of Latvia.

Additionally the attention shall be paid to the fact, that in 2003 the migration and asylum policy was not an object of political discussion.

b) What were the existing categories of admission or non-admission in 2003?

In accordance to the Immigration Law in the Republic of Latvia to foreigner may be issued a temporary residence permit and a permanent residence permit. In Latvia for issuance of the residence permits are possible the reasons as follows:

- ✓ Private visit;
- ✓ The spouse of a Latvian citizen;
- ✓ The spouse of a Latvian non-citizen;
- ✓ The minor children of a spouse of a Latvian citizen;
- ✓ The minor children of a spouse of a Latvian non-citizen;
- ✓ Students or pupils exchange;
- ✓ Studies and scientific work, cooperation;
- ✓ Employment contract;
- ✓ Entrepreneurship;
- ✓ Representatives of accredited companies;
- ✓ Experts, consultants;
- ✓ Directors of companies;
- ✓ Directors and chiefs of departments and structural units;
- ✓ Missionaries;
- ✓ Medical treatment;
- ✓ Official, business visit;

- ✓ The spouse of a foreigner or stateless person;
- ✓ The minor children of a foreigner or stateless person;
- ✓ The parents of a Latvian citizen and their spouses;
- ✓ The parents of a Latvian non-citizen and their spouses;
- ✓ A foreigner who was a citizen of Latvia on 17 June 1940;
- ✓ A foreigner whose one of his or her parents is a Latvian citizen;
- ✓ Decree issued by the Minister of Interior;
- ✓ Judgment of court;
- ✓ Latvian origin;
- ✓ A foreigner who has a minor child – Latvian citizen;
- ✓ Relatives of repatriates (spouses, parents, children from previous marriages);
- ✓ A foreigner whose one of his or her parents is Latvian citizen, Latvian non-citizen, foreigner;
- ✓ In Latvia permanently living citizens of other countries (also children);
- ✓ Significant investments in the equity capital (600 000 lats).

In comparison with 2002, the new Immigration Law was supplemented with the rules, which considerably expanded the range of subjects who according to the new Law are entitled to apply for a residence permit. Namely, the right to request a permanent residence permit shall be granted to a foreigner who in the Republic of Latvia has received a general secondary education certificate and completed a full programme of the general secondary education thereto by studying in the official language to a foreigner who was a citizen of Latvia on 17 June 1940 or one of his or her parents is a Latvian citizen, and who takes up permanent residence in Latvia, as well as to an foreigner who has continuously resided in the Republic of Latvia with a temporary residence permit for at least 10 years, and to his or her spouse if he or she has continuously resided in the Republic of Latvia with a temporary residence permit for at least the last five years.

- c) Could you identify European/international factors explaining certain changes/continuity regarding migration in your country in 2003?

In the new Immigration Law were elaborated the requirements corresponding to the legislation of the European Union at that point in time being in force. As mentioned before, the new Law expanded considerably the range of subjects who according to the new Law are entitled to apply for a residence permit.

B. Asylum Issues

1) Analysis and interpretation of the asylum statistics

- a) Please describe trends in *first-time asylum applications since 2001 until the end of the year 2003*. Are these trends related to legislative or administrative developments/ changes?

Table 2.1
Total number of first asylum applications during the period 1998-2003⁷

	1998	1999	2000	2001	2002	2003
Number of first application	58	22	5	14	24	5

In comparison with 2002, also in 2003 was observed a trend that the persons applying for an asylum in the Republic of Latvia arrived from the Commonwealth of Independent States. Namely, in 2003 three persons arrived from Georgia and two from Russia applied for an asylum in Latvia.

A small number of asylum seekers is related to the social, economic situation of Latvia, relatively small benefices, geographical location and no being of the nationals diasporas. The arrival of the asylum seekers to Latvia could be recognized rather a transitional stage by chance on the way to another country. It is unlikely that the number of asylum seekers may increase in the near future. However, in the longer future the number of asylum seekers may increase.

- b) What is the total number of *first and final positive decisions in 2003*? How did it change compared to the previous year 2002.

Table 2.2
Total number of decision, 2003⁸

	Total	First instance	First appeal
Total	18	12	6
Positive decision	6	-	6
Negative decision	10	10	-
Other non-status decision	2	2	-

In 2003 6 positive decisions were taken. In comparison with 2002, no significant changes were observed.

⁷ Data of the Office of Citizenship and Migration Affairs

⁸ Data of the Office of Citizenship and Migration Affairs

- c) How did the number of (*final*) *positive decisions* change in 2003? Please explain changes in the total number of positive decisions in comparison to previous years (2002 and when possible 2001).

In 2003 the Refugee Affairs Department of the Office of the Citizenship and Migration Affairs has made twelve decisions totally, from which 83% were rejected, compared to 87% of the rejected decisions in 2002 and 92% in 2001.

Six positive decisions were taken by Appeal Council for Refugee Affairs and there were granted alternative status to the nationals of the Russian Federation.

- d) When compared with the previous years (2002, 2001), can you observe changes in the statuses regularly granted to particular citizenship groups in 2003? How do you explain these changes or continuity?

As the number of the asylum seekers in Latvia is small, it is not possible to carry out statistics analyses on the changes in status granting for concrete groups of nationals.

2) Contextual interpretations (legal, political and international factors)

a) New or amended laws effective in 2003

Please describe shortly new or amended laws on asylum and relevant case law effective in 2003.

During 2003 the Asylum system of the Republic of Latvia has not met legislative and administrative changes.

b) Procedural changes effective in 2003

Please explain shortly administrative or legal changes in the application, decision, or appeals process in contribution to numerical changes.

During 2003 the Asylum system of the Republic of Latvia has not met any changes (new Asylum Law, which was align to the European Human Right Convention, European Council Recommendations, Guidelines) was adopted and taken into force in 2002.

c) Can you identify European / international factors explaining certain changes regarding asylum trends in 2003 in your country?

During 2003 no significant changes were observed in the field of asylum which could be explained by the international reasons and factors or with measures related to the processes of the pre-accession to the European Union.

C. Illegal Entry

1) Analysis and interpretation of statistics

- a) Please describe developments/trends pertaining to the number of *refused aliens* in 2003 in comparison to 2002. Have there been changes in the main countries of citizenship of refused aliens since 2001? If possible, give reasons for this changes/continuity.

In 2003 the State Border Guard at the border control points refused to enter the Republic of Latvia to 2856 persons (see table 3.1.).

Table 3.1
Total number of refused aliens during the period 2000-2003⁹

	2000	2001	2002	2003
Number of refused aliens	938	707	1084	2856

In 2003, of all refusal to enter the Republic of Latvia comprised 39% Estonian citizens, 26% Lithuanian citizens, 14% citizens of Russian Federation, 4% Belarusian citizens, 3% Ukrainian citizens (see table 3.2.).

Table 3.2
Refused aliens by main country of citizenship, 2003¹⁰

	Total	%
Total	2856	
Estonia	1120	39.22
Lithuania	739	25.88
Russian Federation	411	14.39
Belarus	104	3.64
Ukraine	89	3.12
Poland	73	2.56
Rumania	36	1.26
Iceland	31	1.09
Germany	24	0.84
Kazakhstan	24	0.84
Other	205	7.18

⁹ Data of State Border Guard

¹⁰ Data of State Border Guard

Comparing to 2002, the number of refusal to enter the Republic of Latvia has increased (in 2002 – 1084 persons). It could be explained by the fact that into force came the new Immigration Law which prescribes the procedures for the entry, residence, transit, exit and detention of foreigners, as well as the procedures by which foreigners are held under guard in the Republic of Latvia and expelled from it in order to ensure the implementation of migration policy conforming with the norms of international law and the State interests of Latvia.

Besides in 2002 was wound up the Immigration Police which was under the State Police. In a result the Immigration Service of the State Border Guard was created. Wherewith the supervision and control of the foreigners is carried out only by two institutions – by the Office of Citizenship and Migration Affairs and the State Border Guard, which allow in shorter time and more operatively resolve the questions of control regarding the detention and expulsion of foreigners.

In 2003 like in 2002 the majority of refusal to enter comprised of the citizens of Estonia, Lithuania and Russia. The interest of the Estonian, Lithuanian and Russian citizens about Latvia is explained by the fact, that Latvia shares a common land border with Estonia, Lithuania and Russia. The historical events are the reason, why these citizens do not have language difficulties in Latvia (Latvia, Lithuania and Estonia were the republics of the USSR) and still in Latvia are living their relatives, as well as there in Latvia is similar climate and relatively many Estonian, Lithuanian and Russian companies established during 15 years. Certainly, the main factors are family, work and studies.

- b) Please describe developments/trends pertaining to the number of *apprehended aliens* in 2003 in comparison to 2002. Have there been changes in the main countries of citizenship of apprehended aliens in 2003? If possible, give reasons for this changes/continuity.

In according to the data provided by the State Border Guard, in 2003 apprehended 609 foreigners inside the country (see table 3.3.).

Table 3.3
Totals of apprehended aliens illegally present during the period 2000-2003¹¹

	2000	2001	2002	2003
Number of apprehended aliens	293	283	377	609

¹¹ Data of State Border Guard

Of apprehended foreigners:

- ✓ 351 persons apprehended for violation the procedures for the entry, residence and visa regime,
- ✓ 258 persons apprehended for working without work permit. Apprehended persons mostly were employed in the building. The major number of apprehended foreigners – 162 persons – without work permits was in Riga and in Riga district.

Table 3.4
Apprehended aliens illegally present
by main countries of citizenship, 2003¹²

	Total	%
Total	609	
Lithuania	301	49.43
Russian Federation	119	19.54
Ukraine	44	7.22
Belarus	34	5.58
Estonia	24	3.94
Pakistan	10	1.64
Turkey	9	1.48
Germany	8	1.31
Israel	6	0.99
Azerbaijan	5	0.82
Other	49	8.05

In comparison with 2002, the number of refusal to enter has increased (in 2002 – 377 persons). As it was mentioned before, such increase is related to the new Immigration Law, which came into force and successful restructuring of services managed by the Ministry of Interior.

In 2003, like in 2002, mostly were apprehended citizens of Estonia, Lithuania, Russia, Byelorussia and Ukraine. As it was mentioned before, it is explained by the fact, that Latvia shares with those countries the land border. Moreover, these citizens do not have language difficulties, the climate is similar and there in Latvia is sufficient number of companies established by the founders coming from those countries.

¹² Data of State Border Guard

- c) Please describe developments/trends pertaining to the number of *aliens removed in 2003* in comparison to 2002. Have there been changes in the main countries of citizenship of removed aliens? If possible, explain the underlying factors for this changes/continuity.

In accordance with the information supplied by the State Border Guard, in 2003 were expelled 366 persons (see table 3.5.).

Table 3.5
Totals of removed aliens during the period 2000-2003¹³

	2000	2001	2002	2003
Number of removed aliens	371	314	540	366

In 2003 of all expelled persons citizens of Lithuania comprised 33 %, citizens of Russia - 22%, citizens of Ukraine - 13 %, citizens of Byelorussia and Estonia - 7% (see table 3.6.).

Table 3.6
Total removed aliens by main countries of citizenship, 2003¹⁴

	Total	%
Total	366	
Lithuania	121	33.06
Russian Federation	82	22.40
Ukraine	47	12.84
Belarus	27	7.38
Estonia	26	7.10
Pakistan	10	2.73
Turkey	9	2.46
Georgia	7	1.91
Azerbaijan	6	1.64
Armenia	6	1.64
Other	25	6.83

In comparison with 2002, the number of expelled persons has decreased (in 2002 – 540 persons). As it was mentioned before, it is related to the new Immigration Law, which came into force and successful combating of illegal immigration and state border control.

¹³ Data of State Border Guard

¹⁴ Data of State Border Guard

- d) In cases of refused, apprehended, and removed aliens in 2003, are these from the same countries in all categories, or are particular citizenship groups more common in a particular category? If possible, explain the underlying causes.

In 2003 the major groups of illegal foreigners (refused, apprehended and removed foreigners) arrived from those countries, with which Latvia shares the land border. It is explained by the fact, that these citizens do not have language difficulties, the climate is similar, there are established the companies of those countries.

2) Contextual interpretations (legal, political and international factors)

a) New or amended laws influencing irregular immigration in 2003

Please explain the most important changes in policies regarding refusal of entry or return since 2001.

As it was mentioned before, in 2003 came into force the new Immigration Law, which provides the procedures for the entry, residence, transit, exit and apprehension of foreigners, as well as the procedures by which foreigners are detained in the Republic of Latvia and expelled from it in order to ensure the implementation of migration policy conforming with the norms of international law and the State interests of Latvia.

In order to implement the requirements included into the Immigration Law the Regulations of the Cabinet of Ministers subordinated to it were elaborated:

- ✓ Cabinet of Ministers Regulation No.216 of 29 April 2003 "Procedures for Utilization, Maintenance and Updating of a List of Foreigners who are prohibited to enter the Republic of Latvia". These Regulations prescribe the procedures by which the Office of Citizenship and Migration Affairs shall maintain and update a list of such foreigners who are prohibited to enter the Republic of Latvia, as well as the amount of and procedures for utilisation of information to be included in the list.
- ✓ Cabinet of Ministers Regulation No.504 of 9 September 2003 „Procedures by which Expenses Related to the Expulsion, Detention and Keeping under Guard of a Foreigner shall be Determined and Recovered". These Regulations prescribe the procedure by which expenses related to the expulsion, detention and keeping under guard of a foreigner should be determined and recovered.

- ✓ Cabinet of Ministers Regulation No.212 of 29 April 2003 "Procedures for the Forcible Expulsion of Foreigners, Form of Standard Travel Document and Procedures for Issue Thereof". These Regulations prescribe the procedures by which forcible expulsion of foreigners shall be performed, as well as the form of a standard travel document and the procedures for the issue thereof.

b) Procedural changes influencing irregular immigration in 2003

Please describe modifications to the procedure in cases of identified illegal entry, illegal residence and return since 2002. Include changes that are the result of both administrative and legal developments.

The procedures for the entry, residence, transit, exit and detention of foreigners, as well as the procedures by which foreigners are held under guard in the Republic of Latvia and expelled from it in order to ensure the implementation of migration policy conforming with the norms of international law and the State interests of Latvia are regulated by the Immigration Law.

A foreigner shall be expelled if:

- ✓ a foreigner has violated procedures for the entry and residence of foreigners in the Republic of Latvia specified in regulatory enactments;
- ✓ a foreigner participates in anti-state or criminal organisations or is a member thereof
- ✓ a foreigner causes a threat to national security or public order and safety or, by entering Latvia, may hinder pre-trial investigations or the work of law enforcement institutions in discovering a criminal offence;
- ✓ a foreigner has committed or is planning to commit a serious or extremely serious crime;
- ✓ a foreigner has committed a crime against humanity, an international or war crime or has participated in mass repression if such has been determined by a court judgement;
- ✓ competent foreign authorities have supplied information which forbids an alien to enter and reside in the Republic of Latvia;
- ✓ the entry and residence of a foreigner into the Republic of Latvia is not desirable for other reasons on the basis of an opinion delivered by competent authorities of the Republic of Latvia.
- ✓ a foreigner is an undesirable person for the Republic of Latvia (*persona non grata*).

In above-mentioned cases an expulsion order may be issued to a foreigner or a decision regarding the forcible expulsion of a foreigner may be taken. An expulsion order is an opportunity for a foreigner to depart voluntary from the Republic of Latvia within a period of seven days after the receipt of an expulsion order.

A decision regarding the forcible expulsion shall be taken, if a foreigner:

- ✓ has illegally crossed the State border of the Republic of Latvia or otherwise violated procedures prescribed by regulatory enactments for the entry and residence of aliens in the border area of the Republic of Latvia or at a State border crossing location;
- ✓ has not exited the Republic of Latvia within a period of seven days after the receipt of an expulsion order and, in accordance with the procedures prescribed by the Immigration Law, has not disputed the expulsion order;
- ✓ has detained in the territory of the Republic of Latvia;
- ✓ after serving a sentence for criminal offences committed in the Republic of Latvia a foreigner does not have a lawful basis to reside in the Republic of Latvia.

Forcible expulsion of a foreigner shall be carried out by the State Border Guard.

If an expulsion order has been issued, an entry prohibition may be applied for a time period from one to three years. A foreigner may be included in the List, prohibiting entry for a period of five years if a decision has been taken to expel him or her forcibly.

c) Can you identify European / international factors explaining certain changes/continuity regarding illegal entry in 2003 in your country?

As mentioned before, in the new Immigration Law were elaborated the requirements corresponding to the legislation of the European Union at that point in time being in force. During 2003 in the field of migration and asylum were met no significant changes which could be explained by the international factors or measures related to the processes of the pre-accession to the European Union.

D. Other data and information available

Additionally we would like to show the statistical data received from the Statistic Central Bureau of Latvia on the migration of population.

Tourism industry has a large multiplicative effect: it creates new workplaces in the industry, as well as in industries direct and indirect related, is the resource for the taxes in the state and municipalities budgets and for the investments, provides the development and cohesion opportunities for the regions. In 2003 the increase of the amount of incoming tourism into Latvia is being estimated positively: in comparison with 2002 it has increased by 14.3%; the share of tourists has increased by 1.52%, but the share of entrepreneurs – by 0.33% (see table 4.1.).

Table 4.1
Major categories of inflows and outflows¹⁵

	2000	2001	2002	2003
Major categories of inflows				
Visitors	4471722	4712288	4606548	4823814
Tourists	855943	929365	1222253	1397624
Excursionists	2765906	2931585	2578828	2618102
Businessmen	849873	851338	805467	808088
Long-term immigrants	1627	1443	1428	1364
Short-term immigrants	...	...	...	1530
Major categories of outflows				
Visitors	4509726	4736001	4579728	4755863
Tourists	861298	933749	1206620	1353673
Excursionists	2789780	2948323	2571888	2581847
Businessmen	858648	853929	801220	820343
Long-term emigrants	7131	6602	3262	2210
Short-term emigrants	...	...	...	1045

... Data not available or too uncertain for presentation

The tourism infrastructure in Latvia improves every year, as well as improves the quality of provided tourism services, which proves the potential and competition of the Latvian tourism industry. A considerable work was done to improve the image of Latvian tourism and to make it to be easy identified, for publishing and distribution of new tourism information, as well as to other important marketing activities. The

¹⁵ Data of the Central Statistical Bureau of the Republic of Latvia

results are seen in the statistical figures – increasingly more tourists are coming to Latvia to look themselves at what had been read and heard.

These data are objective acknowledgment for growing professionalism of the state, municipal institutions, nongovernmental tourism organisations and private enterprises, as well as for a great work done to develop the infrastructure, to attract clients and services¹⁶.

When analysing the national migration, we can see, that the Law on Declaring the Place of Residence has essentially influenced internal migration. The purpose of the Law is to make that every person would be accessible with the state and municipality in legal relations. Since it came into force (1 July 2003) the number of changes of the permanent place of residence of population has increased considerably (see table 4.2.).

Table 4.2
Flows of long-term migration¹⁷

	1995	2000	2001	2002	2003
Immigration	42065	36616	33225	32841	64193
<i>Of which:</i>					
<i>Estonia</i>	76	35	46	56	69
<i>Lithuania</i>	67	59	50	162	146
<i>other countries</i>	2656	1533	1347	1210	1149
<i>internal migration</i>	39266	34989	31782	31413	62829
Emigration	55778	42120	38384	34675	65039
<i>Of which:</i>					
<i>Estonia</i>	54	51	81	120	44
<i>Lithuania</i>	317	142	114	176	80
<i>other countries</i>	16141	6938	6407	2966	2086
<i>internal migration</i>	39266	34989	31782	31413	62829
Net migration	-13713	-5504	-5159	-1834	-846
<i>Of which:</i>					
<i>Estonia</i>	22	-16	-35	-64	25
<i>Lithuania</i>	-250	-83	-64	-14	66
<i>other countries</i>	-13485	-5405	-5060	-1756	-937
<i>internal migration</i>	x	x	x	x	x

X – Figure not applicable because column heading and stub line make entry impossible, absurd or meaningless.

¹⁶ Annual Report 2003 of the Tourism Development State Agency

¹⁷ Data of the Central Statistical Bureau of the Republic of Latvia

As mentioned before, the data collected by the Central Statistical Bureau on the long-term migration in Latvia show that during 2003 the impact of international migration on changes in population number observed in the country were the most insignificant – the emigration surplus over immigration resulted in a decrease of population by 846 persons, of which 650 were females and 196 were males.

In 2003, 460 females (34% of the total number of immigrants) and 904 males (66% of the total number of immigrants) settled down in our country while the share of males and females among emigrants was approximately equal – 49.8% and 50.2% respectively.

As a result of international migration, in 2003 Latvia “lost” 688 working-age persons and 252 retirement-age persons. Among children (age up to 14 years), however, immigrants exceeded emigrants by 94 persons¹⁸ (see table 4.3.).

Table 4.3
Long-term international migrants by age and sex, 2003¹⁹

	<i>Immigration</i>			<i>Emigration</i>			<i>Net migration</i>		
	<i>Total</i>	<i>Males</i>	<i>Females</i>	<i>Total</i>	<i>Males</i>	<i>Females</i>	<i>Total</i>	<i>Males</i>	<i>Females</i>
Total	1364	904	460	2210	1100	1110	-846	-196	-650
<i>Of which by age:</i>									
0 - 4	182	112	70	68	37	31	114	75	39
5 - 9	70	36	34	69	43	26	1	-7	8
10 - 14	66	40	26	87	55	32	-21	-15	-6
15 - 19	89	50	39	109	55	54	-20	-5	-15
20 - 24	101	71	30	172	96	76	-71	-25	-46
25 - 29	138	91	47	261	101	160	-123	-10	-113
30 - 34	172	113	59	283	128	155	-111	-15	-96
35 - 39	150	116	34	232	119	113	-82	-3	-79
40 - 44	97	66	31	180	100	80	-83	-34	-49
45 - 49	76	63	13	174	91	83	-98	-28	-70
50 - 54	58	42	16	114	75	39	-56	-33	-23
55 - 59	51	39	12	88	41	47	-37	-2	-35
60 - 64	33	24	9	102	52	50	-69	-28	-41
65 - 69	26	15	11	105	43	62	-79	-28	-51
70 - 74	17	7	10	72	28	44	-55	-21	-34
75 - 79	16	9	7	59	25	34	-43	-16	-27
80+	22	10	12	35	11	24	-13	-1	-12

In accordance with the legislation in force, in Latvia are provided four types of family status – single, married, divorced, widower (widow).

¹⁸ Population migration in Latvia in 2003. Look at internet 2006.02.28.

http://www.csb.gov.lv/ateksts.cfm?tem_kods=dem&datums=%7Bts%20%272004%2D03%2D30%2013%3A00%3A00%27%7D

¹⁹ Data of the Central Statistical Bureau of the Republic of Latvia

Analysing the statistical data on the migrants' family status, it shows that the married migrants leave the country mostly and only than they are followed by the single and divorced migrants (see table 4.4.).

Table 4.4
Net migration by marital status of migrants, 2003²⁰

	Total in the country	Of which - Riga
Net migration	-846	-760
<i>Of which by marital status of migrants:</i>		
single	-108	909
married	-570	-1227
divorced	-100	-199
widowed	-68	-244
not stated	-	1

As it was indicated before, also in 2003 the number of population in Latvia continued to decrease. It shall be marked that the decrease falling rates of population have slightly slowed up during last years. In accordance to the information provided by the Office of Citizenship and Migration Affairs during the time period the number of population in Latvia was increased by 399 newborns of foreigners (see table 4.5.).

Table 4.5
Fertility of foreign national²¹

	2000	2001	2002	2003
Total	120	112	82	85

The major percentage among foreigners newborns is comprised by the Russian citizens – 52.88%, the newborns by citizenship of other countries do not exceed the mark of 10% - citizens of Lithuania – 8.02%, citizens of Byelorussia – 6.52%, citizens of Ukraine – 5.51%.

Similar situation is observed in the mortality rate of foreigners. During the time period 2002 – 2003 in Latvia died 1525 foreigners (see table 4.6.).

Table 4.6
Mortality of foreign nationals²²

	2000	2001	2002	2003
Total	272	419	410	424

The major percentage of them is comprised again by the citizens of Russia – 87.80%. The citizens of other countries are in the margins of 5% - citizens of Lithuania – 3.93%, citizens of Ukraine – 2.43%, citizens of Byelorussia – 1.38%.

²⁰ Data of the Central Statistical Bureau of the Republic of Latvia

²¹ Data of the Office of Citizenship and Migration Affairs

²² Data of the Office of Citizenship and Migration Affairs