



**THE EUROPEAN MIGRATION
NETWORK**



**THE OFFICE OF CITIZENSHIP AND
MIGRATION AFFAIRS**

**POLICY REPORT 2006
ON THE SITUATION OF
MIGRATION AND ASYLUM**

May 2007, Riga

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EXECUTIVE SUMMARY

The Policy Report on the situation of migration and asylum in Latvia for the year 2006 provides an overview of the development and changes in the migration and asylum policy and legislation in Latvia in 2006.

The objective of the report is to reflect the principal political changes in the area of migration and asylum in Latvia. The report addresses two main tasks: documenting the current state of the European legislation and the influence of Europe's political events on Latvia in a comparative perspective as well as describing the development of the national legislation, administrative practices and political and public debates in the area of migration and asylum.

The study is based on the specifications and structure developed by the European Commission and adopted by the national contact points of the European Migration Network.

The European Migration Network was established to provide the European Union, member states and general public with real, secure and comparable information on the situation of migration and asylum in the European Union and its member states. The European Migration Network contact points were charged with collecting and analyzing information on migration and asylum processes in member states. The Office of Citizenship and Migration Affairs of the Ministry of the Interior is the European Migration Network's national contact point for Latvia.

Thirteen national contact points of the European Migration Network take part in putting together this policy report. The results of all national reports will be summarized in a Synthesis Report, comparing the findings in order to identify trends and monitor the political developments in the field of migration and asylum.

Part 1 of the report gives an overview of the political events in the area of migration and asylum, including the overall structure of the political system, main political developments and political debates.

Part 2 describes the development and respective changes in legislation for the area of migration and asylum. This includes the overall structure of the judicial system and the development and amendments in the national legislation.

Part 3 looks at the state of implementation of the European Union legislation into the national legislation and administrative practices.

Part 4 touches upon other political developments that are closely linked to migration and asylum processes.

Total number of pages – 44

1. POLITICAL DEVELOPMENTS IN LATVIA

1.1. General Structure of the Political System

Due to the complex and multifaceted nature of the migration and asylum issues, the regulation of these issues is the responsibility of various institutions – the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Welfare, the Ministry of Justice and the Secretariat of Special Assignments Minister for Public Integration Affairs, with each of the above institutions being in charge of a specific range of issues in the area of migration and asylum.

The Ministry of the Interior is the leading government institution in the area of the internal affairs, including migration. The Ministry devises and implements the migration policy as well as the defence of the national borders of the Republic of Latvia.

The Office of Citizenship and Migration Affairs and the **State Border Guard**, two institutions managed by the Ministry of the Interior, are responsible for devising and implementing the migration and asylum policy.

The Cabinet of Ministers Regulations No. 811 of 3 October 2006 “Regulations of Office of Citizenship and Migration Affairs”¹ state that the Office of Citizenship and Migration Affairs is governed by the Ministry of the Interior and its mandate covers the implementation of the state migration policy, including designing and implementing the repatriation and asylum policy and issuance of individual identification and travel documents.

In accordance with the normative acts of the Republic of Latvia, the Office of Citizenship and Migration Affairs implements the national migration and asylum policy, determines an individual’s legal status in the country, registers residents, and issues individual identification and travel documents.

In 1999, the Office of Citizenship and Migration Affairs established the housing centre for asylum seekers, the objective of which is to provide housing for all asylum seekers during the time period while their applications are being processed, thus integrating them into the local society, as well as to ensure that their basic needs are met and their human rights observed.

¹ Cabinet of Ministers Regulations No. 811 of 3 October 2006 “Regulations of Office of Citizenship and Migration Affairs”, *Latvijas Vēstnesis (Latvia Herald)*, No. 160, 6 October 2006

The mandate of the State Border Guard in the area of migration and asylum is determined by Article 13 of the Border Guard Law² of 27 November 1997 that appoints the State Border Guard to monitor the way the regulations on entry, residence, exit and transit of foreign nationals in the Republic of Latvia are being observed, and undertake other actions pertaining to the field of migration and asylum as described in normative acts.

The Ministry of Foreign Affairs is responsible for the external dimension of addressing the migration and asylum issues, e.g., through relationships with third countries (countries that are not member states of the European Union), as well as through issues connected to migration and development policy.

The Consular Department of the Ministry of Foreign Affairs holds a mandate to liaise with the respective structural units of the Ministry of the Interior and foreign diplomatic and consular missions with respect to deporting foreign nationals, and to coordinate co-operation between the diplomatic and consular missions of the Republic of Latvia and other competent authorities regarding citizenship issues.

The migration issues directly connected with economic migration to satisfy the needs of the labour market and national economy are the responsibility of the **Ministry of Welfare** which in accordance with the Cabinet of Ministers Regulations No. 49 of 27 January 2004 "Regulations of the Ministry of Welfare"³ is the leading government institution in the areas of equality of employment, social security and gender; and the **Ministry of Economics** which in accordance with the Cabinet of Ministers Regulations No. 238 of 29 April 2003 "Regulations of the Ministry of Economics"⁴ devises and implements the policy of national economy.

The **Secretariat of Special Assignments Minister for Public Integration Affairs** deals with issues of migrant integration.

The main objective of the work of the Secretariat of Special Assignments Minister for Public Integration Affairs is to develop a common system that would facilitate voluntary return and integration into the society of every Latvian and every citizen of Latvia wishing to do so; establish and strengthen a framework for co-

² Border Guard Law, Latvijas Vēstnesis (Latvia Herald), No. 329/330, 16 December 1997

³ Cabinet of Ministers Regulations No. 49 of 27 January 2004 "Regulations of the Ministry of Welfare", Latvijas Vēstnesis (Latvia Herald), No. 16, 30 January 2004

⁴ Cabinet of Ministers Regulations No. 238 of 29 April 2003 "Regulations of the Ministry of Economics", Latvijas Vēstnesis (Latvia Herald), No. 70, 13 May 2003

operation with Latvians abroad; assist individuals who do not wish to integrate into the society of Latvia and want to either return to their ethnic country or relocate to another country. Three main directions have been identified to achieve the above objective, namely, support to repatriates who return to Latvia; support to individuals who wish to leave Latvia; and co-operation with Latvians abroad. The government strategic plan has also assigned the Secretariat of Special Assignments Minister for Public Integration Affairs the task of drafting, by the end of 2009, a policy document on the integration of third country citizens.

The objective of the **Naturalization Board**, overseen by the Ministry of Justice, in accordance with the Cabinet of Ministers Regulations No. 137 of 22 February 2005 "Regulations of the Naturalization Board"⁵, is to implement the national policy with respect to Latvia's citizenship by processing citizenship applications, administering knowledge tests prior to granting citizenship, processing applications of individuals wishing to give up their citizenship of Latvia, and making decisions on acknowledging an individual as having or having not lost his/her citizenship of Latvia.

1.2. General Political Developments

Latvia is a democratic parliamentary republic with parliamentary (or Saeima) elections being held every four years, as set by the Constitution of the Republic of Latvia (or Satversme). In accordance with the Structure of Cabinet Law⁶ passed by the Cabinet of Ministers on 15 July 1993, the government comes to power after the Saeima (the Parliament) has given it the vote of confidence.

During the reporting period, the regular (ninth) Saeima elections were held on 7 October 2006 following which, on 7 November 2006, the government was ratified. Although formally a new Cabinet of Ministers was formed, its composition is practically the same as that of the previous Cabinet because the majority parties of the previous parliament won the election and, hence, the right to form the government. Thus, the right wing-centrist Cabinet of Ministers, led by Mr. Aigars Kalvītis (People's Party) that received a confidence vote by the Saeima on 2 December 2004 was ratified again on 7 November 2006.

⁵ Cabinet of Ministers Regulations No. 137 of 22 February 2005 "Regulations of the Naturalization Board", Latvijas Vēstnesis (Latvia Herald), No. 33, 25 February 2005

⁶ Structure of Cabinet Law, Latvijas Vēstnesis (Latvia Herald), No. 28, 19 August 1993

It must be stressed, however, that although the parties forming the Cabinet did not change, individual ministers did change. Political leaders were replaced in three of the institutions responsible for migration and asylum, the Ministry of the Interior, the Secretariat of Special Assignments Minister for Public Integration Affairs, and the Ministry of Economics, only one of the new ministers represents a political party that is different from the one represented by the old minister (and that is the case with the Ministry of Economics).

In accordance with Paragraph 5 of the Structure of Cabinet Law and Paragraph 27 Article 1 of the 28 July 1994 Saeima Procedure Scroll⁷, the Cabinet of Ministers has to develop a government declaration that defines priorities and objectives of this government.

The government declarations developed by both governments in power during the reporting period contain almost no mention of migration and asylum issues. The Declaration of the Intended Activities of the Cabinet of Ministers led by Mr. A.Kalvītis⁸, developed by the government ratified on 2 December 2004, refers to migration in a very indirect and sporadic manner and mentions the need to keep up the liaison with Latvians living abroad, strengthen the security of the external borders of the European Union and improve measures taken against illegal immigration.

However, the Declaration of the Intended Activities of the Cabinet of Ministers⁹, developed by the second Mr. A. Kalvītis' government ratified on 7 November 2006, pays much more attention to migration issues.

First, the Cabinet of Ministers promises to define a clear immigration and re-immigration policy that would comply with the state interests and help mitigate demographic issues by way of implementing state-managed migration processes, including training of highly skilled professionals at Latvia universities to avoid uncontrolled and illegal immigration.

Second, the Declaration supports the need for ensuring efficient measures against illegal immigration, meeting the requirements of the Schengen agreement and ensuring security of external borders achieved through co-operation with judicial institutions of other countries and participation in international operations.

Third, the need for assessing risks and devising the state policy regarding legal immigrants and refugees is singled out as one of the objectives.

⁷ Saeima Procedure Scroll, Latvijas Vēstnesis (Latvia Herald), No. 96, 18 August 1994

⁸ Declaration of the Intended Activities of the Cabinet of Ministers led by Mr. A. Kalvītis. See <http://www.mk.gov.lv/lv/mk/vesture/kalvisa-valdiba/deklaracija-kalvitis/>

⁹ Declaration of the Intended Activities of the Cabinet of Ministers. See <http://www.mk.gov.lv/lv/mk/darbibu-reglamentejosie-dokumenti/deklaracija/>

1.3. Central Policy Debates and Political Developments

Even though the migration and asylum issues do not appear at the top of Latvia's political and social agenda, discussions pertaining to some migration aspects have taken place during the reporting period.

Several medium-term policy planning documents drafted during 2006 recognize the importance of migration issues.

A programme "Common Asylum and Migration Management System for 2006-2009"¹⁰ was adopted on 31 January 2006 with the objective of granting the implementation of such migration policy that meets the state interests of Latvia and the requirements of the European Union common migration policy and establishing strategic direction for those institutions involved in controlling migration processes.

Devising such a programme was dictated by the need for a political recognition of basic principles of migration policy and for a co-ordinated and purposeful growth of institutions involved in controlling migration processes by setting common priorities and tasks to achieve those priorities. At the same time, the programme was necessary to ensure successful functioning of services controlling migration processes in Latvia and liaison with the European Union in implementing a common migration policy.

The programme establishes legislative, institutional and technical support tasks and sets a unified outlook on the growth priorities for the respective services in the migration field. The programme touches upon short-term and long-term issues of legal and illegal immigration, asylum, issuance of personal identification documents and integration of foreign nationals but does not address issues directly related to border control. The programme contains a description of the current situation, analysis, forecasts, planned end-results, tasks to achieve the results within the set timelines, and the estimated financing for the implementation.

Two other previously devised policy planning documents addressing the migration control are worth mentioning, namely, the Integrated Strategy of Latvia Border Management for 2003-2007¹¹, ratified by the Cabinet of Ministers on 20 May 2003, that sets the co-operation principles for institutions dealing with the control of

¹⁰ Cabinet of Ministers Decree No. 60 of 1 February 2006 "On Development of Common Asylum and Migration Management System for 2006-2009", *Latvijas Vēstnesis (Latvia Herald)*, No. 21, 3 February 2006

¹¹ Integrated Strategy of Latvia Border Management for 2003-2007. See <http://ppd.mk.gov.lv/ui/DocumentContent.aspx?ID=4080>

migration processes; and the Development Concept for the State Border Guard for 2001-2005¹², ratified on 31 March 2001.

Also, the Basic Principles of Latvia's Foreign Policy for 2006-2010¹³, adopted on 30 May 2006, emphasize the need for stricter measures against illegal immigration.

Discussions regarding migration in the context of employment were brought to the forefront in 2006 because following Latvia's accession to the European Union a notable segment of Latvia's population has moved to other European Union member states in search of employment. This situation, aside from establishing an unfavourable demographic picture, has created shortage of labour force in Latvia's labour market and potential problems of hindering future growth of Latvia's national economy.

Thus, political and social discussions reveal that there is a need for measures that would regulate emigration of labour force, provide incentives for employment-age people to remain in Latvia and encourage re-emigration of labour force, on the one hand; and a need for attracting labour force from third countries, on the other hand.

Although the number of economic immigrants currently is low, a well-managed manner of attracting labour force from third countries is declared to be one of solutions to resolving labour force shortages. To this end, an inter-institutional work group was established in 2006 consisting of representatives from respective authorities and delegated the task of "assessing the need for facilitating entry of third country citizens into Latvia for employment and devising possible solutions for increasing labour force if there is a notable labour shortage that might threaten the growth rate of the national economy". The work group developed the "Concept of Migration Policy Regarding Employment" that gives a detailed description of the problem and offers three possible solutions. Based on this policy planning document further discussions regarding the role of migration in solving labour force issues will be encouraged.

The objectives and development of the Concept are further discussed in the part on legislation changes of this report.

¹² Development Concept for the State Border Guard for 2001-2005. See <http://ppd.mk.gov.lv/ui/DocumentContent.aspx?ID=1405>

¹³ Basic Principles of Latvia's Foreign Policy for 2006-2010. See <http://www.am.gov.lv/lv/Arpolitika/pamatnostadnes/>

The other issue that has been widely publicly discussed is the integration of immigrants from third countries and the low level of tolerance towards them prevalent in the society. The fate of the seven Somalis seeking asylum in Latvia in 2005 attracted extensive media attention that highlighted the opposing views of the population towards immigrants. This, in turn, triggered discussions on the level of tolerance among residents of Latvia towards newcomers. Obvious became the need for seeking solutions for raising the level of tolerance and developing a policy for integrating immigrants in Latvia.

2. LEGASLATIVE DEVELOPMENTS IN THE AREA OF MIGRATION AND ASYLUM

2.1. General Structure of the Legal System

The initial decisions regarding migration after regaining of national independence were made by the Supreme Council and the Council of Ministers of the Republic of Latvia as early as 1991 in order to ensure securing and strengthening the state independence. These were the 27 March 1991 Decision of the Supreme Council of the Republic of Latvia "On Establishing the Department of Migration Affairs at the Council of Ministers of the Republic of Latvia"¹⁴ and the 8 October 1991 Decision No. 266 of the Council of Ministers "On Temporary Interruption of Registering Immigrants"¹⁵.

On 9 June 1992 the Supreme Council of the Republic of Latvia passed the Law "On the Procedure for Foreign Nationals and Stateless Persons to Enter and Reside in the Republic of Latvia"¹⁶ which came into force on 1 July 1992. This law established the immigration policy. National interests played a role in drafting the law as Latvia had just become independent of the (former) USSR¹⁷. Harmonizing Latvia's national legislation with the legislative acts of the European Union set new requirements for the immigration area; therefore the Immigration Law¹⁸ was drafted and ratified by the Saeima on 31 October 2002. The Law came into force on 1 May 2003. The law was drafted in accordance with the international human rights documents and established new tasks and regulations for institutions involved in controlling immigration. Its objective is determining the procedures for entry, residence, transit, exit, and detention of foreign nationals as well as deporting foreign nationals from the Republic of Latvia in such a manner as to ensure implementation of immigration policy consistent with international legislative requirements and Latvia

¹⁴ 27 March 1991 Decision of the Supreme Council of the Republic of Latvia "On Establishing the Department of Migration Affairs at the Council of Ministers of the Republic of Latvia", Ziņotājs (Messenger), No. 21, 6 June 1991

¹⁵ 8 October 1991 Decision No. 266 of the Council of Ministers "On Temporary Interruption of Registering Immigrants", AP MP (Supreme Council, Council of Ministers), No. 7, 25 October 1991

¹⁶ Law "On the Procedure for Foreign Nationals and Stateless Persons to Enter and Reside in the Republic of Latvia", LR Augstākās Padomes un Valdības Ziņotājs (Messenger of the Supreme Council and Government of the Republic of Latvia), No. 27/28, 1992

¹⁷ Roze M., "Migration Policy in Latvia; Latvia in the European Union", European Union Information Agency, February 2006, No. 1, page 10

¹⁸ Immigration Law, Latvijas Vēstnesis (Latvia Herald), No. 169, 20 November 2002

state interests. The Immigration Law meets the European Union requirements completely and is being constantly amended¹⁹.

On 7 March 2002 the Saeima passed the new Asylum Law²⁰ that came into force on 1 September 2002 and replaced the 19 June 1997 Law “On Asylum Seekers and Refugees in the Republic of Latvia”²¹. The Asylum Law establishes an individual’s right to be granted asylum, refugee status, alternative status or temporary protection in the Republic of Latvia. It introduces a more advanced regulation of protecting the rights of refugees and asylum seekers. The Law contains a provision for a temporary protection to groups of people who have had to leave their country of residence due to military conflicts. Presently a new draft law has been prepared “On Asylum in the Republic of Latvia” that was presented at the meeting of state secretaries on 14 September 2006 and has been passed on to respective ministries and organizations for harmonizing.

The Citizenship Law²², ratified by the Saeima on 22 July 1994 and in force since 25 August 1994, establishes the procedure in which all permanent residents of Latvia can become citizens as well as criteria that all citizenship applicants have to meet to be able to fully express and enjoy themselves as members of the society.

2.2. Legislative Developments

a) Managed Immigration

Regulations No. 84 “Regulations on the Fee Charged for Processing Residence Permit Applications and Related Services”²³, passed by the Cabinet of Ministers on 31 January 2006, came into force on **4 February 2006**. The regulations set the fee (in lats) to be charged for processing visa or residence permit applications and related services, establish the payment procedure and list individuals exempt from paying the above fee.

The new regulations were drafted because the previous Regulations No. 214 of 29 April 2003 “Regulations on the Fee Charged for Processing Visa or Residence

¹⁹ Roze M., “Migration Policy in Latvia; Latvia in the European Union”, European Union Information Agency, February 2006, No. 1, page 10

²⁰ Asylum Law, Latvijas Vēstnesis (Latvia Herald), No. 48, 27 March 2002

²¹ Law “On Asylum Seekers and Refugees in the Republic of Latvia”, Latvijas Vēstnesis (Latvia Herald), No. 171/174, 4 July 1997

²² Citizenship Law, Latvijas Vēstnesis (Latvia Herald), No. 93, 11 August 1994

²³ Cabinet of Ministers Regulations No. 84 of 31 January 2006 “Regulations on the Fee Charged for Processing Residence Permit Applications and Related Services”, Latvijas Vēstnesis (Latvia Herald), No. 21, 3 February 2006

Permit Applications and Related Services”²⁴ did not establish that the family members of citizens of the European Union member states and/or the European Economic Area who themselves are not citizens of the European Union member states and/or the European Economic Area, are exempt from paying the fee for processing visa applications if they transit through the territory of Latvia along with their family member who is a citizen of the European Union member states and/or the European Economic Area or if they enter the Republic of Latvia with a goal to reside with a family member who is a citizen of the European Union member states and/or the European Economic Area.

On **29 June 2006** the Ministry of the Interior submitted for reading at the meeting of state secretaries the Cabinet of Ministers’ draft “Regulations on the Fee Charged for Processing Visa, Residence Permit, or the European Union Permanent Resident Status Applications and Related Services”. The regulations set the fee to be charged for processing visa, residence permit, and the European Union permanent resident applications and related services. The regulations state that foreign nationals who are victims of human trafficking are exempt from paying the fee for processing the temporary residence permit application. The regulations, thus, introduce the European Council Directive 2004/81/EC²⁵ on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.

To comply with the European Council Directive 2004/38/EC²⁶ on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, citizens of the European Union member states, European Economic Area and Confederation of Switzerland

²⁴ Cabinet of Ministers Regulations No. 214 of 29 April 2003 “Regulations on the Fee Charged for Processing Visa or Residence Permit Applications and Related Services”, Latvijas Vēstnesis (Latvia Herald), No. 65, 30 April 2003

²⁵ Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, Official Journal, L 261, 6 August 2004, pp. 19-23

²⁶ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, Official Journal, L 158, 30 April 2004, pp. 77-123

and their family members are exempt from paying the fee when they apply for a registration certificate or a residence permit, or for renewing a residence permit if a travel document is being replaced. The regulations also set the fee for processing applications for a status of the European Union permanent resident in the Republic of Latvia; the provision for the status is set in the Law "On the Status of the European Union Permanent Resident in the Republic of Latvia".

The above regulations²⁷ were passed by the Cabinet of Ministers on 13 February 2007 and came into force on 17 February 2007.

On **1 March 2006** the Regulations No. 149 "The Regulations list the countries whose citizens are subjects to an additional check by issuing a visa or residence permit, as well as whose citizens need to obtain a visa to enter the Republic of Latvia in the status of the cruise liner passenger"²⁸, passed by the Cabinet of Ministers on 14 February 2006, came into force. The regulations establish that, effective 1 March 2006, citizens of just 16 countries will require a visa to enter the Republic of Latvia as passengers of a cruise ship if the cruise ship remains in the port for less than 72 hours.

After assessing potential risks the regulations also establish that the citizens of the above 16 countries who hold a valid residence permit in a member state of the European Union or the European Economic Area, the USA, Andorra, Japan, Canada, Lichtenstein, Monaco, San Marino, Switzerland or Vatican and who are guaranteed re-entry into the above countries of residence, do not require a visa. Thus, a broader range of foreign nationals are included in the cruise passenger category allowed a visa-free entry which, in turn, facilitates growth in tourism.

On **11 April 2006** the Cabinet of Ministers ratified amendments to the Regulations No. 183 of 15 April 2003 "Procedure for Approval of Invitations"²⁹.

²⁷ Cabinet of Ministers Regulations No. 108 of 13 February 2007 "Regulations on the Fee Charged for Processing Visa, Residence Permit Applications or an Application for the Status of the European Union Permanent Resident in the Republic of Latvia, and Related Services", *Latvijas Vēstnesis (Latvia Herald)*, No. 28, 16 February 2007

²⁸ Cabinet of Ministers Regulations No. 149 of 14 February 2006 "The Regulations list the countries whose citizens are subjects to an additional check by issuing a visa or residence permit, as well as whose citizens need to obtain a visa to enter the Republic of Latvia in the status of the cruise liner passenger", *Latvijas Vēstnesis (Latvia Herald)*, No. 31, 22 February 2006

²⁹ Cabinet of Ministers Regulations No. 279 of 11 April 2006 "Amendments to the 15 April 2003 Regulations No. 183 "Procedure for Approval of Invitations"", *Latvijas Vēstnesis (Latvia Herald)*, No. 60, 13 April 2006

The amendments were devised to ensure that the tasks assigned to the Cabinet of Ministers by the Immigration Law (Paragraph 4, Parts 9 and 10, and Article 11 of the Transition Regulations) could be completed. The Cabinet of Ministers is the authority that determines the list of countries citizens of which are subject to additional security check upon visa or residence permit application and need a visa to enter the Republic of Latvia as passengers of a cruise ship.

On **22 June 2006** the Saeima passed the Law "On the Status of a Permanent Resident of the European Union in the Republic of Latvia"³⁰ which came into force on 21 July 2006. The Law introduces a new status – a permanent resident of the European Union, which makes it easier for non-citizens of Latvia and foreign nationals who have obtained the above status to reside in other member states of the European Union.

Permanent residents of the European Union enjoy the same rights in the Republic of Latvia as non-citizens or foreign nationals having a permanent residence permit. As before, individuals granted the status will not have any exemptions with respect to visas to the European Union member states but they will find more freedom regarding residence in other European Union member states. The status grants the right to request a residence permit while staying in the member state and/or request a temporary residence permit given that the individual has sufficient financial means and no other reason for residence in the country. Besides, after a one-year stay in the European Union member state an individual will be able to work for any employer, not just the employer who the individual had the initial work agreement with, as it was before. The new law was devised to comply with the norms set by the Council Directive 2003/109/EC³¹ of 25 November 2003 concerning the status of third-country nationals who are long-term residents, which came into force on 23 January 2006 and expanded the rights of third-country citizens who are long-term residents of the European Union.

Regulations No. 586, passed by the Cabinet of Ministers on 18 July 2006, "Procedures by which Citizens of the Member States of the European Union, the European Economic Area Countries, the Swiss Confederation and Their Family

³⁰ Law "On the Status of a Permanent Resident of the European Union in the Republic of Latvia", Latvijas Vēstnesis (Latvia Herald), No. 107, 7 July 2006

³¹ Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, Official Journal, L 016, 23 January 2004, pp 44-53

Members shall Enter and Stay in the Republic of Latvia”³² came into force on **21 July 2006**. The Cabinet of Ministers Regulations state the procedure for citizens of member states of the European Union and European Economic Area and the Confederation of Switzerland (hereinafter – the Union citizens), and their family members to enter Latvia; define conditions to be met if the Union citizens and their family members wish to stay in the Republic of Latvia for a time period longer than 90 days; set the procedure for the Union citizens and their family members to be granted right to permanent residence in the Republic of Latvia; define residence restrictions for the Union citizens and their family members; and set provisions for deporting the Union citizens and their family members from the country.

The regulations were devised to comply with the 29 April 2004 Directive 2004/38/EC of the European Parliament and the Council regarding the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, which came into force on 30 April 2004.

At the meeting of state secretaries on **10 August 2006** the draft Cabinet of Ministers regulations “The Regulations on the Procedures by which the Examination of the Information available are performed examining the Documents of a Foreigner submitted for an Application for a Visa or a Residence Permit”, compiled by the Ministry of the Interior, were presented. The regulations are based on the Immigration Law (Paragraph 4 Part 8) that states that the Cabinet of Ministers establishes the procedure for staff to verify the information provided, in order to ensure that the entry granted to foreign nationals will not threaten the state security and public order and security, when they issue visas or residence permits to foreign nationals who are citizens of a country listed in Paragraph 4 Part 9 of the Immigration Law or to foreign nationals who have been granted the status of a stateless person or a refugee in another country.

The above regulations³³ were passed by the Cabinet of Ministers on 13 February 2007 and came into force on 17 February 2007.

³² Cabinet of Ministers Regulations No. 586 of 18 July 2006 “Procedures by which Citizens of the Member States of the European Union, the European Economic Area Countries, the Swiss Confederation and Their Family Members shall Enter and Stay in the Republic of Latvia”, Latvijas Vēstnesis (Latvia Herald), No. 586, 20 July 2006

³³ Cabinet of Ministers Regulations No. 107 of 13 February 2007 “The Regulations on the Procedures by which the Examination of the Information available are performed examining the Documents of a Foreigner submitted for an Application for a Visa or a Residence Permit”, Latvijas Vēstnesis (Latvia Herald), No. 28, 16 February 2007

The regulations allow the Security Police and the Bureau of Constitutional Protection to verify the personal information fully and in time; control any stage of the visa or residence permit issuance process, including corroborating the letters of invitation for visa or residence permit receipt which is an integral part of the visa and residence permit issuance process; and guarantee an efficient implementation of anti-terrorism measures that fall under their mandate. The Cabinet of Ministers regulations improve co-operation among institutions dealing with the control of migration processes, optimize the overall process of issuing visas, and create an opportunity to obstruct potential terrorists from entering and residing in the Republic of Latvia.

At the meeting of state secretaries on **31 August 2006** amendments to regulations on visas, prepared by the Ministry of the Interior, were presented. The amendments provide for more favourable conditions for visa issuance to foreign nationals who arrive in the Republic of Latvia on business, thus ensuring that the tasks set out in the 2006 plan for improving the environment of entrepreneurship could be completed.

To ease and simplify the procedure of receipt of visas, the draft regulations introduce a longer validity term for the official invitation by changing it from three months to six months, and extending the validity term for the photos submitted by the visa applicant, depending on various age groups, for various time periods starting from six months to as long as four years. Foreign nationals who used their multiple-entry visas as prescribed by legislative acts will be able to receive the next short-term multiple-entry visa valid for up to two years. Normative documents state that foreign nationals have to submit their visa applications in person and allow for exceptions when other ways of submitting applications are acceptable. The new regulations establish options for foreign nationals to submit their documents either by mail or electronically.

On 6 March 2007 the amendments³⁴ were passed at the meeting of the Cabinet of Ministers.

At the meeting of state secretaries on **28 September 2006** amendments to the Immigration Law, prepared by the Ministry of the Interior to improve the environment

³⁴ Cabinet of Ministers Regulations No. 162 of 6 March 2007 "Amendments to 29 April 2003 Regulations No. 217 "Visa Regulations"", Latvijas Vēstnesis (Latvia Herald), No. 41, 9 March 2007

of entrepreneurship and simplify administrative processes, were presented. In accordance with the amendments business people will no longer have their multiple-entry visas annulled when they apply for a residence permit, as was the practice up until now. Amendments also include a provision that allow sailors to be employed on international cargo ships without obtaining a work permit.

Amendments also make it easier for third country citizens who are family members of citizens of Latvia to enter the country. From now on they will not require a visa to enter the Republic of Latvia if they reside in one of the European Union member states along with their family member who is a citizen of Latvia, and they have a residence permit as a family member of the Union citizen issued in that member state. In addition, the amendments establish that no letter of invitation is necessary to be submitted with the visa application for a spouse of a citizen of the Republic of Latvia or for an underage child of the spouse.

The amendments to the Immigration Law also allow for using a travel document when entering the Republic of Latvia that does not have a residence permit sticker in it if the individual has received a new passport and upon entry can present the old travel document containing a valid residence permit. The amendments also establish that no work permit is necessary for an individual who will be employed for no longer than 14 days.

On **27 October 2006** the Cabinet of Ministers Regulations No. 825 “Health disorders and illnesses, because of which the foreigner shall be refused the issuance and registration of the residence permit”³⁵, passed on 3 October 2006, came into force. The regulations are based on the Immigration Law (Paragraph 34 Part 1 Article 5) that establishes that issuance or registration permit is declined if the foreign national has a health condition or illness that poses a threat to public security and health, or if there is reason to believe that the foreign national might pose a threat to public health, except when the foreign national has arrived to treat the respective health condition or illness with an authorization from the Ministry of Health. The list of health conditions and illnesses contains the active form of tuberculosis, a disease that poses a threat to public security and health.

³⁵ Cabinet of Ministers Regulations No. 825 of 3 October 2006 “Health disorders and illnesses, because of which the foreigner shall be refused the issuance and registration of the residence permit”, *Latvijas Vēstnesis (Latvia Herald)*, No. 171, 26 October 2006

On **27 October 2006** the Cabinet of Ministers Regulations No. 813 “Residence Permit Regulations”³⁶, passed on 3 October 2006, came into force. The regulations establish the procedure for having the letter of invitation approved; the list of documents required for a residence permit application; the procedure for issuing, registering and revoking temporary and permanent residence permits; and the categories of foreign nationals who have the right to apply for a residence permit at the Office of Citizenship and Migration Affairs due to employment or business activities.

The Cabinet of Ministers regulations were devised because there was a need to identify the list of individuals having the right to apply for a residence permit in the Republic of Latvia as well as to detail the list of documents required for such an application. In addition, the regulations include provisions that comply with the 29 April 2004 Council Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, and ensure inclusion of these norms into the national legislation.

On **12 December 2006** the Cabinet of Ministers ratified amendments to the Cabinet of Ministers Regulations No. 252 of 4 April 2006 “Regulations of the Level of Proficiency in the Official Language and the Procedure of Testing the Level of Language Proficiency for Foreign Nationals Eligible to Apply for a Permanent Residence Permit”³⁷. The amendments are based on Paragraph 24 Part 5 of the Immigration Law that appoints the Cabinet of Ministers to establish the procedure for accepting other documents certifying a certain level of proficiency in the official language. The amendments establish that in addition to the official certificate verifying the proficiency level of the official language, Level 1 (lowest) B proficiency can also be certified by a primary or general secondary education document that verifies that a Latvian language examination was passed at least at a grade E level, or an education document that verifies mastering the Latvian language as part of a

³⁶ Cabinet of Ministers Regulations No. 813 of 3 October 2006 “Residence Permit Regulations”, Latvijas Vēstnesis (Latvia Herald), No. 171, 26 October 2006

³⁷ Cabinet of Ministers Regulations No. 995 of 12 December 2006 “Amendments to the 4 April 2004 Cabinet of Ministers Regulations No. 252 “Regulations of the Level of Proficiency in the Official Language and the Procedure of Testing the Level of Language Proficiency for Foreign Nationals Eligible to Apply for a Permanent Residence Permit””, Latvijas Vēstnesis (Latvia Herald), No. 200, 15 December 2006

primary, secondary or higher education programme recognized in the respective country. The decision on recognizing the level of proficiency in the Latvian language mastered as part of an education programme as sufficient for the respective proficiency level will be made by the Centre of Education Content and Testing.

On **12 December 2006** the Cabinet of Ministers ratified amendments to the Cabinet of Ministers Regulations No. 44 of 20 January 2006 “Regulations Regarding Work Permits for Foreign Nationals”³⁸. The amendments were devised to introduce several norms consistent with the following:

- ✓ Council Directive 2001/55/EC³⁹ of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof;
- ✓ Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents;
- ✓ Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities;
- ✓ Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted; and
- ✓ Council Directive 2004/114/EC⁴⁰ 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.

³⁸ Cabinet of Ministers Regulations No. 998 of 12 December 2006 “Amendments to the 20 January 2004 Cabinet of Ministers Regulations No. 44 “Regulations Regarding Work Permits for Foreign Nationals””, *Latvijas Vēstnesis (Latvia Herald)*, No. 200, 15 December 2006

³⁹ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, *Official Journal*, L 212, 7 August 2001, pp. 12-23

⁴⁰ 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 December 2004, pp. 12-18

At the meeting of state secretaries on **18 January 2007** the “Concept of Immigration Policy within the Framework of Employment” was presented. The objective of the concept is to determine whether it is necessary to facilitate the entry of foreign nationals into the country for employment and to work out recommendations for lessening the administrative burden through establishing a specific procedure for issuance of residence and work permits to foreign nationals who arrive to be employed, as prescribed by the good governance principle.

In order to assess the circumstances objectively and forecast the future labour market situation, the trends in labour force emigration and immigration, employment and unemployment, and influence of the demographic situation and productivity on labour supply were analyzed, and the experience of the European Union member states in managing migration for employment was studied during the development of the concept. In addition, forecasts on surplus and shortage of labour force are included.

The current immigration policy regarding employment in Latvia is geared towards protecting the internal labour market. Restrictions exist for accepting labour force from third countries although the maximum number of guest workers is not limited, i.e., there is no quota system in place. In accordance with the existing legislation an employer has the right to hire guest workers of any qualification in any sector of national economy. The number of employees from abroad currently in Latvia is insignificant but it has a tendency to grow.

The concept contains several recommendations for improving the current situation and for resolving potential problems in the future. The scenario supported by the work group emphasizes improving the current situation by simplifying administrative procedures for attracting labour force from third countries. Under this scenario employers will be able to react to shifts in labour force supply in a more flexible manner, implement strategic projects more efficiently, and deal with labour shortage in specific sectors more effectively; the pace of economic growth will increase and the short-term competitiveness of low value-added products in the market will be maintained. The disadvantages of this scenario include a lack of motivation on employers' part to increase productivity and improve workplace conditions and social benefits. The system may have an unfavourable influence on the development of the local labour market as employers would be more inclined to attract cheap labour from third countries. Besides, resources will be allocated to

integrating guest workers, and, thus, fewer resources will be spent on assisting Latvia residents abroad to return to life in Latvia.

The concept was developed by a work group established by the Prime Minister. The group contained representatives from many ministries as well as representatives from the Employers' Association of Latvia and the Free Trade Union Association of Latvia.

b) Gates of Entry and Border Control

The Cabinet of Ministers Regulations No. 459 of 6 June 2006 "Regulations Concerning Sample Form of Decision Regarding Refusal of Entry for an Alien to the Republic of Latvia and Procedures of Completion Thereof"⁴¹ came into force on **10 June 2006**. The regulations establish a standard form to be used when a foreign national is declined entry into the Republic of Latvia as well as the procedure for filling out the form.

The decision form is designed in accordance with the Council Decision No. 2004/574/EC⁴² of 29 April 2004 amending the Common Manual. The decision was ratified to harmonize criteria for declining entry by member states of the European Union and to supplement the Schengen Common Manual with a standard form for declining entry.

Amendments to the Border Guard Law⁴³ were announced on **13 July 2006** that will extend the rights of the employees of the State Border Guard Immigration Units to monitor conditions for foreign nationals' residence and employment and will allow the border guards to use cold weapons. The amendments give a more detailed description of the authority of state border guards to monitor foreign nationals' residence and employment in premises owned or used by individuals or legal entities, to call individuals to their offices for verifying materials related to monitoring conditions of foreign nationals' entry, residence and exit, and to request and receive information needed for the monitoring process.

⁴¹ Cabinet of Ministers Regulations No. 459 of 6 June 2006 "Regulations concerning Sample Form of Decision regarding Refusal of Entry for an Alien to the Republic of Latvia and Procedures of Completion Thereof", *Latvijas Vēstnesis (Latvia Herald)*, No. 90, 9 June 2006

⁴² Council Decision No. 2004/574/EC of 29 April 2004 amending the Common Manual, *Official Journal*, L 261, 6 August 2004, pp. 36-39

⁴³ Amendments to Border Guard Law, *Latvijas Vēstnesis (Latvia Herald)*, No. 100, 29 June 2006

Other amendment paragraphs allow border guards to use cold weapons (special daggers) that are part of their equipment and include other special weapons (clubs, handcuffs) that can be used when escorting, deporting and housing illegal immigrants if the detainees exhibit defiance or resistance. Up until now the use of special weapons was restricted by the Border Guard Law only to situations when border guards had to ward off attacks during protecting state borders.

The draft amendments were presented at the meeting of state secretaries on 18 January 2007 and were passed on to the respective ministries and other institutions for harmonizing.

c) Refugee Protection and Asylum

On **7 June 2006** the Saeima ratified amendments to the Asylum Law⁴⁴ that came into force on 10 July 2006. The amendments were devised to transfer the functions established by the Asylum Law from the Council for the Refugee Appeal onto regional administrative courts. Thus, all the international requirements are being complied with and a more efficient use of state budget resources is in place without maintaining a separate institution.

A draft law "On Asylum in the Republic of Latvia", prepared by the Ministry of the Interior, and was presented at the meeting of state secretaries on 14 September 2006.

The draft was prepared to ensure implementation of two European Union Directives, the Council Directive 2004/83/EC⁴⁵ on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted; and the Council Directive 2005/85/EC⁴⁶ on minimum standards on procedures in Member States for granting and withdrawing refugee status.

⁴⁴ Law "Amendments to the Asylum Law", Latvijas Vēstnesis (Latvia Herald), No. 98, 27 June 2006

⁴⁵ Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, Official Journal, L 304, 30 September 2004, pp. 12-23

⁴⁶ Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status, Official Journal, L 326, 13 December 2005, pp. 13-34

The draft law is based on the Asylum Law currently in force and details criteria for granting asylum and for the procedure of processing asylum applications. In addition, the draft details conditions for granting temporary protection to groups of people who have been forced to leave their home countries due to military conflict or human rights threats and who Latvia might become responsible for if the Council of the European Union passes the respective decision in the future.

The draft law was presented at the meeting of state secretaries and was passed on to the respective ministries and other institutions for harmonizing.

Amendments to the Cabinet of Ministers Regulations No. 29 of 20 January 2003 "Procedure for Deporting an Individual from the Republic of Latvia who has been Declined a Refugee or Alternative Status"⁴⁷ were presented at the meeting of the state secretaries on **5 October 2006**. The amendments harmonize the terminology used by the regulations with that used by the 7 June 2006 amendments to the Asylum Law establishing a new decision for granting a refugee or alternative status and setting the procedure for appeal of an unfavourable decision.

Amendments to the regulations were passed at the meeting of the Cabinet of Ministers on 20 February 2007 and have been in force since 24 February 2007.

d) Citizenship and Naturalization

At its **8 August 2006** meeting the Cabinet of Ministers passed amendments to the Cabinet of Ministers Regulations No. 33 of 2 February 1999 "Regulations on the Examination of the Proficiency of the Latvian Language and the Examination of the Knowledge of the Basic Principles of the Satversme (the Constitution), the Text of the National Anthem and the History of Latvia for Persons Who Wish to Acquire the Citizenship of Latvia through Naturalization"⁴⁸.

The amendments to the regulations establish a longer time period for getting ready to take a repeat test of the official language proficiency, the procedure for

⁴⁷ Cabinet of Ministers Regulations No. 29 of 20 January 2003 "Procedure for Deporting an Individual from the Republic of Latvia who has been Declined a Refugee or Alternative Status", Latvijas Vēstnesis (Latvia Herald), No. 14, 28 January 2003

⁴⁸ Cabinet of Ministers Regulations No. 653 of 8 August 2006 "Amendments to the Cabinet of Ministers Regulations No. 33 of 2 February 1999 "Regulations on the Examination of the Proficiency of the Latvian Language and the Examination of the Knowledge of the Basic Principles of the Satversme (the Constitution), the Text of the National Anthem and the History of Latvia for Persons Who Wish to Acquire the Citizenship of Latvia through Naturalization"", Latvijas Vēstnesis (Latvia Herald), No. 128, 11 August 2006

recording the oral test answers into an audiocassette, and higher requirements for evaluating the level of official language proficiency for individuals whose language skill level has been tested by the centralized examination of the Latvian language and literature at a primary or secondary education establishment.

Likewise, at its **8 August 2006** meeting the Cabinet of Ministers passed amendments to the Cabinet of Ministers Regulations No. 34 of 2 February 1999 “The Procedure for the Acceptance and Review of Naturalization Applications”⁴⁹. The amendments to the Cabinet of Ministers regulations establish that processing of the naturalization application is discontinued if the applicant does not pass the official language proficiency and knowledge test, set by the Citizenship Law, three times; or if the applicant fails to come to the official language proficiency and knowledge test, set by the Citizenship Law, within the duration of two months due to no apparent reason.

e) Unauthorised Immigration and Legislation

At the **26 October 2006** meeting of the state secretaries, amendments to the Cabinet of Ministers Regulations No. 212 of 29 April 2003 “Procedures for the Forcible Expulsion of Aliens, Form of Standard Travel Document and Procedures for Issue Thereof”⁵⁰ were presented. Amendments to the regulations establish a shorter time period for issuance of the exit travel document to a foreign national who has been detained, including those who are being deported following serving a sentence in the Republic of Latvia.

Amendments⁵¹ were passed at the 20 February 2007 meeting of the Cabinet of Ministers.

⁴⁹ Cabinet of Ministers Regulations No. 652 of 8 August 2006 “Amendments to the Cabinet of Ministers Regulations No. 34 of 2 February 1999 “The Procedure for the Acceptance and Review of Naturalization Applications”, *Latvijas Vēstnesis (Latvia Herald)*, No. 128, 11 August 2006

⁵⁰ Cabinet of Ministers Regulations No. 212 of 29 April 2003 “Procedures for the Forcible Expulsion of Aliens, Form of Standard Travel Document and Procedures for Issue Thereof”, *Latvijas Vēstnesis (Latvia Herald)*, No. 65, 30 April 2003

⁵¹ Cabinet of Ministers Regulations No. 141 of 20 February 2007 “Amendments to the Cabinet of Ministers Regulations No. 212 of 29 April 2003 “Procedures for the Forcible Expulsion of Aliens, Form of Standard Travel Document and Procedures for Issue Thereof””, *Latvijas Vēstnesis (Latvia Herald)*, No. 39, 7 March 2007

f) Return

The Cabinet of Ministers Regulations No. 337 of 24 April 2006 “Regulations regarding Procedures by which the Republic of Latvia Receives and Renders Assistance to Member States of the European Union and the Schengen Treaty Countries and Cases of Forced Return by Air, Amount of Assistance Thereof and Procedures for Organisation of Joint Flights among Member States of the European Union and the Schengen Treaty Countries”⁵² came into force on **10 May 2006**. The regulations establish the procedure for the Republic of Latvia to receive and offer assistance to the member states of the European Union and Schengen countries when departing by air, the extent of the assistance, and the manner of organizing joint flights among member states.

The Cabinet of Ministers regulations were devised to incorporate the Council Directive 2003/110/EC⁵³ of 25 November 2003 on assistance in cases of transit for the purposes of removal by air.

⁵² Cabinet of Ministers Regulations No. 337 of 24 April 2006 “Regulations regarding Procedures by which the Republic of Latvia Receives and Renders Assistance to Member States of the European Union and the Schengen Treaty Countries and Cases of Forced Return by Air, Amount of Assistance Thereof and Procedures for Organisation of Joint Flights among Member States of the European Union and the Schengen Treaty Countries”, *Latvijas Vēstnesis (Latvia Herald)*, No. 71, 9 May 2006

⁵³ Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air, *Official Journal*, L 321, 6 December 2003, pp. 26-31

3. IMPLEMENTATION OF THE EUROPEAN UNION LEGISLATIVE ACTS

3.1. Asylum

- ✓ **28 July 1951 Convention relating to the Status of Refugees**
- ✓ **31 January 1967 Protocol relating to the Status of Refugees**

The 28 July 1951 Convention relating to the Status of Refugees and the 31 January 1967 Protocol relating to the Status of Refugees were ratified by Latvia on 19 June 1997 and have been in force since 29 October 1997⁵⁴.

- ✓ **Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted⁵⁵**

In order to include the norms set by the Council Directive 2004/83/EC into the national legislation, the following documents have been devised:

- Draft Law “On Asylum in the Republic of Latvia”;
- Draft Law “Amendments to the Law on Social Services and Social Assistance”;
- Draft Law “Amendments to the Law on Support for the Unemployed and Job Seekers”;
- Draft law “Amendments to the Law of Protecting Children’s Rights”;

and amendments to the Medical Treatment Law⁵⁶ (8 June 2006) and to the Cabinet of Ministers Regulations No. 44 of 20 January 2004 “Regulations Regarding Work Permits for Foreign Nationals” (12 December 2006) have been passed.

- ✓ **Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status⁵⁷**

⁵⁴ Law “On the 28 July 1951 Convention relating to the Status of Refugees and the 31 January 1967 Protocol relating to the Status of Refugees”, Latvijas Vēstnesis (Latvia Herald), No. 171/174, 4 July 1997

⁵⁵ Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, Official Journal, L 304, 30 September 2004, pp. 12-23

⁵⁶ Amendments to the Medical Treatment Law, Latvijas Vēstnesis (Latvia Herald), No. 98, 27 June 2006

In order to include the norms set by the Council Directive 2005/85/EC into the national legislation, the following documents have been devised:

- Draft Law “On Asylum in the Republic of Latvia”;
 - Draft Cabinet of Ministers Regulations “Regulations on Responsibilities of an Individual Representing a Minor Unaccompanied by Parents, Procedure for Appointing and Removing as well as Reimbursing such a Representative, and the Amount of Reimbursement and Accountability Expected”.
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- ✓ ***Council Decision 2004/904/EC of 2 December 2004 establishing the European Refugee Fund for the period 2005 to 2010⁵⁸***
 - ✓ ***Commission Decision 2006/399/EC of 20 January 2006 laying down detailed rules for the implementation of Council Decision 2004/904/EC as regards the eligibility of expenditure within the framework of actions co-financed by the European Refugee Fund implemented in the Member States⁵⁹***
 - ✓ ***Commission Decision 2006/400/EC of 20 January 2006 laying down detailed rules for the implementation of Council Decision 2004/904/EC as regards procedures for making financial corrections in the context of actions co-financed by the European Refugee Fund⁶⁰***
 - ✓ ***Commission Decision 2006/401/EC of 20 January 2006 laying down detailed rules for the implementation of Council Decision 2004/904/EC as regards Member States management and control systems, and rules for the administrative and financial management of projects co-financed by the European Refugee Fund⁶¹***

⁵⁷ Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status, Official Journal, L 326, 13 December 2005, pp. 13-34

⁵⁸ Council Decision 2004/904/EC of 2 December 2004 establishing the European Refugee Fund for the period 2005 to 2010, Official Journal, L 381, 28 December 2004, pp. 52-62

⁵⁹ Commission Decision 2006/399/EC of 20 January 2006 laying down detailed rules for the implementation of Council Decision 2004/904/EC as regards the eligibility of expenditure within the framework of actions co-financed by the European Refugee Fund implemented in the Member States, Official Journal, L 162, 14 June 2006, pp. 1-10

⁶⁰ Commission Decision 2006/400/EC of 20 January 2006 laying down detailed rules for the implementation of Council Decision 2004/904/EC as regards procedures for making financial corrections in the context of actions co-financed by the European Refugee Fund, Official Journal, L 162, 14 June 2006, pp. 11-19

⁶¹ Commission Decision 2006/401/EC of 20 January 2006 laying down detailed rules for the implementation of Council Decision 2004/904/EC as regards Member States management and control systems, and rules for the administrative and financial management of projects co-financed by the European Refugee Fund, Official Journal, L 162, 14 June 2006, pp. 20-26

In accordance with the Order of the Cabinet of Ministers No. 363 of 26 May 2004 "On European Refugee Fund"⁶², the Office of Citizenship and Migration Affairs has been named the leading European Refugee Fund institution in Latvia. The Order entrusts the Office of Citizenship and Migration Affairs with establishing the system for the management and control of the European Refugee Fund.

The Office of Citizenship and Migration Affairs has designed such a system which complies with the above Council and Commission Decisions and is detailed in the Multi-Year National Programme for 2005 – 2007.

- ✓ ***Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national***⁶³
- ✓ ***Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national***⁶⁴

In order to be able to efficiently apply the Council Regulation No. 343/2003 and the Commission Regulation No. 1560/2003, Latvia started using the EURODAC system in 2004 and made the necessary adjustments to the Asylum Law⁶⁵ (2 February 2005).

- ✓ ***Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers***⁶⁶

The Council Directive 2003/9/EK has been implemented by including its norms into:

⁶² The Order of the Cabinet of Ministers No. 363 of 26 May 2004 "On European Refugee Fund", Latvijas Vēstnesis (Latvia Herald), No. 86, 28 May 2004

⁶³ Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, Official Journal, L 050, 25 February 2003, pp. 1-10

⁶⁴ Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, Official Journal, L 222, 5 September 2003, pp. 3-23

⁶⁵ Amendments to the Asylum Law, Latvijas Vēstnesis (Latvia Herald), No. 98, 27 June 2006

⁶⁶ Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers, Official Journal, L 031, 6 February 2003, pp. 18-25

- The Asylum Law⁶⁷ (20 January 2005);
- The Cabinet of Ministers Regulations No. 406 of 3 September 2002 “Regulations regarding Personal Identity Documents of Asylum Seekers and Procedures for Issuance Thereof”⁶⁸ (8 February 2005); and
- The Cabinet of Ministers Regulations No. 119 of 8 February 2005 “Regulations on the Amount to Cover the Cost of Food, Hygiene and Basic Necessities Items for Asylum Seekers and the Procedure of Reimbursement”⁶⁹;

and the draft law “Amendments to the Law of Protecting Children’s Rights” was presented to the government.

- ✓ ***Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof***⁷⁰

To implement the norms set by the Council Directive 2001/55/EC into the national legislative acts, amendments to the Asylum Law (20 January 2005) and amendments to the Cabinet of Ministers Regulations No. 44 of 20 January 2004 “Regulations Regarding Work Permits to Foreign Nationals” (12 December 2006) were passed and the following documents were devised:

- Draft law “Amendments to the Law of Protecting Children’s Rights”;
- Draft Cabinet of Ministers Regulations “Amendments to the Cabinet of Ministers Regulations No. 410 of 3 September 2002 “Regulations on Identification Documents for an Individual having been Granted Alternative Status, and Identification Certificates for an Individual having been Granted Temporary Protection””.

⁶⁷ Amendments to the Asylum Law, Latvijas Vēstnesis (Latvia Herald), No. 18, 2 February 2005

⁶⁸ Cabinet of Ministers Regulations No. 112 of 8 February 2005 “Amendments to the Cabinet of Ministers Regulations No. 406 of 3 September 2002 “Regulations regarding Personal Identity Documents of Asylum Seekers and Procedures for Issuance Thereof””, Latvijas Vēstnesis (Latvia Herald), No. 24, 11 February 2005

⁶⁹ Cabinet of Ministers Regulations No. 119 of 8 February 2005 “Regulations on the Amount to Cover the Cost of Food, Hygiene and Basic Necessities Items for Asylum Seekers and the Procedure of Reimbursement”, Latvijas Vēstnesis (Latvia Herald), no. 27, 17 February 2005

⁷⁰ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, Official Journal, L 212, 7 August 2001, pp. 12-23

- ✓ **Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention⁷¹**
- ✓ **Council Regulation (EC) No 407/2002 of 28 February 2002 laying down certain rules to implement Regulation (EC) No 2725/2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention⁷²**

To efficiently apply the Council Regulations No. 2725/2000 and No. 407/2002, the Eurodac national contact point ensuring efficient functioning of the system has been established at the Office of Citizenship and Migration Affairs, and the fields of competencies and responsibilities have been clearly separated among the respective institutions of the Ministry of the Interior.

3.2. Immigration

Admission

- ✓ **Council Decision 2006/688/EC of 5 October 2006 on the establishment of a mutual information mechanism concerning Member States' measures in the areas of asylum and immigration⁷³**

To efficiently apply the Council Decision 2006/688/EC, the national contact point has been established at the Office of Citizenship and Migration Affairs that would facilitate the mutual exchange of information on those member states' measures in the areas of asylum and immigration that could seriously affect other member states or the European Union in general.

- ✓ **Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research⁷⁴**

⁷¹ Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention, Official Journal, L 316, 15 December 2000, pp. 1-10

⁷² Council Regulation (EC) No 407/2002 of 28 February 2002 laying down certain rules to implement Regulation (EC) No 2725/2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention, Official Journal, L 062, 5 March 2002, pp. 1-5

⁷³ Council Decision 2006/688/EC of 5 October 2006 on the establishment of a mutual information mechanism concerning Member States' measures in the areas of asylum and immigration, Official Journal, L 283, 14 October 2006, pp. 40-43

⁷⁴ Council Directive 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, 3 November 2005, pp. 15-22

To implement the norms set by the Council Directive 2005/71/EC into the national legislative acts, amendments to the Law on Science Activity⁷⁵ (28 December 2006) have been passed and a draft law “Amendments to the Immigration Law” worked out.

- ✓ ***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***⁷⁶

To implement the norms set by the Council Directive 2004/114/EC into the national legislative acts, amendments to the Cabinet of Ministers Regulations No. 44 of 20 January 2004 “Regulations Regarding Work Permits to Foreign Nationals” (12 December 2006) were passed and draft laws “Amendments to the Immigration law” and “Amendments to the Law on General Education” were prepared.

- ✓ ***Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC***⁷⁷

To implement the norms set by the Council Directive 2004/38/EC into the national legislative acts, the following documents have been passed:

- Cabinet of Ministers Regulations No. 586 of 18 July 2006 “Procedures by which Citizens of the Member States of the European Union, the European Economic Area Countries, the Swiss Confederation and Their Family Members shall Enter and Stay in the Republic of Latvia”;
- Amendments to the Medical Treatment Law (8 June 2006);

⁷⁵ Cabinet of Ministers Regulations No. 1076 of 28 December 2006 “Amendments to the Law on Science Activity”, Latvijas Vēstnesis (Latvia Herald), No. 208, 30 December 2006

⁷⁶ 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 December 2004, pp. 12-18

⁷⁷ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, Official Journal, L 158, 30 April 2004, pp. 77-123

- Amendments to the Cabinet of Ministers Regulations No. 229 of 29 May 2001 “Procedure for Granting, Repaying and Forgiving Student Loans if Credit Institutions Receive Assurance from the State”⁷⁸ (27 September 2005); and
- Cabinet of Ministers Regulations No. 108 of 13 February 2007 “The Regulations on the State Fees for the Examination of Documents necessary for an Application for a Visa, a Residence Permit or a Long-term Resident Status of the European Community in the Republic of Latvia and Services related”⁷⁹;

and devised:

- Draft Law “Amendments to the Immigration Law”;
 - Draft Law “Amendments to the Law on Support for the Unemployed and Job Seekers”.
- ✓ ***Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents***⁸⁰

To implement the norms set by the Council Directive 2003/109/EC into the national legislative acts, a draft law “Amendments to the Law on Support for the Unemployed and Job Seekers” was devised and the following documents have been passed:

- Amendments to the Immigration Law⁸¹ (6 April 2006);
- Law “On the Status of a Permanent Resident of the European Union in the Republic of Latvia “ (passed on 22 June 2006);
- Amendments to the Cabinet of Ministers Regulations No. 44 of 20 January 2004 “Regulations Regarding Work Permits to Foreign Nationals” (12 December 2006);
- Cabinet of Ministers Regulations No. 108 of 13 February 2007 “The Regulations on the State Fees for the Examination of Documents necessary for an Application for a Visa, a Residence Permit or a Long-term Resident

⁷⁸ Cabinet of Ministers Regulations No. 733 of 27 September 2005 “Amendments to the Cabinet of Ministers Regulations No. 229 of 29 May 2001 “Procedure for Granting, Repaying and Forgiving Student Loans if Credit Institutions Receive Assurance from the State””, *Latvijas Vēstnesis (Latvia Herald)*, No. 157, 4 October 2005

⁷⁹ Cabinet of Ministers Regulations No. 108 of 13 February 2007 “The Regulations on the State Fees for the Examination of Documents necessary for an Application for a Visa, a Residence Permit or a Long-term Resident Status of the European Community in the Republic of Latvia and Services related”, *Latvijas Vēstnesis (Latvia Herald)*, No. 28, 16 February 2007

⁸⁰ Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, *Official Journal*, L 016, 23 January 2004, pp. 44-53

⁸¹ Amendments to the Immigration Law, *Latvijas Vēstnesis (Latvia Herald)*, No. 62, 19 April 2006

Status of the European Community in the Republic of Latvia and Services related”.

✓ ***Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification***⁸²

To implement the norms set by the Council Directive 2003/86/EC into the national legislative acts, a draft law “On Asylum in the Republic of Latvia” has been devised and the following documents have been passed:

- Amendments to the Immigration Law⁸³ (24 November 2005);
- Cabinet of Ministers Regulations No. 652 of 30 August 2005 “Procedures by which Refugee Family Reunification, as well as Family Reunification of Such Person who has been Granted Alternative Status is Performed in the Republic of Latvia”⁸⁴.

✓ ***Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals***⁸⁵

In accordance with the requirements set by the Council Regulation 1030/2002, Latvia has been using a uniform format residence permit stickers since 1 May 2004.

✓ ***Council Decision of 30 November 1994 on a joint action adopted by the Council on the basis of Article K.3.2.b of the Treaty on European Union concerning travel facilities for school pupils from third countries resident in a Member State***⁸⁶

To comply with the norms set by the Council Decision regarding travel options for school students from third countries who are residents of a member state, the Cabinet of Ministers passed Regulations No. 707 “Procedures by which Alien Minors

⁸² Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, Official Journal, L 251, 3 October 2003, pp. 12-18

⁸³ Amendments to the Immigration Law, Latvijas Vēstnesis (Latvia Herald), No. 198, 13 December 2005

⁸⁴ Cabinet of Ministers Regulations No. 652 of 30 August 2005 “Procedures by which Refugee Family Reunification, as well as Family Reunification of Such Person who has been Granted Alternative Status is Performed in the Republic of Latvia”, Latvijas Vēstnesis (Latvia Herald), No. 138, 1 September 2005

⁸⁵ Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals, Official Journal, L 157, 15 June 2002, pp. 1-7

⁸⁶ Council Decision of 30 November 1994 on a joint action adopted by the Council on the basis of Article K.3.2.b of the Treaty on European Union concerning travel facilities for school pupils from third countries resident in a Member State, Official Journal, L 327, 19 December 1994, pp. 1-3

Enter and Reside in the Republic of Latvia Unaccompanied by Parents or Guardians”⁸⁷ on 16 December 2003.

Fight against illegal immigration and return

- ✓ ***Council Decision 2005/267/EC of 16 March 2005 establishing a secure web-based Information and Coordination Network for Member States' Migration Management Services***⁸⁸

ICONET has been introduced in Latvia at the Immigration Services of the State Border Guard; a national co-ordinator has been appointed. An official from the State Border Guard participated in the work group of technical experts who designed the ICONET.

- ✓ ***Council Decision 2004/573/EC of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders***⁸⁹

On 27 December 2005 amendments to Paragraph 50 of the Immigration Law⁹⁰ came into force which added Part 3 establishing that the Cabinet of Ministers set the procedure in which the Republic of Latvia receives and offers assistance to the member states of the European Union and Schengen countries when deporting by air, the extent of the assistance, and the manner of organizing joint flights among the member states of the European Union and Schengen countries. At the same time the amendment introduced the legislative norms of the Council Decision 2004/573/EC of 29 April 2004.

To ensure a full compliance of legislative acts with the Directive requirements, the Cabinet of Ministers on 25 April 2006 passed Regulations No. 337 “Regulations regarding Procedures by which the Republic of Latvia Receives and Renders Assistance to Member States of the European Union and the Schengen Treaty

⁸⁷ Cabinet of Ministers Regulations No. 707 of 16 December 2003 “Procedures by which Alien Minors Enter and Reside in the Republic of Latvia Unaccompanied by Parents or Guardians”, Latvijas Vēstnesis (Latvia Herald), No. 180, 19 December 2003

⁸⁸ Council Decision 2005/267/EC of 16 March 2005 establishing a secure web-based Information and Coordination Network for Member States' Migration Management Services, Official Journal, L 083, 1 April 2005, pp. 48-51

⁸⁹ Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, Official Journal, L 261, 6 August 2004, pp. 28-35

⁹⁰ Amendments to the Immigration Law, Latvijas Vēstnesis (Latvia Herald), No. 198, 13 December 2005

Countries and Cases of Forced Return by Air, Amount of Assistance Thereof and Procedures for Organisation of Joint Flights among Member States of the European Union and the Schengen Treaty Countries”⁹¹ that came into force on 10 May 2006.

✓ ***Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data***⁹²

To implement the norms set by the Council Directive 2004/82/EC into the national legislative acts, amendments to Latvia Code of Administrative Offences⁹³ (22 June 2006) and amendments to the Law “On Aviation”⁹⁴ (30 May 2006) have been passed.

✓ ***Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities***⁹⁵

To implement the norms set by the Council Directive 2004/81/EC into the national legislative acts, amendments the following documents have been passed:

- Law “On Stay of the Victims of Human Trafficking in Latvia”⁹⁶ (25 January 2007);
- Amendments to the Immigration Law⁹⁷ (25 January 2007);
- Amendments to the Cabinet of Ministers Regulations No. 44 of 20 January 2004 “Regulations Regarding Work Permits to Foreign Nationals” (12 December 2006);

⁹¹ Cabinet of Ministers Regulations No. 337 of 25 April 2006 “Regulations regarding Procedures by which the Republic of Latvia Receives and Renders Assistance to Member States of the European Union and the Schengen Treaty Countries and Cases of Forced Return by Air, Amount of Assistance Thereof and Procedures for Organisation of Joint Flights among Member States of the European Union and the Schengen Treaty Countries”, Latvijas Vēstnesis (Latvia Herald), No. 71, 9 May 2006

⁹² Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data, Official Journal, L 261, 6 August 2004, pp. 24-27

⁹³ Amendments to Latvia Code of Administrative Offences, Latvijas Vēstnesis (Latvia Herald) No. 107, 7 July 2006

⁹⁴ Amendments to the Law “On Aviation”, Latvijas Vēstnesis (Latvia Herald), No. 83, 30 May 2006

⁹⁵ Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, Official Journal, L 261, 6 August 2004, pp. 19-23

⁹⁶ Law “On Stay of the Victims of Human Trafficking in Latvia”, Latvijas Vēstnesis (Latvia Herald), No. 23, 8 February 2007

⁹⁷ Amendments to the Immigration Law, Latvijas Vēstnesis (Latvia Herald), No. 23, 8 February 2007

- Cabinet of Ministers Regulations No. 813 of 3 October 2006 “Residence Permit Regulations”.

✓ ***Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air⁹⁸***

To implement the norms set by the Council Directive 2003/110/EC into the national legislative acts, on 10 May 2003 the Cabinet of Ministers Regulations No. 337 “Regulations regarding Procedures by which the Republic of Latvia Receives and Renders Assistance to Member States of the European Union and the Schengen Treaty Countries and Cases of Forced Return by Air, Amount of Assistance Thereof and Procedures for Organisation of Joint Flights among Member States of the European Union and the Schengen Treaty Countries” came into force.

✓ ***Council framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence⁹⁹***

✓ ***Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence¹⁰⁰***

The Council Directive 2002/90/EC has been implemented by introducing its norms into the Criminal Law.

✓ ***Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985¹⁰¹***

To implement the norms set by the Council Directive 2001/51/EC into the national legislative acts, amendments to the Immigration Law¹⁰² (24 November 2005), amendments to Latvia Code of Administrative Offences (17 March 2005) and

⁹⁸ Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air, Official Journal, L 321, 6 December 2003, pp. 26-31

⁹⁹ Council framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence, Official Journal, L 328, 5 December 2002, pp. 1-3

¹⁰⁰ Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence, Official Journal, L 328, 5 December 2002, pp. 17-18

¹⁰¹ Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985, Official Journal, L 187, 10 July 2001, pp. 45-46

¹⁰² Amendments to the Immigration Law, Latvijas Vēstnesis (Latvia Herald), No. 198, 13 December 2005

the Cabinet of Ministers Regulations No. 504 of 9 September 2003 "Procedures by which Expenses Related to the Expulsion, Detention and Keeping under Guard of an Alien shall be Determined and Recovered"¹⁰³.

- ✓ ***Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals***¹⁰⁴
- ✓ ***Council Decision 2004/191/EC of 23 February 2004 setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals***¹⁰⁵

The Council Directive 2001/40/EC of 28 May 2001 and the Council Decision 2004/191/EC of 23 February 2004 are not binding to Latvia currently and will be implemented following Latvia's accession to the Schengen Area.

¹⁰³ Cabinet of Ministers Regulations No. 504 of 9 September 2003 "Procedures by which Expenses Related to the Expulsion, Detention and Keeping under Guard of an Alien shall be Determined and Recovered", Latvijas Vēstnesis (Latvia Herald), No. 125, 12 September 2003

¹⁰⁴ Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals, Official Journal, L 149, 2 June 2001, pp. 34-36

¹⁰⁵ Council Decision 2004/191/EC of 23 February 2004 setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals, Official Journal, L 060, 27 February 2004, pp. 55-57

4. OTHER POLICY IMPLEMENTATION ISSUES

Labour Market and Employment

At the 25 July 2006 meeting the Cabinet of Ministers received an informative report, prepared by the Ministry of Economics, containing recommendations for improving the way the respective authorities gather, store and exchange information, and co-ordinate their activities, functions and completion of tasks to ensure a timely and detailed labour market forecasting and developing related policy planning documents (Decision No. 39, Paragraph 41 of the 25 July 2006 Cabinet of Ministers meeting minutes). The objective of the report is to assess the situation in the country in the area of labour market forecasting and to work out recommendations with respect to improving the forecasting system, facilitating the information exchange and co-ordination of activities among the institutions involved.

At the 22 August 2006 meeting the Cabinet of Ministers received an informative report, prepared by the Ministry of Welfare, containing recommendations for ensuring flexibility and protection in employment relations (Decision No. 43, Paragraph 45 of the Cabinet of Ministers meeting minutes). The report was prepared because the Declaration of the Intended Activities of the Cabinet of Ministers led by Mr. A. Kalvītis emphasized that the political parties represented at the Cabinet of Ministers had come to an agreement to develop competitive advantages of Latvia's labour market through making the labour legislation more flexible and guaranteeing its actual implementation.

At the 30 November 2006 meeting the Cabinet of Ministers received an informative report, prepared by the Ministry of Welfare, containing recommendations for restricting the illegal and un-registered employment (Decision No. 62, Paragraph 31 of the Cabinet of Ministers meeting minutes). The report was prepared because the government Declaration emphasized that the political parties represented at the Cabinet of Ministers had come to an agreement to support favourable environment for honest competition by fighting tax evasion, value-added tax fraud, compensation presented in envelopes and hiding individual income, at the same time not creating administrative hurdles for development of honest enterprise competition. In this context, one of the priorities of the Ministry of Welfare for 2006 is restricting illegal employment.

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