

**ANNUAL REPORT ON ASYLUM AND
MIGRATION STATISTICS FOR LATVIA
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Latvian contact point of the European Migration Network is responsible for the development of the report in Latvia

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INTRODUCTION

The annual report on asylum and migration statistics is the fifth report on statistics prepared by the Latvian contact point of the European Migration Network,¹ based on the specifications developed by the European Commission and adopted by the national contact points of the European Migration Network.

The report presents comparative statistical information about the asylum and migration, explains the reasons for changes in statistic indicators by comparing the data of 2006 and 2007 and also provides forecasts about issues that could be met in Latvia within the nearest future.

The report comprises of three parts which, accordingly, describe the field of asylum, migration and illegal immigration, besides each part is sub-divided into two sections from which the first part is focused on analysis and interpretation of statistical information and the second section provides legal, political and international factors that have influenced each area.

Statistical data for the report was provided by the statistical office of the European Union - *Eurostat*, which receives this data from national data providers: the Central Statistical Bureau², the Office of Citizenship and Migration Affairs³, and the State Border Guard⁴.

By taking into account that Rumania and Bulgaria accessed the European Union on January 1, 2007, these countries shall not be considered as third countries anymore.

¹ In accordance with the Council Decision of May 14, 2008 No. 2008/381/EC the objective of the European Migration Network is to meet the information needs of Community institutions and of the Member States' authorities and institutions, by providing up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in the European Union in these areas.

² Hereinafter in references – the CSB. The CSB is the institution subject to the Ministry of Economics, responsible for obtaining, summarising and arranging of statistical data. Official homepage: www.csb.gov.lv.

³ Hereinafter in references – the OCMA. The OCMA is the institution subject to the Ministry of Interior, responsible for issuance of personal identification documents and travel documents, it maintains the Population Register and implements the state migration policy. Official homepage: www.pmlp.gov.lv.

⁴ Hereinafter in references – the SBG. The SBG is the institution subject to the Ministry of Interior, responsible for protection and control of the borders of the state and for control of regulations regarding entry, residence, departure and transit of foreigners. Official homepage: www.rs.gov.lv.

2. ASYLUM

As in the previous years, according to overall estimate, the number of asylum seekers in Latvia in 2007 is small. Persons arriving to receive international protection in Latvia may be conditionally divided into two large groups:

- 1) persons from the countries of the former U.S.S.R.⁵ and from the CIS countries⁶ (Russia, Belarus, Armenia, Azerbaijan, Georgia, Tajikistan, and other). In most cases, Latvia was the country of destination for such people and they wished to arrive here, in Latvia, due to various reasons (for instance, the possibility to speak Russian in communication, presence of acquaintances or friends, etc.);
- 2) persons from Asian and African countries (Iraq, Afghanistan, Bangladesh, Kenya, Sierra Leone, Mongolia, and other). In most cases, representatives of this group have wished to use Latvia as a transit country only, in order to enter some other country of Western Europe, or have got here as a result of human trafficking and fraud.

2.1. Analysis and interpretation of asylum statistics

2.1.1. Trends of first-time applications from asylum seekers in 2007

Compared with 2006, the number of asylum seekers has increased considerably. In 2007, totally 34 asylum applications were received, which is 4.25 times more than in 2006. Characteristic trend is that persons arrived from rather “exotic” countries from which asylum seekers in Latvia have never had arrived so far, for instance, Bangladesh, Mongolia, Sierra Leone, Cuba, Ghana, and the largest number of asylum seekers has arrived from the mentioned countries. This is an essential difference compared with the previous years of reporting when the largest number of applications was received from persons from Russia or the CIS countries. At the same time, no country has become distinctive this year from where the largest number of asylum seekers would arrive: during the year, 34 applications were received from persons from 17 different countries of origin.

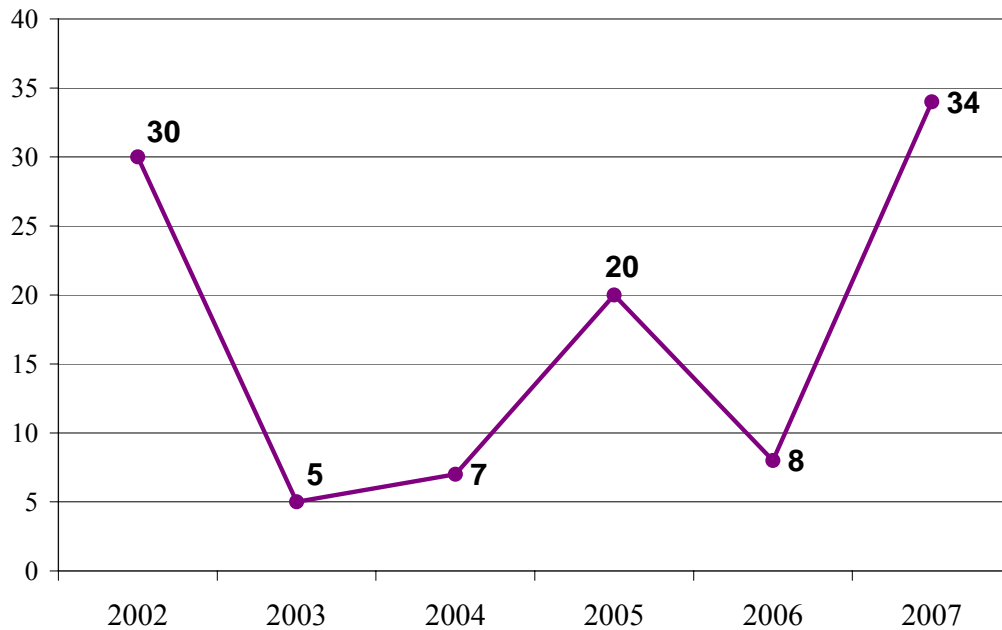
Experts of the asylum policy are of the opinion that the said changes are not related to any changes in legislation or at administrative level.

⁵ U.S.S.R. – the Union of Soviet Socialist Republics, the super power that existed from 1921 till 1991. Latvia was included in the U.S.S.R. in 1940.

⁶ CIS – the Commonwealth of Independent States – international organisation formed by many former U.S.S.R. states on December 8, 1991, similar to the European Union.

It should be also noted that the forecast made by the experts has fulfilled, as mentioned in the report on statistics 2006 regarding the increase in the number of asylum seekers.

Chart 2.1.1.1
The total number of the first-time asylum applications, 2002-2007⁷



Having evaluated the breakdown of the number of asylum seekers per age and sex, general conclusion can be made that, in most cases, men in the work capacity age enter Latvia. This trend is typical both in 2007 as well as in the previous periods of reference.

Table 2.1.1.2
Total number of the first-time asylum applications by age group and sex, 2007⁸

Age groups	Men	Women	Together
Sum total	30	4	34
0-17	3	0	3
18-35	18	4	22
36-59	8	0	8
60+	1	0	1

⁷ Data source: the OCMA.

⁸ Data source: the OCMA.

2.1.2. Number of first and final positive decisions in 2007

In 2007, totally 44 decisions have been issued, 35 of these decisions have been issued by the Office of Citizenship and Migration Affairs (examinations of asylum applications in the institution) and 9 have been issued by the Administrative Regional Court (the first appeal).

In 2007, 1 person from Iraq and 4 persons (members of one family) from Azerbaijan have been granted refugee status.

1 person from Belarus and 2 persons from Cuba have been granted subsidiary status of protection.

The number of decisions issued in 2007 in comparison to 2006 can be explained by the fact that in 2007 decisions were taken also in cases when applications for granting international protection status were submitted in the previous years.

Table 2.1.2.1
The total number of decisions, 2007⁹

	Total	First instance	First appeal
Total	44	35	9
Positive decisions	8	8	0
Negative decisions	33	24	9
Other non-status decisions	3	3	0

2.1.3. Changes in the statuses granted to particular citizenship groups

By taking into account the statistics for 2007 as well as the previous years of reference, conclusions can be made that there is a trend to grant some of the protection statuses (i.e., refugee or alternative status) to asylum seekers from Belarus.

Due to the small number of asylum seekers in Latvia, no other changes in statuses granted to citizen groups from particular countries have been found.

⁹ The data source: the OCMA.

Registration of asylum seekers, 1998-2007¹⁰

Asylum seekers' source country	Number of asylum seekers 1998-2007	Refugee status granted 1998-2007	Alternative status granted 2002-2007
Afghanistan	11	1	0
Algeria	2	0	0
Angola	1	0	0
Armenia	13	0	0
Azerbaijan	17	4	0
Belarus	10	1	5
Bangladesh	6	0	0
Egypt	4	1	0
Ghana	1	0	0
Georgia	11	0	0
India	1	0	0
Iraq	15	2	0
Japan	1	0	0
Lithuania	1	0	0
Kazakhstan	2	0	0
Kenya	2	0	0
Congo	1	0	0
Congo DR	1	1	0
Cuba	2	0	2
Russia	47	1	7
Morocco	1	0	0
Moldova	1	0	0
Mongolia	2	0	0
Nigeria	3	0	0
Pakistan	7	3	0
Palestine	1	0	0
Rumania	1	0	0
Sierra Leone	1	0	0
Sudan	1	1	0
Slovakia	9	0	0
Somalia	7	0	7
Tadzhikistan	3	0	0
Turkey	1	0	0
Ukraine	5	0	0
Uzbekistan	2	0	0
Vietnam	8	0	0
Kyrgyzstan	1	0	0
Total	203	15	21

2.2. General analysis of legal, political and international factors

2.2.1. Most significant changes in legislation in 2007

During 2007, there have been no significant changes in legislation related to asylum policy. The Asylum Law¹¹, which is in force since 2002, determined the criteria for the asylum procedure, period for evaluation of applications, responsible institutions, etc. On October 25, 2007, amendments to the Asylum Law were made,

¹⁰ The data source: the OCMA.

¹¹ Valid from September 1, 2002. – The Latvian Herald No.48 (2623), 27.03.2002.

however these amendments were related to appointment of a representative for unaccompanied minor asylum seeker, and did not have any effect on the general organisation of the asylum procedure.

Saeima continued to review the draft law developed in 2006 “Law on the Asylum in the Republic of Latvia”. The draft law was developed in order to ensure the implementation of two European Union directives: Council Directive 2004/83/EC¹² and Council Directive 2005/85/EC¹³.

2.2.2. Procedural changes in 2007

In 2007 no administrative or legal changes occurred that would have affected the number of asylum seekers or the process of evaluation of applications.

2.2.3. European and international factors influencing certain changes in the asylum policy in 2007

In the end of 2007, the implementation of EQUAL project “Step by Step”¹⁴, which was commenced in 2005, was completed. The said project was implemented by the Office of Citizenship and Migration Affairs in cooperation with Liepāja District Council, Association the Latvian Red Cross, the International Organisation for Migration, and foundation CARITAS LATVIJA.

The aim of the project is to integrate asylum seekers in the social environment of Latvia. Activities of the project were oriented into following directions:

1. harmonization of legislation with the EU regulations in the fields of accommodation and asylum procedures, evaluation of national laws and regulations;
2. development and testing of models for social and professional integration of asylum seekers;
3. advisory councils in asylum matters: establishing of cooperation network among non-governmental organisations, state and local government institutions for solving asylum matters;

¹² Council Directive 2004/83/EC (April 29, 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, 30.09.2004. - p.2.

¹³ Amendment to Council Directive 2005/85/EC of December 1, 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status - Official Journal L-236, 31.08.2005. - p.35.

¹⁴ EQUAL – the European Union programme which is implemented in Latvia in the field of social innovations since 2004. „Step by Step” is one of the projects within the framework of the programme.

4. information and education of the society regarding asylum matters;
5. training for personnel who is working or could potentially work with asylum seekers;
6. active participation of Latvian state institutions, local governments and non-governmental organisations at international level in solving matters of asylum seekers, experience exchange activities;
7. development of educational courses for social work with asylum seekers and for teaching Latvian as foreign language.

3. MIGRATION

Still in 2006, discussions were initiated both in political environment and in public about the need to bring in labour from third countries due to developing economy of Latvia and outflow of local labour from the labour market. The result of the developing economy of 2007 is significant increase in the number of first-time issued residence permits particularly in the field of employment, compared to 2006; however inflow of labour is not a consequence to goal-oriented development of the state policy and its implementation in the field of migration. Unfortunately, the decreased flow of registered emigration does not give evidence that any activities would be implemented in the state to stimulate people of the work capacity age to stay in Latvia, or conditions would be created that facilitate return of such labour. The majority of emigrants still do not register the fact of their emigration from the country.

3.1. Analysis and interpretation of migration statistics

3.1.1. Migration flows

Since 1990, a marked trend is observed in Latvia for the number of the population of Latvia to decrease. The population of Latvia continues to decrease also in 2007 and, as a result of long-term migration, it has decreased by **642** people.

In 2007, 3541 people from other countries took up residence in Latvia and 4183 people from Latvia took up permanent residence in other countries.

The negative net migration in 2007 is the second highest since 2002: the highest net migration was in 2005. Such high net migration in 2007 can be explained by almost equal increase in immigration flow and decrease of emigration flow (see: table 3.1.1.1 and chart 3.1.1.2).

It is forecasted that, after accession of Latvia to the Schengen area on December 21, 2007, the immigration flow could increase more rapidly particularly from third countries, namely, there is a reasonable doubt that the number of those third-country nationals who will choose Latvia as a transit country for entering some other country of the Schengen area will increase.

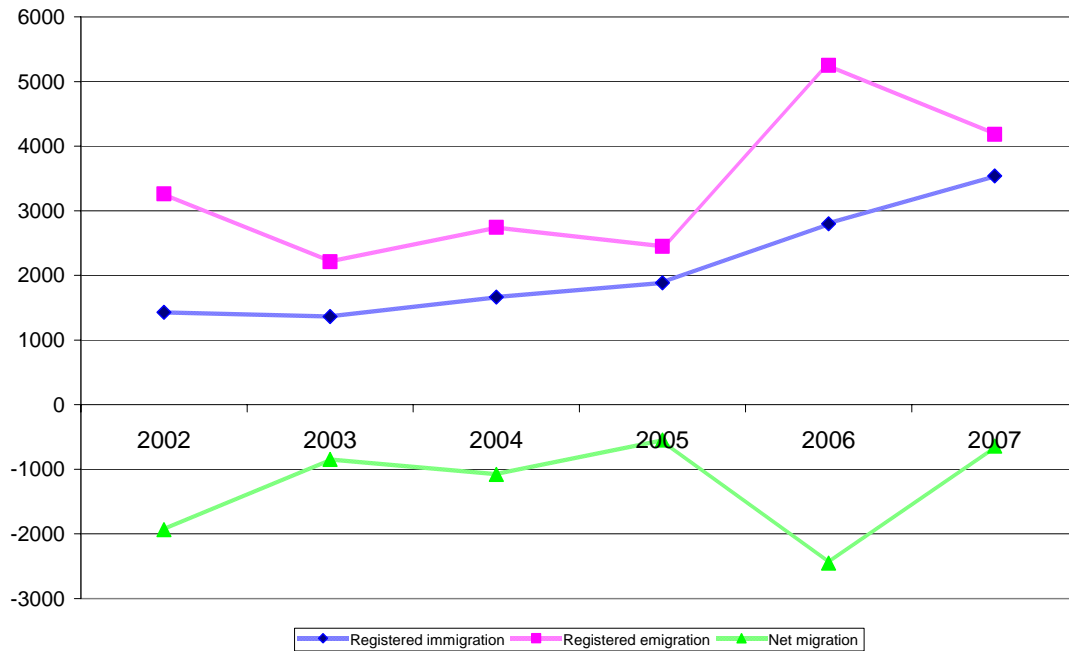
Table 3.1.1.1
Migration flows, 2002-2007¹⁵

	2002	2003	2004	2005	2006	2007
Resident population in the beginning of the year	2345768	2331480	2319203	2306434	2294590	2281305
Registered immigration	1428	1364	1665	1886	2801	3541
Registered emigration	3262	2210	2744	2450	5252	4183
Net migration	-1834	-846	-1079	-564	-2451	-642

It should be emphasised that a new trend has been marked in the migration flows: the immigration flow constantly rises since 2003 (see: chart 3.1.1.2). The emerging of such a trend can be explained by gradual improvement of the economic situation in Latvia that certainly entails also rising of general welfare level.

¹⁵ Data source: the CSB.

Chart 3.1.1.2
Population long-term migration, 2002-2007¹⁶



In 2007, in the interstate immigration flow the proportion of the countries of the European Union, compared with 2006, increased by 20.27% and comprises 73.17%. However, regardless the fact that the proportion of the countries of the European Union in the emigration flow in 2006 has slightly increased from 38.7% to 41.19%, the proportion of other countries: 58.81% retains its leading positions (see: table 3.1.1.3).

Table 3.1.1.3
Immigration and emigration by country, 2007¹⁷

Country	Immigration		Emigration		Net migration
	Number of people	%	Number of people	%	
All foreign countries	3541	100	4183	100	- 642
including:					
EU-26:	2591	73.17	1723	41.19	868
Great Britain	599	16.92	393	9.40	206
Germany	234	6.61	449	10.73	-215
Ireland	350	9.88	182	4.35	168
Lithuania	299	8.44	120	2.87	179

¹⁶ Data source: the CSB.

¹⁷ Data source: the CSB. Data in the table is arranged by migration turnover: immigration + emigration. The table shows data for five largest countries according to migration turnover from EU-26 and from other countries.

Bulgaria	287	8.11	18	0.43	269
Other countries:	950	26.83	2460	58.81	-1510
Russia	396	11.18	1414	33.80	-1018
Belarus	71	2.01	300	7.17	-229
USA	84	2.37	206	4.92	-122
Ukraine	91	2.57	192	4.59	-101
Norway	49	1.38	48	1.15	1

3.1.2. Main population groups in Latvia by citizenship in 2007

Having studied the number of third country nationals¹⁸ in 2007, conclusions must be made that it was generally not large in Latvia: 18.98% of the total population in the country, but compared with 2006 it however slightly decreased: the number of third country nationals in 2006 was 19.91% (see: table 3.1.2.1).

The circumstances must be taken into account in this regard that also non-citizens of Latvia are included in the number of third country nationals¹⁹ who are persons with special status in Latvia. The said status has originated on the basis of the historically formed situation related to integration of Latvia in the Soviet Union and the later collapse of the U.S.S.R. Therefore, the group of third country nationals is divided in more details by status in the table (see: table 3.1.2.1).

By comparing the groups in 2007 and in 2006, conclusion must be made that the number of non-citizens of Latvia has decreased, the number of citizens of Latvia has slightly increased, and the number of third country nationals has slightly increased.

The phenomenon is observed that, due to various reasons, non-citizens of Latvia choose among two possibilities to reside in Latvia:

- 1) by acquiring the citizenship of Latvia through naturalisation;
- 2) by acquiring the citizenship of Russia and by receiving a residence permit in Latvia.

¹⁸ In accordance with Clause 3 of Section 1 of Law "On the Status of a Permanent Resident of the European Union in the Republic of Latvia", a third country national is a person who is not a citizen of the Republic of Latvia, another EU Member State, state of the European Economic Area, or the Swiss Confederation.

¹⁹ In accordance with Law "On the Status of those Former U.S.S.R. Citizens who do not have the Citizenship of Latvia or that of any Other State", non-citizens of Latvia are those are such citizens of the former USSR who reside in the Republic of Latvia as well as who are in temporary absence and their children who simultaneously comply with the following conditions: 1) on 1 July 1992 they were registered in the territory of Latvia regardless of the status of the living space indicated in the registration of residence, or up to 1 July 1992 their last registered place of residence was in the Republic of Latvia, or it has been determined by a court judgment that they have resided in the territory of Latvia for 10 consecutive years until the referred to date; 2) they are not citizens of Latvia; 3) they are not and have not been citizens of another state.

Unfortunately, no research has been made in Latvia about reasons why non-citizens of Latvia change the legal status in the country when actually continuing their stay in Latvia.

The above-mentioned phenomenon explains the changes in the population groups.

Table 3.1.2.1
Population of Latvia by citizenship,
2004-2007 (January 1)²⁰

Year	Citizenship of population	Total population	% of total population
2006		2 294 590	100
	Citizens of Latvia	1 837 832	80.09
	EU-24 citizens	-	-
	Non-citizens of Latvia	418 686	18.25
	Third country nationals	37 800	1.65
	Stateless persons	271	0.01
	Unknown	1	0.00
2007		2 281 305	100
	Citizens of Latvia	1 848 354	81.02
	EU -26 citizens	6 264	0.27
	Non-citizens of Latvia	392 282	17.20
	Third country nationals	40 392	1.77
	Stateless persons	277	0.01
	Unknown	-	-

No significant changes have been observed in citizenship of immigrants. Still the largest group of immigrants by citizenship is the citizens of Russia. Without any changes and for a longer period already, among the largest groups of immigrants by citizenship are citizens of Ukraine and Belarus. Russia, Belarus and Ukraine are the former countries of the U.S.S.R., and – by taking into account the historical background – the large proportion of citizens of particularly these countries among immigrants is understandable (see: table 3.1.2.2).

Among the largest groups of immigrants by citizenship in 2007 are also citizens from the USA and Israel who, due to various reasons, have returned in the motherland of their ancestors. It should be taken into account that many citizens of Latvia emigrated to the above-mentioned countries during the Second World War (1939-1945).

²⁰ Data source: the CSB.

Table 3.1.2.2
The largest groups of third country nationals by citizenship,
2004-2007 (January 1)²¹

Citizenship	2004		2005		2006		2007	
	Population	%	Population	%	Population	%	Population	%
Russia	22464	0.97	23251	1.01	25353	1.11	27008	1.18
Ukraine	2338	0.10	2429	0.11	2621	0.11	2546	0.11
Belarus	1459	0.06	1598	0.07	1674	0.07	1755	0.08
USA	476	0.02	487	0.02	483	0.02	515	0.02
Israel	205	0.01	263	0.01	282	0.01	300	0.01
Moldova	126	0.01	126	0.01	144	0.01	217	0.01
Armenia	235	0.01	238	0.01	256	0.01	243	0.01
Azerbaijan	150	0.01	149	0.01	147	0.01	152	0.01
Kazakhstan	107	0.00	111	0.00	130	0.01	139	0.01
Uzbekistan	57	0.00	69	0.00	73	0.00	114	0.01
India	122	0.01	115	0.00	125	0.01	107	0.00

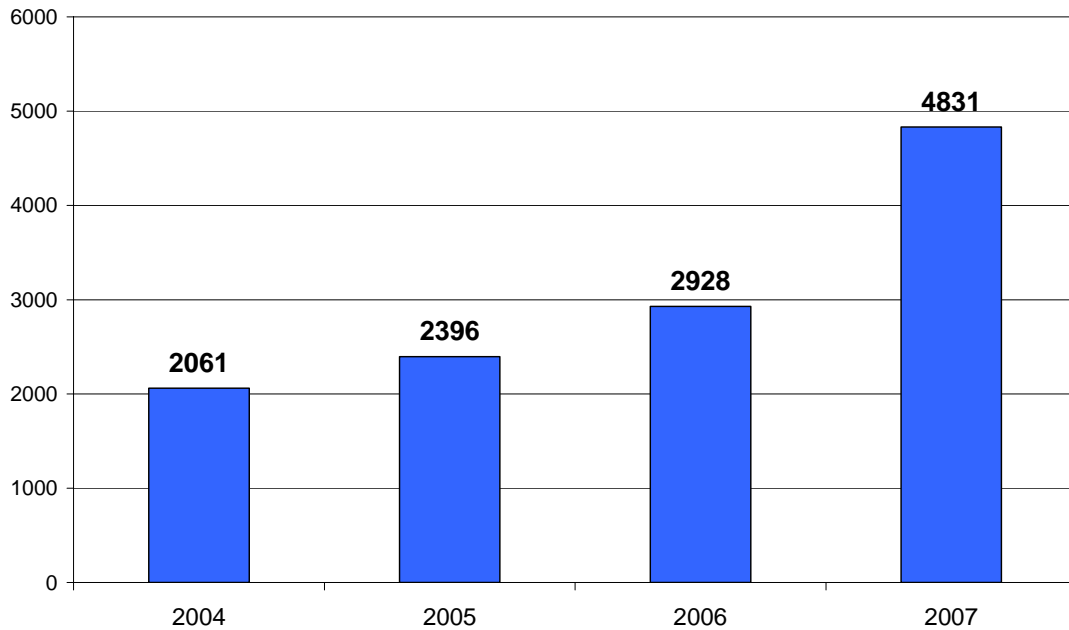
3.1.3. First-time issued residence permits in 2007

Compared with 2006, the number of first-time issued residence permits rapidly increased in 2007 (see: chart 3.1.3.1).

Mainly it is explained by the fact that the economy of Latvia continued its fast development in 2007, and as a result rather tense situation formed in the Latvian labour market which caused a need for entrepreneurs to employ third-country nationals. Not the less significant fact is also the membership of Latvia in the European Union.

²¹ Data source: the CSB.

Chart 3.1.3.1
Total number of first-time issued temporary residence permits, 2004-2007²²



In 2007, interesting direction could be evidenced: fast economic development continued in the country which caused the demand for low qualified labour, local low qualified labour flows to other Member States of the European Union (e.g., Ireland, the Great Britain, Germany, etc.), and the result is a situation when local entrepreneurs are forced to search for labour abroad. It explains the increase in the number of first-time issued residence permits particularly in the field of employment (see: table 3.1.3.2).

By taking into account the above described situation, it is understood why more than 50% of the number of first-time issued residence permits comprise of a group of immigrants who have received a residence permit due to their employment in Latvia.

In 2007, it is not possible yet to conclude about third-country nationals-pupils among the total number of third-country nationals for whom residence permits have been first-time issued due to education.

²² Data source: the OCMA.

Table 3.1.3.2
First-time issued residence permits in 2007²³

		2006	2007
Total		2928	4831
Family reunification		739	887
	Spouses	455	559
	Children < 18 years old	30	53
	Other family members	254	275
Education		414	460
	Pupils
	Students	414	460
Employment		1306	2968
	Self-employed persons	287	399
	Employed persons	1019	2569
Other		469	516

... – data not available

3.2. General analysis of legal, political and international factors

3.2.1. Main trends and the most significant development in migration

In 2007, active work was continued for the migration policy by the “Conception about Migration Policies with a View to Employment” which commenced in 2006²⁴. In 2006, the inter-institutional work group was formed comprising of representatives of the Ministries of the Interior, Economics, Finance, Welfare, and Justice; the Secretariat of the Special Assignments Minister for Social Integration, as well as the Latvian Free Trade Union Association, and the Employers’ Confederation of Latvia, with an aim to evaluate necessity to promote the third country nationals admittance in Latvia with a goal to employ and to develop solutions to increase labour possibilities in situations where a relevant labour lack has been identified, which leaves a significant negative influence on the pace of economical development.

Unfortunately, this concept received controversial feedback from the public because negative attitude is observed, following the performed population polls, regarding introduction of guest workers in the Latvian labour market²⁵.

²³ Data source: the OCMA.

²⁴ Conception about Migration Policies with a View to Employment – [see: on the Internet 27.03.2008] www.pmlp.gov.lv/?p=70&news_id=1111&news_pos=0&menu_id=70

²⁵ Current aspects of integration of society – Latvian population poll, Market and Public Opinion Research Centre SKDS, November 2007, [see: on the Internet dated 12.02.2008] www.integracija.gov.lv/doc_upl/atskaite_integracija_2_07.doc

Also, it should be noted that the concept was included in the agenda of meetings of the Cabinet several times in 2007 however reviewing of it was always postponed.

In order to promote closer cooperation between Latvia and Canada, the Agreement between the Government of the Republic of Latvia and the Government of Canada Concerning Exchanges of Young Citizens was signed in Ottawa on 25 September 2006. For implementation of the Agreement, Saeima adopted Law on **25 January 2007** “On the Agreement between the Government of the Republic of Latvia and the Government of Canada Concerning Exchanges of Young Citizens”²⁶, which entered into force on 15 February 2007. The said Law provides the procedure in accordance with which young citizens of both countries may and receive employment in both countries.

In 2007, the legal system in the field of migration has not changed significantly. Still the *Immigration Law*²⁷ and regulations of the Cabinet of Ministers that are subject to the said Law determine the procedure for entry, residence, transit, departure and detention of a third-country national, as well as the procedure in accordance to which third-country nationals are held under guard in the Republic of Latvia and removed from it, in order to ensure the implementation of migration policy corresponding with international law and the interests of the state of Latvia.

In 2007, the alignment of the legal system in migration was focused on fulfilment of the requirements of Schengen *acquis* before accession of Latvia to the Schengen area. Accordingly, amendments to regulatory enactments were made and new regulatory enactments were adopted for the control and supervision of immigration:

- **On February 17, 2007** Regulations No.107 of the Cabinet of Ministers adopted in the meeting of February 13, 2007 “Regulations regarding the Procedures by which an Examination of Accessible Information is Performed in Reviewing the Documents of a Third-country National Requesting a Visa or Residence Permit” came into force. The said Regulations prescribe the procedures by which an examination of accessible information is performed regarding whether the entry of a third-country national will not cause a threat to the State security or public order and safety, as well as responsible institutions that perform examination of such information. The

²⁶ Law “On the Agreement between the Government of the Republic of Latvia and the Government of Canada Concerning Exchanges of Young Citizens” - the Latvian Herald No.26, 14.02.2007.

²⁷ Immigration Law - the Latvian Herald No.169, 20.11.2002.

Cabinet Regulations improve cooperation among institutions that are involved in the control of migration process and generally optimise the procedure for visa issuance; facilitate a possibility to prevent entry in the Republic of Latvia by third country nationals with a tendency to terroristic activities as well as residing of such third country nationals in the Republic of Latvia.

- **On 10 March 2007**, Regulations of the Cabinet of Ministers No.162 adopted in the meeting of March 6, 2007 “Amendments to the Regulations of the Cabinet of Ministers No.217 adopted on April 29, 2003 “Visa Regulations”” came into force. The new regulations facilitate the issuance of visas to third-country nationals who enter the Republic of Latvia for business. In order to facilitate and to simplify visa receipt procedure, a period of invitation validity has been extended – from three months to six months. Also expiry term for a photo of visa applicant has been extended (differentiated expiry terms of photos have been set for different age groups). In its turn for those third-country nationals who have used previous multiple entry visas according to the provisions of regulatory enactments it will be possible to issue next multiple entry visa for a period of two years.

On June 16, 2007, Regulations of the Cabinet of Ministers No.383 (adopted in the meeting of June 12, 2007) “Amendments to the Regulations of the Cabinet of Ministers No.183 adopted on April 15, 2003 “Procedures for Approval of Invitations”” entered into force, which supplements the already existing regulations with a provision which serves as the basis for non-approval of an invitation to third-country nationals’ entry in Latvia, namely, if information provided does not give evidence of a stable link with his or her country of residence and there is justification to believe that the third-country national creates an illegal immigration risk

- **On July 19, 2007**, the *Amendments to the Immigration Law* entered into force that allows to perform activities in case of need (endangered labour market) which would restrict the access of Bulgarian and Rumanian citizens to the labour market of Latvia.
- **On November 3, 2007**, Regulations of the Cabinet of Ministers No.723 (adopted in the meeting of October 30, 2007) “Amendments to the Regulation of the Cabinet of Ministers No.149 of February 4, 2006 “Regulations on countries for citizens of which additional verification has to be performed, when issuing visa or residence permit, as well as when visa is

necessary to enter the Republic of Latvia in the status of the passenger of the cruise ship””. The Cabinet Regulations embodies changes in the list of countries for the citizens of which additional verification must be performed. Additional examinations are also stated for third-country nationals who have been granted a stateless person or refugee status in foreign countries. Additional verifications are performed by the Security Police and the Bureau of Constitutional Defence.

- **In the end of 2007**, work was commenced for the development of new Regulations of the Cabinet of Ministers “Visa Regulations” that are being prepared on the basis of the requirements of the Schengen *acquis* for the procedure of visa issuance.

Double citizenship in Latvia is an important question because many citizens of Latvia have left the country to search for employment or permanently reside in foreign countries due to other reasons, where many have formed also family and have integrated in the society. And particularly now when it is important to implement maximum activities in order to promote return of population and to retain their link with their ethnic motherland, it is important to solve the matter regarding possibilities to obtain double citizenship for children born abroad.

In order to improve the legal protection of children and to solve matters related to granting of citizenship to children, as well as to develop necessary amendments to regulatory enactments, an inter-ministry work group was formed by the initiative of the Secretariat of the Special Assignments Minister for Social Integration (henceforth – the Secretariat) and the order of Prime Minister I. Godmanis. The currently valid Citizenship Law embodies regulations on legal status of children which are obsolete and cause implementation problems. Therefore, it is necessary to improve the legal regulation in citizenship area, regarding children born abroad and in Latvia²⁸.

The working group consists of representatives of the Secretariat, the Ministry of Children and Family Affairs, the Ministry of Foreign Affairs, the Ministry of Justice, the Naturalisation Board of the Ministry of Justice, the Ministry of Interior, and the Office of Citizenship and Migration Affairs of the Ministry of Interior. The working group and the Secretariat were assigned with the task to develop and to submit draft amendments to relevant regulatory enactments to the Cabinet of Ministers by **March 20, 2008**. The draft law developed by the working group for the

²⁸ Annotation to draft law “Amendments to the Citizenship Law” [see: on the Internet on 15.02.2008.] <http://www.mk.gov.lv/lv/mk/tap/?pid=30332808>

amendments to the Citizenship Law was announced by the meeting of the State Secretaries on **March 6, 2008**²⁹.

3.2.2. Types of residence permits issued in 2007

In accordance with the Immigration Law, a third-country national in Latvia can be issued a temporary or permanent residence permit. In Latvia in 2007, a third-country national has right to request a residence permit due to the following reasons (see: table 3.2.2.1):

Table 3.2.2.1
Reasons for issuing residence permits in 2007

Types of temporary residence permits	Types of permanent residence permits
<ul style="list-style-type: none"> ✓ private visit; ✓ spouse of a citizen of Latvia; ✓ spouse of a non-citizen of Latvia; ✓ minors of a spouse who is a citizen of Latvia; ✓ minors of a spouse who is a non-citizen of Latvia; ✓ spouse of a foreigner; ✓ minors of a foreigner; ✓ student or pupil exchange; ✓ education or scientific work; ✓ scientific work; ✓ trainee; ✓ contract of employment; ✓ member of a council, board; ✓ representative of a foreign enterprise; ✓ expert, consultant; ✓ head of an enterprise; ✓ head of an enterprise branches; ✓ significant capital investments (LVL 600 000); ✓ individual businessman; ✓ self-employed person; ✓ voluntary worker; ✓ participation in implementation of an international contract or project; ✓ participation in the project of the state or local government institutions; 	<ul style="list-style-type: none"> ✓ parents of a citizen of Latvia and their spouses; ✓ parents of a non-citizen of Latvia and their spouses; ✓ foreigner who was a citizen of Latvia on June 17, 1940; ✓ foreigner whose one of the parents is a citizen of Latvia; ✓ foreigner who is in custody or guardianship; ✓ foreign national who has custody over a child, a citizen or non-citizen of Latvia; ✓ foreign child of a citizen of Latvia; ✓ foreign child of a non-citizen of Latvia; ✓ foreign child of a foreigner; ✓ foreigner who has stayed in Latvia for 5 years; ✓ minor of a foreigner who has stayed in Latvia for 5 years; ✓ person, who has been granted an alternative status; ✓ decree of the Minister of Interior; ✓ repatriate; ✓ family member of a repatriate;

²⁹ Secretariat of the Special Assignments Minister for Social Integration. Work group on double citizenship. [see: on the Internet dated 15.02.2008.]
http://www.integracija.gov.lv/doc_upl/dubultpilsoniba.doc

<ul style="list-style-type: none"> ✓ service recipient; ✓ service provider; ✓ religious activity; ✓ person who has joined a monastery; ✓ medical treatment; ✓ representative of a social organization; ✓ sufficient means of subsistence. 	<ul style="list-style-type: none"> ✓ citizen of another country who permanently lives in Latvia (also children); ✓ foreigner who has acquired education in the Latvian language.
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In its turn, in accordance with Paragraph one, Section 34 of the Immigration Law, issuance or registration of a residence permit is denied if:

- ✓ a third-country national has not submitted all the documents specified in the Cabinet regulations necessary in order to request a residence permit, or refuses to provide the explanations required which are related to the receipt of a residence permit;
- ✓ a third-country national has provided false information;
- ✓ a third-country national does not have the necessary financial resources for residence in the Republic of Latvia;
- ✓ a third-country national has submitted the documents necessary for the request for a residence permit with a travel document not recognised or invalid in the Republic of Latvia, or he or she does not have a travel document;
- ✓ a third-country national has such a health disorder or disease that endangers the safety of the public and the health of the members thereof, or there is reason to believe that a third-country national may cause a threat to public health, except in the case where a third-country national with the consent of
- ✓ the Ministry of Health enters for medical treatment of the relevant health disorder or disease;
- ✓ a third-country national has been illegally residing in the Republic of Latvia or it has been established by a judgment of a court that he or she has helped another third-country national to enter the Republic of Latvia illegally;
- ✓ a third-country national has been included in the list of those persons for whom entry into the Republic of Latvia is prohibited;
- ✓ a third-country national has been found guilty of committing such a criminal offence in the Republic of Latvia or outside it, for which a sentence is provided for by the laws of the Republic of Latvia – deprivation of liberty for

a time period which is not less than three years. This condition shall not apply if the conviction has been extinguished or set aside in accordance with procedures prescribed by law, but with regard to criminal offences committed in foreign countries – not less than five years have elapsed after the serving the sentence of deprivation of liberty;

- ✓ a third-country national has received remuneration (compensation) for exit to another state for permanent residence therein irrespective of the fact that the remuneration (compensation) has been provided by State or local government authorities of the Republic of Latvia or international (foreign) funds or authorities;
- ✓ the inviter has lost the right to reside in the Republic of Latvia;
- ✓ a third-country national has joined a foreign military or other civil service;
- ✓ there is reason to believe, that a third-country national has entered into a marriage of convenience in order to receive a residence permit in the Republic of Latvia;
- ✓ a third-country national is under the guardianship or trusteeship of such third-country national for whom entry into the Republic of Latvia is prohibited;
- ✓ there is reason to believe that the established adoption is fictitious and established in order for the third-country national to receive a residence permit in the Republic of Latvia;
- ✓ a third-country national works without a work permit or has worked during the last year without a work permit;
- ✓ an inviter in writing withdraws the sponsorship;
- ✓ the inviter is absent without information as to his or her whereabouts, has lost the capacity to act or has died;
- ✓ competent foreign authorities have supplied information which constitutes grounds for prohibiting the third-country national from entering and residing in the Republic of Latvia;
- ✓ the information provided by a third-country national does not give evidence of a stable link with his or her country of residence and there is justification to believe that the third-country national creates an illegal immigration risk;
- ✓ the inviter is in pre-trial investigation or in a prison.

3.2.3. European and/or international factors that have influenced certain changes and/or continuity regarding migration in 2007

In 2007, the Council Directive 2005/71/EC of October 12, 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research³⁰ was adapted to the normative acts of Latvia related to migration.

The above-mentioned Directive is also included in the amendments to the Immigration Law that have been developed in 2007³¹.

4. ILLEGAL MIGRATION

Having made general assessment of illegal migration in 2007, it must be acknowledged that the number of illegal immigrants has increased.

Illegal immigrants can be divided into two groups:

- 1) those who enter the country legally by holding a residence permit or visa however do not leave the country after expiry of the residence permit or visa and continue to reside illegally;
- 2) those who cross the border illegally.

Since Latvia is unable to attract potential immigrants with well arranged and secure social field or high welfare level and standard of living, the increase in the number of illegal immigrants should be explained by the current development of economy in the country, thus making it an attractive place of employment to illegal immigrants.

4.1. Analysis and interpretation of statistics

4.1.1. Development and trends pertaining to the number of refused entry permits in 2007

In 2007, the State Border Guard refused an entry permit into Latvia to 1610 persons on the border (see: chart 4.1.1.1). Compared with 2006, the number of refused

³⁰ Council Directive 2005/71/EC of October 12, 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research - Official Journal L -289, 03.11.2005., pp.15-22.

³¹ Amendments to the Immigration Law - the Latvian Herald, No.4, 09.01.2008.

entry permits has increased by **58%**, which is the second highest increase of the number of refused entry permits since 2002.

Main reason for refused entry permits is entering the country without a valid visa in the Republic of Latvia³² or without any valid travel document³³.

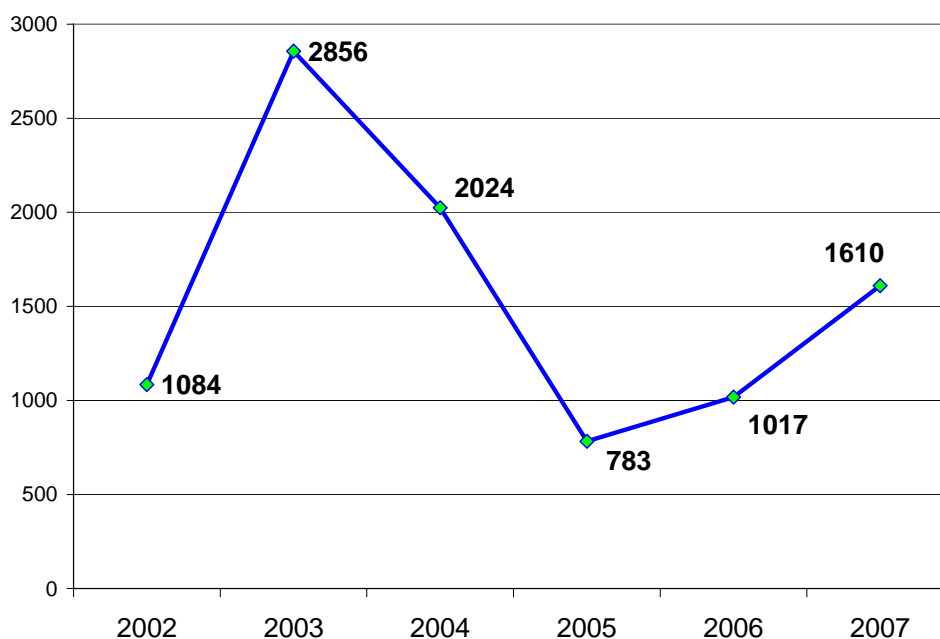
It should be noted that specific registration of the reasons for the refusal of entry permits was not made until accession of Latvia to the Schengen area. In the same way these refusals include entry refusals at the internal border of the European Union.

Most often, citizens of Russia, Belarus, Ukraine and Moldova try to enter Latvia without a valid visa, but citizens of the European Union tend to enter Latvia without a valid travel document. Such division of reasons for refused travel entries by citizenship was typical also in 2006. It is explained by the fact that third country nationals, as those from Russia, Belarus, Ukraine and Moldova need a valid visa to enter Latvia. Reasons why citizens of the above-mentioned countries wish to enter Latvia without a valid visa are not explainable. It should be noted that the number of those citizens of the European Union who enter Latvia without a valid travel document has decreased in 2007.

³² In accordance with Clause 11 of Section 1 of the Immigration Law, **visa** – a specific standard sticker in a travel document. It shall certify that a person has requested a permit to enter and reside in the Republic of Latvia or any member state of the Schengen agreement or cross its territory in transit, and that the institution which has issued the visa in accordance with its competence does not see any obstacles to the fact that the person in the period of time indicated in the visa and the number of times indicated thereon enters and resides in the Republic of Latvia or any member state of the Schengen agreement, or in several member states of the Schengen agreement. The visa of itself does not give the right to enter the Republic of Latvia or any member state of the Schengen agreement.

³³ In accordance with Clause 1 of Paragraph one of Section 4 of the Immigration Law, **travel document** is valid if it is recognised in the Republic of Latvia, it conforms to a specified sample, it contains all identity data and photographs of the third-country national who utilises the documents as a travel document. In order to request a residence permit, every foreigner needs his travel document, its term of validity exceeds the period of time of the planned residence in the Republic of Latvia by at least three months, it does not contain any non-annotated corrections by the issuer of the document, mechanical corrections or smears due to which it is not possible to identify the holder of the document, to read the information indicated in the document or to detect document forgeries, it contains spaces for visas. This condition is not valid if international agreements that are binding to the Republic of Latvia determine that visas are not required.

Chart 4.1.1.1
Total number of the refused entry permits, 2002-2007³⁴



Compared with 2006, no changes were observed in 2007 in citizenship of third-country nationals to whom entry in Latvia was refused (see: table 4.1.1.2). Still the largest number of third-country nationals to whom entry in Latvia has been refused is from Russia, Belarus, Kazakhstan and Ukraine.

The number of citizens from Kazakhstan to whom entry in Latvia has been refused almost **tripled**, from Kirgizstan – increased by **2.4** times, from Belarus increased by **1.8** times, from Moldova, Russia – by **1.5** times.

However, compared with 2006, only the number of citizens of India to whom entry in Latvia was refused has decreased – by **1.5** times. The number of citizens of the USA and Ukraine to whom entry in Latvia was refused has remained unchanged.

Table 4.1.1.2
Number of third-country nationals to whom entry in Latvia
has been refused, by country of citizenship,
2006-2007³⁵

³⁴ Data source: the SBG.

³⁵ Data source: the SBG. Data arranged by the largest number of third-country nationals by citizenship in 2007.

Citizenship	2006		2007	
	number	%	number	%
Total	1017	100	1610	100
Russia	450	44.25	701	43.54
Belarus	138	13.57	258	16.02
Kazakhstan	48	4.72	137	8.51
Ukraine	118	11.60	118	7.33
Kirgizstan	31	3.05	76	4.72
Moldova	28	2.75	44	2.73
India	41	4.03	28	1.74
USA	18	1.77	17	1.06
Other	145	14.26	231	14.35

4.1.2. Development and trends pertaining to apprehended third-country nationals inside the country in 2007

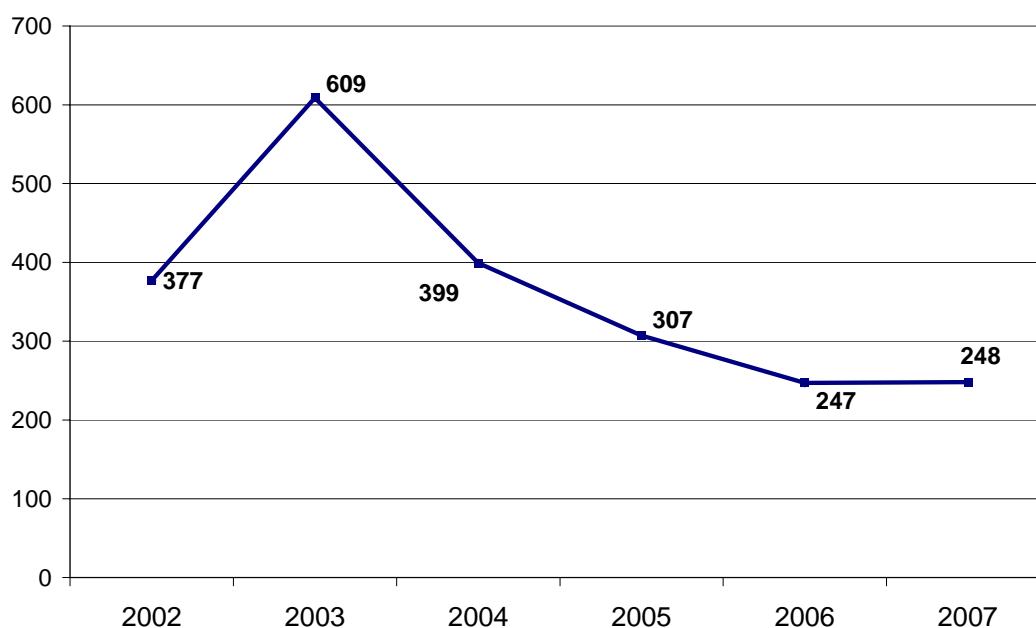
In 2007, 248 third-country nationals were apprehended inside the country (see: chart 4.1.2.1) that is only by 1 third-country national more when compared to 2006, thus the number of third-country nationals apprehended inside the country has remained practically unchanged.

It should be reminded that the State Border Guard apprehends third-country nationals inside the country in accordance with the procedure provided for in Section 51 of the Immigration Law, namely, when a third-country national has crossed the state border of the Republic of Latvia illegally or has exceeded the period of entry or residence in the Republic of Latvia.

Of all the third-country nationals that were apprehended inside the country during 2007, 96³⁶ third-country nationals were apprehended for illegal crossing of the state border, which comprises 38.7% of the whole number of apprehended third-country nationals. By taking into account that, in 2006, 31.2% of third-country nationals were apprehended for illegal crossing of the state border, conclusions can be made that the number of third-country nationals who try to cross the state border illegally has slightly increased.

³⁶ Data source: the SBG.

Chart 4.1.2.1
Total number of apprehended third-country nationals
inside the country 2002-2007³⁷



In 2007, the main groups of apprehended third-country nationals in Latvia were citizens of Moldova – 27%, citizens of Russia – 26%, and citizens of Ukraine – 18% (see: table 4.1.2.2), which have remained generally unchanged since 2006.

In 2007, the number of cases of apprehension of Georgian citizens has increased by 2.5 times which is the largest increase in number of apprehended third-country nationals compared with 2006.

Also it should be noted that in 2007 among the third-country nationals apprehended inside the country there are citizens of such countries, who were not apprehended during 2006, namely, citizens of Bosnia and Herzegovina, and Bangladesh, which is a new trend similar to emerging of asylum seekers with “exotic” citizenship.

³⁷ Data source: the SBG.

Table 4.1.2.2
Third-country nationals apprehended inside the country
2006-2007³⁸

Citizenship	2006		2007	
	number	%	number	%
Total	247	100	248	100
Moldova	40	16.19	67	27.02
Russia	84	34.01	66	26.61
Ukraine	36	14.57	45	18.15
Georgia	6	2.43	15	6.05
Bosnia and Herzegovina	-	-	10	4.03
Bangladesh	-	-	8	3.23
Belarus	14	5.67	-	-
Stateless persons	27	10.93	6	2.42
Other	40	16.19	31	12.50

- data not available

4.1.3. Development and trends pertaining to the number of removals in 2007

In accordance with the provisions of Sections 46 and 47 of the Immigration Law, if a third-country national has been apprehended, the competent state institution must take a decision on forced removal. Thus in 2007, **157** persons were removed from the country, which is by **11%** more than in 2006 and by **21%** less than in 2005 (see: chart 4.1.3.1).

Practically unchanged reasons for removal are:

- 1) violation of the term of residence provided in visa;
- 2) use of visas that have been requested by submitting false information;
- 3) use of forged travel documents;
- 4) illegal crossing of the state border;
- 5) residing without a valid visa or residence permit.

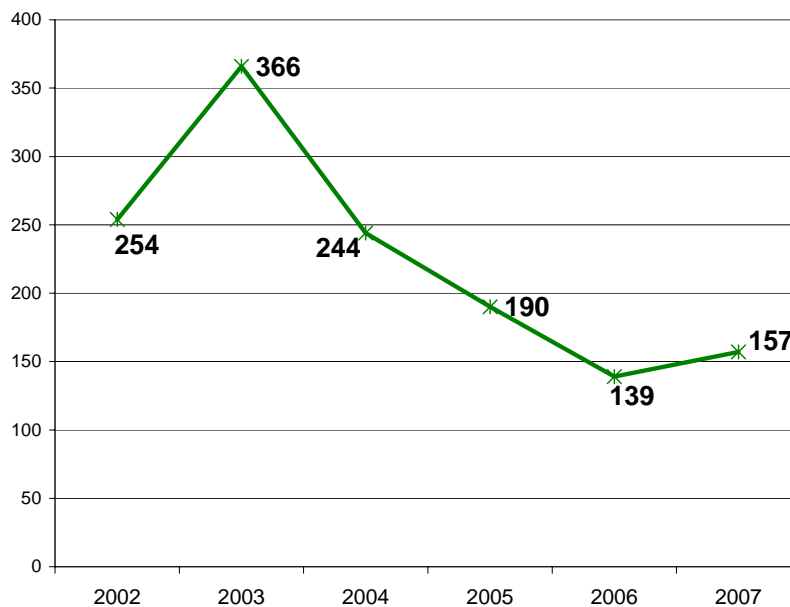
It should be noted that each case of forced removal is evaluated and, if the third-country national wishes to cover the expenses of removal himself and he does not cause threat of escape or threat to the public order, the Office of Citizenship and Migration Affairs in collaboration with the State Border Guard issues a return decision.

Also, third-country nationals most often choose to leave the country with their own will, being aware of the negative consequence of forced removal which includes

³⁸ Data source: the SBG. Data arranged by the largest number of foreigners by citizenship in 2007.

the period of prohibited entry of 3-5 years according to the Immigration Law, as well as psychological aspects related to residing at the accommodation centre and travelling with escort. In 2007, **81** third-country national decided to leave the country voluntarily.

Chart 4.1.3.1
Number of third-country nationals removed, 2002-2007³⁹



In 2007, the main groups of removed citizens are unchanged comparing with 2006: citizens of Moldova – 33%, citizens of Russia – 22%, and citizens of Ukraine – 13% (see: table 4.1.3.2).

Statistical information on citizenship of removed citizens gives evidence that the number of citizens of Belarus and Armenia has doubled in 2007 but the number of citizens of Georgia has increased by four times. The increase in the number of removed citizens of Georgia can be explain by the increase in the number of apprehended citizens of Georgia, because the majority of apprehended third-country nationals are removed as a result of all the required procedures under the Immigration Law.

³⁹ Data source: the SBG.

In 2007, also citizens of Israel and Mongolia were removed from the country. During the previous years, citizens of the said countries had not been removed.

Table 4.1.3.2
Number of persons removed, 2006-2007⁴⁰

Citizenship	2006		2007	
	number	%	number	%
Total	139	100	157	100
Moldova	42	30.22	52	33.12
Russia	39	28.06	36	22.93
Ukraine	20	14.39	21	13.38
Belarus	6	4.32	12	7.64
Georgia	3	2.16	12	7.64
Armenia	3	2.16	6	3.82
Israel	-	-	3	1.91
Mongolia	-	-	2	1.27
Other	26	18.71	13	8.28

- data not available

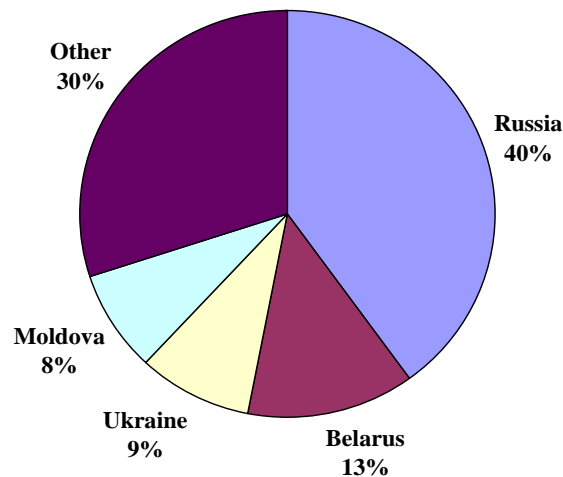
4.1.4. Main conclusions about citizenship of illegal immigrants

Having compared the groups of third-country nationals to whom entry to the country was refused, who were apprehended inside the country and who were removed from the country, conclusions must be made that illegal immigrants mainly origin from Russia, Belarus, Ukraine and Moldova (see: chart 4.1.4.1). The donor countries of illegal immigrants have not changed since 2004.

Citizens of the said countries choose Latvia as the country of destination of their illegal entrance because they do not have a language barrier in Latvia and they have rather large diaspora of compatriots in Latvia, the representatives of who have established businesses in Latvia and indirectly support employment of their compatriots in them. Also important are historical aspects of Latvia and the rather similar climate of the donor countries as it is in Latvia. The large number of citizens of Moldova who are classified as illegal immigrants in Latvia can be explained by their employment.

Chart 4.1.4.1
The largest groups of illegal third-country nationals in 2007

⁴⁰ Data source: the SBG. Data arranged by the largest number of foreigners by citizenship in 2007.



4.2. General analysis of legal, political and international factors

4.2.1. The most significant changes in legislation in 2007

On February 22, 2007, the *Amendments to the Immigration Law*⁴¹ entered into force that determine that a third-country national who is not a citizen of the European Union and is recognised as a victim of human trafficking, as well as an minor child accompanied by him are entitled to reside in the Republic of Latvia without a visa or a residence permit until defined waiting period has expired or is terminated, or a decision has entered into force regarding issue of a temporary residence permit.

On July 4, 2007, the *Amendments to the Law on the Border Guard*⁴² entered into force. The amendments to the Law have been elaborated in order to extend the right of employees of immigration structural units in the State Border Guard to control the conditions of residing and employment of third-country nationals, as well as provide the rights for border guards to apply cold weapons when fulfilling their service duties.

On December 13, 2007, the *Amendments to the Immigration Law*⁴³ were adopted by Saeima and entered into force from January 12, 2008. The amendments stipulate that in case, if additional penalty has been applied to a third-country national

⁴¹ Amendments to the Immigration Law. - The Latvian Herald, No.23, 08.02.2007.

⁴² Amendments to the Law on Border Guard. - The Latvian Herald, No.98, 20.06.2007.

⁴³ Amendments to the Immigration Law. - The Latvian Herald, No.208, 29.12.2007.

for committing a criminal offence – removal from the Republic of Latvia, he shall be removed by forced removal procedure.

4.2.2. Procedural changes in 2007

In 2007, there have been no procedural changes that could have influenced the processes related to illegal entry of third-country nationals in Latvia, their illegal residence in the country and removal of third-country nationals from the country.

4.2.3. European and/or international factors that have influenced certain changes and/or continuity regarding illegal immigration in 2007

By taking into account that Latvia accessed the Schengen area only on December 21, 2007, no significant European or international factors that could have influenced certain changes or continuity regarding illegal immigration have been observed in general during the year of report. It is expected that the main factor in 2008 that will influence changes in illegal immigration will be accession of Latvia to the Schengen area, which automatically makes Latvia attractive for entry by illegal immigrants and it will also facilitate residing of legally entered third-country nationals in illegal status after expiry of the validity term of a visa or residence permit that has been issued to them.