RETURNING REJECTED ASYLUM SEEKERS: CHALLENGES AND GOOD PRACTICES IN LATVIA

Riga, June 2016
Pursuant to Council Decision 2008/381/EC of 14 May 2008, the European Migration Network was established, its objective shall be to meet the information needs of European Union institutions and of 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. The European Migration Network also serves to provide the general public with information on these subjects.

The Network is composed by the European Commission and the contact points designated by the Member States. Each contact point establishes a national migration network.

The contact point of each state prepares studies, whose topics have been set in the respective annual programme of activities. The topics of studies are related to the area of migration of third-country nationals.

The Latvian Contact Point of the European Migration Network is the Office of Citizenship and Migration Affairs.

Contacts:
Čiekurkalna 1. line 1, B-3,
Riga, Latvia, LV-1026
Telephone: +371 67219492
Fax: +371 67219431
E-mail: emn@pmlp.gov.lv
Web page: www.emn.lv

Authors of the Study:
Anželika Aika, Chief Inspector of the Return and Asylum Seekers Affairs Unit of the Operational Management board of the Central Board of the State Border Guard
Līga Vijupe, Head of Asylum Affairs Division of the Office of Citizenship and Migration Affairs
Ineta Logina, Leading Senior Officer of Person Status Control Division of the Office of Citizenship and Migration Affairs
Stanislavs Lopatinskis, Expert of the Latvian Contact Point of the European Migration Network

Editor:
Zame Zeimule, Head of the Persons Status Control Division of the Office of Citizenship and Migration Affairs

This project has been funded with support from the European Commission. This publication reflects the views only of the authors, and the European Commission cannot be held responsible for any use which may be made of the information included therein.

Co-funded by the European Union
DEFINITIONS

The following key terms are used in the Common Template. The definitions are taken from the EMN Glossary v3.0 unless specified otherwise in footnotes.

Applicant for international protection
A third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken.

Application for international protection
A request made by a third-country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary protection status, and who does not explicitly request another kind of protection, outside the scope of Directive 2011/95/EU, that can be applied for separately.

Assisted voluntary return
The assisted or independent return to the country of origin, transit or third country, based on the free will of the returnee with the component of financial support to a foreigner

Asylum
A form of protection given by a State on its territory, based on the principle of non-refoulement and internationally or nationally recognised refugee rights and which is granted to a person who is unable to seek protection in their country of citizenship and / or residence, in particular for fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.

Asylum seeker
In the global context, a person who seeks safety from persecution or serious harm in a country other than their own and awaits a decision on the application for refugee status under relevant international and national instruments. In the EU context, a person who has made an application for protection under the Geneva Convention in respect of which a final decision has not yet been taken.

Compulsory return
The process of going back – whether in voluntary or enforced compliance with an obligation to return– to:
• one's country of origin; or
• a country of transit in accordance with EU or bilateral readmission agreements or other arrangements; or
• another third country, to which the third-country national concerned voluntarily decides to return and in which they will be accepted.

Final decision
A decision on whether the third-country national or stateless person be granted refugee status or subsidiary protection status by virtue of Directive 2011/95/EU (Recast Qualification Directive) and which is no longer subject to a remedy within the framework of Chapter V of this Directive, irrespective of whether such remedy has the effect of allowing applicants to remain in the Member States concerned pending its outcome

1 Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf
Forced return
The enforcement of the obligation to return, namely the physical transportation out of the country.

Irregular stay
The presence on the territory of a Member State, of a third-country national who does not fulfil, or no longer fulfils the conditions of entry as set out in Art. 5 of the Schengen Borders Code or other conditions for entry, stay or residence in that Member

Regularisation
In the EU context, state procedure by which illegally staying third-country nationals are awarded a legal status

Rejected application for international protection
A person covered by a first instance decision rejecting an application for international protection, including decisions considering applications as inadmissible or as unfounded and decisions under priority and accelerated procedures, taken by administrative or judicial bodies during the reference period.

Return decision
An administrative or judicial decision or act, stating or declaring the stay of a third-country national to be illegal and imposing or stating an obligation to return

Return
The movement of a person going from a host country back to a country of origin, country of nationality or habitual residence usually after spending a significant period of time in the host country whether voluntary or forced, assisted or spontaneous

Risk of absconding
In the EU context, existence of reasons in an individual case which are based on objective criteria defined by law to believe that a third-country national who is subject to return procedures may abscond

Residence permit
Any authorisation issued by the authorities of an EU Member State allowing a non-EU national to stay legally in its territory

Subsequent application for international protection
A further application for international protection made after a final decision has been taken on a previous application, including cases where the applicant has explicitly withdrawn their application and cases where the determining authority has rejected an application following its implicit withdrawal in accordance with Art. 28 (1) of Directive 2013/32/EU.

Third-country national
Means any person who is not a citizen of the Union (including stateless persons) within the meaning of Article 17 (1) of the Treaty and who is not a person enjoying the Community right of free movement, as defined in Article 2(5) of the Schengen Borders Code.

Voluntary departure
Compliance with the obligation to return within the time-limit fixed for that purpose in the return decision.

Voluntary return
The assisted or independent return to the country of origin, transit or third country, based on the free will of the returnee.
**Vulnerable person**

Minors, unaccompanied minors disabled people, elderly people, pregnant women, single parents with minor children, victims of trafficking in human beings, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.
TOP-LINE “FACTSHEET”

The purpose of the Focussed Study “Returning Rejected Asylum-Seekers: challenges and good practices in Latvia” was designed to gather national legal provisions and practice of institutions involved so that it would be possible to provide a comprehensive review regarding the return of the rejected asylum-seekers.

In Latvia, there are no special legal provisions relating to the return applicable to the rejected asylum-seekers; therefore, general return provisions shall apply to the category of these third-country nationals to be returned. For a third-country national who resides in Latvia illegally, a return decision is issued, allowing him or her to leave the territory of the European Union voluntarily within a time period from seven to 30 days. The forced return of a third-country national is handled by the State Border Guard.

**Challenges:**

- Lack of political debate on return of rejected asylum seekers
- Due to small number of cases, there are only few of them than rejected asylum seeker could not be return, but in future the number of cases definitely will rise.
- In future there can be a problem of returning of persons whose identities will be not found out

**Obstacles and difficulties:**

- Total number of rejected asylum seekers who have been returned are about 4-6% of total third-country national return decisions.
- Assisted voluntary return and voluntary return with reintegration assistance are the most likely to rejected refugee, but if an asylum-seeker, over the course of the asylum procedure, provides false information, hides his or her identity or tries to abscond from Latvia, it should be assessed whether a forced return is to be applied
OVERVIEW OF NATIONAL CONTEXT

1st section deals with the situation on a national level

An asylum-seeker who has received a negative decision, is entitled to stay in the country for a period of time fixed by the Law, until he or she appeals the decision taken by the Office of Citizenship and Migration Affairs (1st instance asylum procedures) or until the moment when the Administrative Court rejects his or her appeal's application regarding the decision. Further, the Persons Status Control Division of the Office of Citizenship and Migration Affairs bears responsibility for issuing the return decision.

2nd section deals with the Latvian policy and measures to be taken in relation to the rejected asylum-seekers, as of the moment when the decision not to grant international protection is taken

There are no special legal provisions relating to return/expulsion applicable to the rejected asylum-seekers in Latvia. As of the moment when an asylum-seeker exercises his or her rights to appeal the rejection of the application for asylum, he or she becomes an irregular immigrant. When the procedure of examination of the asylum-seeker’s application is completed and there is a negative decision taken, the Office of Citizenship and Migration Affairs prepares a return decision. In case of a voluntary return, the person may apply to a programme for assisted voluntary return, as well as for the reintegration assistance ensured by the International Organization for Migration. However, in case an asylum-seeker has provided in the asylum procedure false information, hid his identity, tried to abscond from Latvia or wishes now not to return voluntarily, it is then assessed whether it is necessary to apply a forced return.

There is no accommodation provided for the rejected asylum-seekers, unless they are vulnerable persons. Furthermore, the rejected asylum-seekers have no rights to employment and social allowances of any kind. The emergency healthcare is ensured for the rejected asylum-seekers who are not detained, but for those detained primary and secondary health care is ensured. The minor asylum-seekers have rights to education because they are entitled to obtain elementary education during detention, voluntary return and time period while return/expulsion is postponed.

3rd section deals with challenges in return of the rejected asylum-seekers and Latvian policy in relation to this matter.

There is an identical return policy applied to the rejected asylum-seekers and to third-country nationals. Up until now there have been few cases when it was not possible to carry out return of a rejected asylum-seeker, because there were difficulties to identify the person at hand.

4th section deals with a situation where it is not possible to return a person immediately.

The information is communicated to an authority which issued a return decision regarding the rejected asylum-seeker who may not be returned. From 2011 to 2015, there was only one case when the Office of Citizenship and Migration Affairs granted a person a status of a stateless person.

---

2 Law “Immigration Law”, Latvijas Vēstnesis, No. 159 (2744), 20.11.2016. [came into force on 01.05.2003].
3 At this level the patient has the primary contact with the provider of health care service. The primary health care service is provided by general practitioners, paediatricians, nurses, doctors’ assistants, mid-wives and dentists. On the secondary health care level, patient visits the doctor-specialist or receives treatment in hospital. This level is focused on immediate, acute or systematic health care. These services are provided by state, local and private institutions. Source: Ministry of Healthcare of the Republic of Latvia.
5th section deals with a link between the return policy and asylum procedure, as well as with Latvian policy and measures to be taken to ensure that, in case of an unfounded asylum request, the person can be swiftly prepared for the return.

In accordance with the Asylum Law⁴, the inadmissibility or accelerated procedure is used to speed-up examination of unfounded cases. Furthermore, there is also a chance that an asylum-seeker may withdraw his or her asylum-seeker’s application and apply for a voluntary return or assisted voluntary return with reintegration.

6th section deals with the influence of the rejected asylum-seekers on the return policy in Latvia, as well as with good practice in the return of such persons.

In Latvia, the return policy is tailored based on third-country nationals who reside in the country illegally. It is hard to assess the best practice when it comes to the rejected asylum-seekers, because each case should be assessed individually.

---

⁴ Law “Asylum Law”. Latvijas Vēstnesis, No. 2 (5574), 05.01.2016. [came into force on 19.01.2016]
SECTION 1: OVERVIEW OF THE NATIONAL

Q1. To what extent is the non-return of rejected asylum seekers considered a major issue in your Member State? Is the return of rejected asylum seekers a national policy priority? Please provide qualitative evidence e.g. from reports, political debate and media reports (quantitative evidence is requested in subsequent questions so should not be covered here)

In Latvia, there are no special legal provisions relating to return applicable to the rejected asylum-seekers; therefore, general return provisions provided for in the Return Directive (2008/115/EC)\(^5\) shall apply to the category of these third-country nationals to be returned. Since the number of the rejected asylum-seekers is low, the return issue currently is not high on the national policy agenda.

Most often the persons returned are mentioned in media in cases when public interests are at stake, e.g. on May 2, 2016 Latvian news portal TVNET posted\(^6\) that in 2015 there was a person returned because the said person possibly had ties with terrorism. In the matter at hand the portal cited a report published by the Security Police.

Whereas, upon analysing discussions held in Saeima (the Parliament of the Republic of Latvia) regarding this topic, it becomes clear that not much attention is paid to the return of the rejected asylum-seekers. In February 2016, deputies from the Saeima Human Rights and Public Affairs Committee during a session discussed whether it is necessary to return an asylum-seeker or a refugee who has committed a crime (when the commission of a crime is proven).\(^7\) It is the sole relevant publication that can be found in media.

Overall there are not so many publication available, giving reason to believe that both in media and on policy discussion level this issue is not on a high agenda.

Q2. Please complete the Excel document in Annex 1 (providing information also on the metadata) if you have national statistics available on:
- The total number of rejected asylum seekers who were issued an enforceable return decision in 2011-2015 disaggregated by sex;\(^8\)
- The number of rejected asylum seekers who were effectively returned from your Member State to third countries in 2011-2015 (if possible disaggregated by sex and by type of return (voluntary / assisted voluntary / forced).

The table requests information on the total number of rejected asylum seekers returned, as well as data for the top ten citizenships of rejected asylum seekers in your Member State in the period 2011-2015 disaggregated by sex.

Q3. Please provide national estimates, disaggregated by sex, of (a) the share of rejected asylum seekers out of the total number of TCNs issued a return decision in 2011-2015 and (b) the share of rejected asylum seekers issued a return decision who were effectively returned, by completing the table below and indicating whether the share is:

a) Between 90 to 100%
b) Between 51 to 90%

---


\(^6\) Last year an asylum-seeker who possibly had ties with terrorism was returned. Available: http://www.tvnet.lv/zinas/kriminalzinbas/606729-pern_no_latvijas_izraidits_iespejams_ar_teroristiem_saistits_patveruma_mekletajs. [viewed on 02.06.2016.]

\(^7\) Are the rights of refugees is beyond the Latvia. Available: http://www.irlv.lv/2016/2/12/vai-beglu-tiesibas-stav-pari-latvijas-iedzivotaju-tiesibam [viewed on 02.06.2016.]

\(^8\) As outlined in section 2.1 of this Common Template, this group includes rejected asylum seekers who may yet be able to appeal the decision on their asylum case, but who are nonetheless obliged to return under return legislation.
c) Between 31 to 50%

d) Less than 30%

These estimates may be made available through national studies, or may be identified through consultation with relevant national authorities for the purpose of this study. For every estimate, please indicate in the final column the source of the estimate and – where possible – the method used.

<table>
<thead>
<tr>
<th>Year</th>
<th>% rejected asylum seekers out of total no. TCNs issued a return decision</th>
<th>% rejected asylum seekers out of total no. TCNs effectively returned</th>
<th>Source / method of the estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>Total</td>
</tr>
<tr>
<td>2011</td>
<td>5.2%</td>
<td>0.98%</td>
<td>6.2%</td>
</tr>
<tr>
<td>2012</td>
<td>3.4%</td>
<td>0.45%</td>
<td>3.9%</td>
</tr>
<tr>
<td>2013</td>
<td>3.03%</td>
<td>0.29%</td>
<td>3.3%</td>
</tr>
<tr>
<td>2014</td>
<td>4.25%</td>
<td>1.99%</td>
<td>6.2%</td>
</tr>
<tr>
<td>2015</td>
<td>2.6%</td>
<td>1.7%</td>
<td>4.3%</td>
</tr>
</tbody>
</table>

Q4a. If available, please provide any national estimates on the total number of rejected asylum seekers disaggregated by sex who, despite having been imposed a return decision, continue to reside in your Member State during the period 2011-2015 because they could not be returned (see also sections 3 and 4)?

There are two rejected asylum-seekers residing in Latvia in respect of whom return decisions were issued in 2015, although the said decisions are not yet enforced. One of the persons is a national of Bangladesh, who refuses to cooperate, but the other one initially hid identity by stating that she is a national of Libya, although was a national of Algeria. A considerable time period was necessary to find that out.

At the same time we hereby inform that a person whose identity is still not found out, is not yet returned. The said person once requested international protection, but it was refused, and in respect of this person a return decision was issued in 2008.

<table>
<thead>
<tr>
<th>Year</th>
<th># rejected asylum seekers imposed an enforceable return decision who continue to reside in the Member State</th>
<th>Source / method of the estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>2011</td>
<td>-*</td>
<td>-*</td>
</tr>
<tr>
<td>2012</td>
<td>-*</td>
<td>-*</td>
</tr>
<tr>
<td>2013</td>
<td>-*</td>
<td>-*</td>
</tr>
<tr>
<td>2014</td>
<td>-*</td>
<td>-*</td>
</tr>
</tbody>
</table>
Q4b. Please provide, if possible, a breakdown of the statistics described in 4a by reason for non-return. If statistics are not available disaggregated by reason, please describe any qualitative evidence of the main reasons in your Member State for the non-return of rejected asylum seekers described in 4a.

From 2011 to 2015 there were 3 persons who failed to exercise their opportunity to return voluntarily and, therefore, they were returned via forced procedure. Upon the receipt of a return decision, one of these persons four times lodged a request to grant an asylum so that it would not be necessary to return to the country of origin; therefore, four years passed until the asylum procedure was completed and the person-in-question was ready to be returned (a return decision was issued in 2011, but the person was returned in 2015). In 2015, there were 4 persons which failed to comply with their duty to leave the Schengen Area and left for another EU Member State. Overall, the rejected asylum-seekers do comply with their return decisions, because an assistance is granted for them to return to their country of origin within programme of voluntary return.

SECTION 2: MEMBER STATE’S POLICIES AND MEASURES VIS-À-VIS REJECTED ASYLUM SEEKERS AT THE POINT OF REJECTION

SECTION 2.1. HOW ASYLUM DECISIONS TRIGGER THE ISSUANCE OF THE RETURN DECISION

Q5. At what stage in the asylum decision-making procedure can an enforceable return decision (i.e. one that can lead to the return of the asylum seeker) be issued? Please select one of the following options:

a) after the first instance decision (all applications for international protection);
b) after the first instance decision (only for applications for international protection considered unfounded – e.g. if they are lodged by an applicant from a safe country of origin);
c) after some appeals on the asylum decision have been lodged, but before all possibilities for appeal on the asylum decision have been exhausted;
d) only after all asylum appeals have been exhausted;
e) under other circumstances (please describe).

In accordance with the Asylum Law\(^9\), an asylum-seeker shall have rights to stay in the country until a negative decision is taken regarding his or her application for asylum. An asylum-seeker who has received a negative decision, shall be entitled to reside in the country for a time period provided for in the Law\(^10\), until he or she appeals the decision taken by the Office of Citizenship and Migration Affairs (1st instance asylum procedures) or until the moment when the Administrative Court rejects his or her appeals application regarding the decision. In addition, a return decision may also be issued in cases when an asylum-seeker has lodged an appeal with the Administrative District Court regarding a negative decision taken by the Office of Citizenship and Migration Affairs in accordance with which it was rejected to accept for adjudication his or her first subsequent application, if such an appeal is lodged mainly to delay or avert the enforcement of a previously taken decision in accordance with which he or she would be immediately returned, as well as in case of a second subsequent application. In the aforementioned cases a person may not be considered to be an asylum-seeker during the time when his or her application is examined.

A return decision may be issued at any stage of an asylum procedure if a person clearly withdraws his or her application for asylum.

---

\(^9\) Law “Asylum Law”. Latvijas Vēstnesis, No. 2 (5574), 05.01.2016. [came into force on 19.01.2016]

\(^10\) Law “Immigration Law”. Latvijas Vēstnesis, No. 159 (2744), 20.11.2016. [came into force on 01.05.2003]
Q6. If the return decision can enter into force before all asylum appeals have been exhausted, how often, in practice does this lead to the applicant being returned? (e.g. in all cases, most cases, some cases, rarely, never)?

Never. Return decision cannot enter into force before all asylum appeals have been exhausted.

Q7a. Is the authority responsible for issuing the return decision in your Member State the same as the authority who is responsible for making decisions on the application for asylum?

Yes

Persons Status Control Division of the Office of Citizenship and Migration Affairs bears responsibility for issuing return decisions, but the Asylum Affairs Division of the Office of Citizenship and Migration Affairs takes responsibility for issuing all decisions of first instance within an asylum procedure, excluding a decision on detention of an asylum-seeker (State Border Guard bears responsibility for that).

Q7b. When a decision on an asylum application triggers a return decision, how soon after the rejection is the return decision issued? Please select among the following options:

a) The return decision is issued at the same time the decision rejecting the asylum application enters into force/becomes executable.

b) The return decision is issued within 24 hours of the rejection decision entering into force/becoming executable.

c) The return decision is issued within a week of the rejection decision entering into force/becoming executable.

d) The return decision is issued within a month of the rejection decision entering into force/becoming executable.

Please provide further details on current practice in your Member State, in particular if not covered under the options above

The regulatory enactments do not provide a special time period within which a return decision must be issued. However, a return decision is issued as soon as possible by taking into consideration a return time planned by each third-country national. If a third-country national intends to return, for example, on the next day following the receipt of a negative decision regarding his or her asylum request, the return decision is then issued immediately; if the return is to take place in few days or a week, the return decision is then taken within the same time period. Up until now the majority of the rejected asylum-seekers used the support provided by the International Organization for Migration and tickets were purchased by the International Organization for Migration within programme for voluntary return. Therefore, once information regarding estimated return date is received, the return decision is then subsequently prepared.

Q8. In your Member State, is it possible to use the information that is obtained from the applicant in the course of the asylum procedure for the purposes of facilitating return?

Yes

All information at disposal of the Office of Citizenship and Migration Affairs may be used for the purposes of the return of a rejected asylum-seeker to his or her country of nationality or origin.
### SECTION 2.2: IMMEDIATE CONSEQUENCES FOR REJECTED ASYLUM SEEKERS REQUIRED TO RETURN

Q9. What are the immediate consequences for the rejected asylum seeker of the return decision entering into force?

**Table 2.1: The immediate consequences for the rejected asylum seeker of the return decision entering into force**

<table>
<thead>
<tr>
<th>Questions</th>
<th>... according to law</th>
<th>... as carried out in practice</th>
<th>Provide here evidence to suggesting this contributes to encouraging or deterring return</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Accommodation</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Can the applicant stay in reception centres once rejected? <strong>No</strong></td>
<td>The law(^{11}) does not provide for an opportunity of an asylum-seeker to reside in a reception centre once he or she is rejected.</td>
<td>For a short period of time if a rejected asylum-seeker is not detained in accordance with the Immigration Law.(^{12})</td>
<td>-</td>
</tr>
<tr>
<td>If you stated yes above, please indicate for how long after receiving the return decision they can stay in the reception centre (e.g. X days or 'until the return decision is enforced and the individual returns')</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>If you stated no above, are they accommodated elsewhere (e.g. special open return centres) or elsewhere? Yes/no and – for yes, briefly describe accommodation service provided</td>
<td>No</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

---

\(^{11}\) Law "Immigration Law". Latvijas Vēstnesis, No. 159 (2744), 20.11.2016. [came into force on 01.05.2003]

\(^{12}\) Law "Immigration Law". Latvijas Vēstnesis, No. 159 (2744), 20.11.2016. [came into force on 01.05.2003]
<table>
<thead>
<tr>
<th>Are rejected applicants entitled to access / continue accessing the labour market? <strong>No</strong></th>
<th>In accordance with the Immigration Law, asylum-seekers are entitled to employment if a first instance decision regarding their application for asylum is not taken within 9 months following the submission thereof and if it is not their fault. If an asylum-seeker has started to work, he or she shall have rights to do that until the end of his or her asylum procedure. In accordance with the Asylum Law, the aforementioned condition does not cover a time period in relation to the execution of a return decision.</th>
<th>-</th>
<th>-</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes, please indicate for how long after receiving the return decision they can continue to work (e.g. X days or ‘until the return decision is enforced and the individual returns’)</td>
<td>The rejected asylum-seekers have no rights to work.</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>If yes, please describe any specific conditions attached to their employment</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Welfare</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Are rejected applicants entitled to receive any social benefits?</td>
<td>No</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>If yes, please briefly describe what these benefits are</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>If yes, please indicate for how long after receiving the return decision they can continue to receive the benefits (e.g. X days or ‘until the return decision is enforced and the individual returns’)</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

**Healthcare**

| Are rejected applicants still entitled to healthcare? **Yes** | Yes | - | - |
| Does it include all healthcare or only emergency healthcare? | Only emergency healthcare. | - | - |

**Education**

| Are rejected applicants still entitled to participate in educational programmes and/or training? Yes / no | Yes | - | - |
| If yes, please indicate for how long after receiving the return decision they can continue to participate in educational activities (e.g. X days or ‘until the return decision is enforced and the individual returns’) | The rejected minor asylum-seekers have rights to continue their education until the end of an academic year, if they have expressed such a desire. | - | - |

**Other?**

| Are any other measures taken which are relevant to mention here? Please describe | - | - | - |
Q10. When a rejected asylum seeker receives an enforceable return decision, what measures does the Member State take to enforce the return decision and prevent absconding (e.g. regular reporting)?

To ensure forced return of a rejected asylum seeker and to avert possible absconding of a person, an official from the State Border Guard is responsible for the taking of a decision concerning detention of a third-country national, if there is a reason to believe that he or she will evade from the return or hinder the preparation thereof, or it is possible that a third-country national may abscond. Furthermore, it is also possible to apply an alternative detention measure. When an official from the State Border Guard decides on the detention of a third-country national, it is possible, due to humanitarian reasons, to apply one of the following measures instead of the detention:

1) regular registration with a certain division of the State Border Guard,
2) handing over of a travel document or other personal identity documents at disposal of a third-country national to an official from the State Border Guard.

SECTION 2.3 POSSIBILITIES FOR APPEALING THE RETURN DECISION

Q11. Are asylum seekers who have received an enforceable return decision able to lodge an appeal on the decision, before being returned?

Yes

A return decision is issued by an official authorized by the head of the Office of Citizenship and Migration Affairs. A third-country national is entitled to appeal the said decision within seven days following the date when the return decision entered into force, by lodging an application with the head of the Office of Citizenship and Migration Affairs. Subsequently, a third-country national is entitled to appeal the challenged decision to the Administrative District Court within seven days following the date when the decision entered into force. An application before the court shall not suspend the operation of the return decision.

Q12. How frequently does an appeal on the return decision prevent the return of rejected asylum seekers (e.g. in all cases, most cases, some cases, rarely, never)? Do rejected asylum seekers appealing their return have a better chance of a positive decision on their return appeal than other third-country nationals required to return appealing the return decision?

No

Rarely. There is relatively small number of cases when a return decision is successfully challenged and then revoked. Whereas, the rejected asylum-seekers and third-country nationals have identical rights to challenge a return decision.

SECTION 2.4 POSSIBILITIES FOR LODGING SUBSEQUENT ASYLUM APPLICATIONS

Q13. Are asylum seekers who have received an enforceable return decision able to lodge a subsequent application in your Member State, before being returned?

Yes

A person in respect of whom a final decision is taken to refuse to grant international protection, has rights to lodge with the State Border Guard a subsequent application for asylum. It is duty of a person to state in the subsequent application evidence which suggest that circumstances on which the final decision was based are significantly changed. If a person has lodged a first subsequent application mainly to delay or avoid execution of the return decision in accordance with which the person-in-question would be returned without a delay, he or she, upon lodging an application with the Administrative District Court to appeal the
refusal of the Office of Citizenship and Migration Affairs to accept the application for adjudication, may not be deemed to be an asylum-seeker. A person may also not be deemed to be an asylum-seeker following lodging of an application with the Administrative District Court to appeal a decision taken by the Office of Citizenship and Migration Affairs concerning refusal to accept for adjudication the second subsequent application.

Q14. Is the fact that the application was lodged after a return decision was issued taken into account in assessing the credibility of the subsequent application? If yes, does the issuance of the return decision make a negative decision on the subsequent application more likely?

Yes

In accordance with Section 33 of the Asylum Law, the fact that a subsequent application for asylum was lodged after the person received a return decision, provides one of the legal grounds for taking of a decision according to an accelerated procedure. When a person lodges a subsequent application, it is his or her duty to provide therein information that suggest that conditions in relation to the previously examined application for granting of a refugee status or subsidiary protection are significantly changed. The conditions laid down in a subsequent application, including overall credibility, are always examined in conjunction with what was stated in the previous application. At the same time the actual conditions in a country of origin of an asylum-seeker are also taken into the account since such conditions may have changed.

SECTION 3: CHALLENGES TO THE RETURN OF REJECTED ASYLUM SEEKERS AND MEMBER STATE’S POLICIES TO MANAGE THESE

Q15. Are there any other challenges to return that your Member State experiences which are not mentioned in the box above?

No

There are no other challenges recognized in addition to those already mentioned.

Q16. In general, Member States undertake a broad range of measures to manage challenges to implementing return. Examples of measures that are undertaken, matched to the challenges, are mapped in the table below. Please indicate with yes/no which measures your Member State implements and, if necessary, include other measures not (yet) listed in the table. If relevant, add comments to further explain your Member States’ policy related to a specific measure.

<table>
<thead>
<tr>
<th>Challenges to return</th>
<th>Measures to manage challenges</th>
<th>Implemented?</th>
<th>Does the measure specifically target the return of rejected asylum seekers?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resistance of the returnee to return</td>
<td>Development AVRR programmes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Detaining rejected asylum seekers to prevent absconding</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td><strong>Refusal of authorities in countries of return to readmit citizens</strong></td>
<td><strong>Readmission Agreements (EU and/or national)</strong></td>
<td><strong>Yes</strong></td>
<td><strong>No</strong></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Refusal by the authorities in countries of return to issue travel documents</strong></td>
<td><strong>Bilateral cooperation with third countries/establishment of diplomatic relations</strong></td>
<td><strong>Yes</strong></td>
<td><strong>No</strong></td>
</tr>
<tr>
<td><strong>Refusal by the authorities in countries of return to issue identity documents</strong></td>
<td><strong>Establishment of representations in third countries</strong></td>
<td><strong>No</strong></td>
<td><strong>No</strong></td>
</tr>
<tr>
<td><strong>Offering positive incentives, e.g. aid packages, to third countries' authorities</strong></td>
<td><strong>No</strong></td>
<td><strong>No</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Applying political pressure on third countries' authorities</strong></td>
<td><strong>No</strong></td>
<td><strong>No</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Delay or cancellation of the return procedure</strong></td>
<td><strong>Yes</strong></td>
<td><strong>Yes</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Problems in the acquisition of travel docs</strong></td>
<td><strong>Repeating fingerprint capture attempts/using special software to capture damaged fingerprints</strong></td>
<td><strong>No</strong></td>
<td><strong>No</strong></td>
</tr>
<tr>
<td>Administrative/organisational challenges</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>----------------</td>
<td>----------------</td>
<td></td>
</tr>
<tr>
<td>Using interpreters to detect cases of assumed nationalities</td>
<td><strong>No</strong></td>
<td><strong>No</strong></td>
<td></td>
</tr>
<tr>
<td>Detention</td>
<td><strong>Yes</strong></td>
<td><strong>Yes</strong></td>
<td></td>
</tr>
<tr>
<td>Offering positive incentives, e.g. aid packages to third countries' authorities</td>
<td><strong>No</strong></td>
<td><strong>No</strong></td>
<td></td>
</tr>
<tr>
<td>Applying political pressure on third countries' authorities</td>
<td><strong>No</strong></td>
<td><strong>No</strong></td>
<td></td>
</tr>
<tr>
<td>Delay or cancellation of the return procedure</td>
<td><strong>Yes</strong></td>
<td><strong>No</strong></td>
<td></td>
</tr>
<tr>
<td>Other?</td>
<td>No other</td>
<td>No other</td>
<td></td>
</tr>
<tr>
<td>Budget flexibility</td>
<td><strong>No</strong></td>
<td><strong>No</strong></td>
<td></td>
</tr>
<tr>
<td>Coordination arrangements between authorities</td>
<td><strong>No</strong></td>
<td><strong>No</strong></td>
<td></td>
</tr>
<tr>
<td>Designation of a Service Provider in third countries</td>
<td><strong>No</strong></td>
<td><strong>No</strong></td>
<td></td>
</tr>
<tr>
<td>Establishment of a diplomatic representation in third countries</td>
<td><strong>No</strong></td>
<td><strong>No</strong></td>
<td></td>
</tr>
<tr>
<td>Delay or cancellation of the return procedure</td>
<td><strong>Yes</strong></td>
<td><strong>No</strong></td>
<td></td>
</tr>
<tr>
<td>Other reasons</td>
<td>Medical reasons</td>
<td>Other?</td>
<td>No other</td>
</tr>
<tr>
<td>--------------</td>
<td>----------------</td>
<td>--------</td>
<td>----------</td>
</tr>
<tr>
<td>organising medical transfer</td>
<td>No</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>facilitating medical support in the country of destination</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>medical supervision during travel</td>
<td>No</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Delay or cancellation of the return procedure</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Other?</td>
<td>No other</td>
<td>No other</td>
<td>No other</td>
</tr>
</tbody>
</table>

*There was no case when interpreters help was needed.

Identical return conditions apply to all third-county nationals to be returned.

Q17. From your experience, can you indicate if there are any challenges which affect the return of rejected asylum seekers more greatly than third-country nationals in general? If there is no difference in the efficacy of returning rejected asylum seekers vis-à-vis third-country nationals in general please specify “no difference”.

An identical return procedure shall apply to the rejected asylum-seekers and to third-country nationals.

Q18. Has your Member State recently introduced any new measures/policies to ensure the return of third-country nationals (e.g. following the exceptional flows of asylum seekers arriving in the EU since 2014)?

Up until now Latvia has not been affected by a major flow of irregular immigrants; therefore, there are no changes applied to the return policy.

Q19. Are you able to identify, from the measures as set out in the table above, any good practices, i.e. measures that have proven particularly effective in overcoming challenges to return of rejected asylum seekers specifically?

There are no good practices identified during the return of the rejected asylum-seekers that could be mentioned as examples for the purposes of this study.

Q20. Are there any challenges to return which your Member State has so far been unable to address effectively through any counter-measures? If yes, please describe the most pressing challenges here and explain why they are so challenging in practice, elaborating on why the counter-measures implemented have not proven effective.
Yes

See the answer to question 4a.

Up until now there have been few cases when it was not possible to exercise the return procedure of a rejected asylum-seeker because there were difficulties to identify the person.

SECTION 4: WHAT HAPPENS WHEN RETURN IS NOT IMMEDIATELY POSSIBLE?

Q21. If it becomes clear that a rejected asylum seeker cannot return/be returned, does a national authority official acknowledge this?

Yes

The authority which issued a return decision is informed about a rejected asylum-seeker who cannot be returned.

Q22a. If it is formally acknowledged that a person cannot be (immediately) returned, who makes this formal decision? On the basis of which criteria is the decision made?

If it is acknowledged that a person cannot be returned, the Office of Citizenship and Migration Affairs takes a decision concerning the further legal status of the person-in-question in Latvia. The decision can be taken in accordance with regulatory enactments in accordance with which a legal status in Latvia is determined for persons. From 2011 to 2015, there was one case when the Office of Citizenship and Migration Affairs granted a person a status of a stateless person.

Q22b. Is an official status granted to individuals who cannot be (immediately) returned? (If no status is granted, please write “no status granted”). In what circumstances may this be granted?

No status granted.

Q22c. If a status is granted, what advantages and disadvantages does the granting of such status to those who cannot return/be returned bring to the authorities of your Member State?

No status granted.

Q23. What rights are available to rejected asylum seekers who are not able to return immediately? Please answer this question by completing the table below.

### Table 2.1: Rights and services available to rejected asylum seekers who cannot be immediately returned

<table>
<thead>
<tr>
<th>Questions</th>
<th>... according to law</th>
<th>... as carried out in practice</th>
<th>Provide here evidence to suggesting this contributes to encouraging or deterring return</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Accommodation</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the rejected asylum seekers who cannot be immediately returned provided with accommodation? Yes/no</td>
<td>No</td>
<td>Yes, but only vulnerable persons</td>
<td>Does not affect</td>
</tr>
<tr>
<td>If you stated yes above, please describe the circumstances under which the accommodation can be provided</td>
<td>-</td>
<td>Considering cooperation between the State Border Guard and local municipalities</td>
<td>Does not affect</td>
</tr>
<tr>
<td><strong>Employment</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are rejected asylum seekers who cannot be immediately returned authorised to access the labour market? Yes / No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>If you stated yes above, please describe the circumstances under which they can access the labour market</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Welfare</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are rejected asylum seekers who cannot be immediately returned entitled to receive any social benefits? Yes / no</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>
If you stated yes above, please briefly describe what these benefits are - - -

If you stated yes above, please briefly describe under what conditions these benefits can be provided - - -

### Healthcare

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>Yes</th>
<th>Does not affect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are rejected asylum seekers who cannot be immediately returned entitled to healthcare? <strong>Yes</strong> / no</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does it include all healthcare or only emergency healthcare?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency healthcare is available for the rejected asylum-seekers who are not detained.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency, primary and secondary healthcare is ensured for the rejected asylum-seekers who are detained.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency healthcare is available for the rejected asylum-seekers who are not detained.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency, primary and secondary healthcare is ensured for the rejected asylum-seekers who are detained.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Education

<table>
<thead>
<tr>
<th>Question</th>
<th>Minor rejected asylum-seekers have rights to access elementary education during the detention and voluntary return, as well as during the period when the return/ expulsion is postponed.</th>
<th>Minor rejected asylum-seekers have rights to access elementary education during the detention and voluntary return, as well as during the period when the return/ expulsion is postponed.</th>
<th>Does not affect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are rejected asylum seekers who cannot be immediately returned still entitled to participate in educational programmes and/or training? <strong>Yes</strong> / no</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If you stated yes above, please briefly describe under what conditions they can participate in educational programmes and training</td>
<td>There are no special conditions in accordance with which minor rejected asylum-seekers can participate in elementary education programmes.</td>
<td>There are no special conditions in accordance with which minor rejected asylum-seekers can participate in elementary education programmes.</td>
<td>Does not affect</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Other?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are any other measures taken which are relevant to mention here? Please describe</td>
<td>There are no other measures.</td>
<td>There are no other measures.</td>
<td>Does not affect</td>
</tr>
</tbody>
</table>
Q24. In terms of status and/or rights, does your Member State make a difference between those who cannot return / be returned through no fault of their own and those who are considered to have hampered their own return?

**No**

There is no difference.

Q25. Can persons who are not immediately returnable also be eligible for regularisations?

**No**

Q26. Does your Member State regularly assess the possibilities of return for rejected asylum seekers who could not immediately return / be returned? If so:

a. what are the mechanisms for this assessment?

b. How regularly is it undertaken?

c. Which types of persons does it cover (i.e. does it cover all persons who cannot return / be returned or only those not granted a status)?

d. Is there a point at which an alternative to return (e.g. regularisation) becomes possible? If so, on what criteria is it decided that the alternative to return should apply?

The State Border Guard, on regular bases, assesses the possibilities of return of a third-country national who could not be returned immediately:

a) each case is assessed separately; there is no common mechanism,
b) assessment of possibilities takes place depending on the case and circumstances in the matter,
c) all third-country nationals for whom the return procedure is applied and who cannot be returned,
d) it is only when it is known that a person cannot be returned, he or she has rights to request to revoke the return decision and to determine a legal status.

Q27. Do you have any evidence that rejected asylum seekers who could not be immediately returned were eventually returned during the period 2011-2015?

There is no such information at disposal of the State Border Guard.

**SECTION 5: LINKING RETURN POLICY TO THE ASYLUM PROCEDURE: MEMBER STATES’ POLICIES AND MEASURES TO ENSURE THAT UNFOUNDED CLAIMS LEAD TO SWIFT REMOVAL AND TO PREPARE ASYLUM SEEKERS FOR RETURN**

**SECTION 5.1. ACCELERATED PROCEDURES**

Q28. Did your Member State make use of accelerated asylum procedures, as stipulated in Art. 31 (8) of the recast Asylum Procedures Directive 2011-2015?

**Yes**

<p>| Grounds for accelerating the examination procedure | Is it policy to accelerate the examination procedure when the application presents these | If policy, is the policy applied in practice? | How often does this happen in practice? in all cases, most cases, | What was the Member State experience of accelerating the examination procedure in |</p>
<table>
<thead>
<tr>
<th>characteristics</th>
<th>2016? Yes/No</th>
<th>2017? Yes/No</th>
<th>some cases, rarely, never</th>
<th>these circumstances – has it helped to ensure swift removal?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant only raised issues not relevant to the examination</td>
<td>Yes, in accordance with the Asylum Law.</td>
<td>Yes</td>
<td>In some cases</td>
<td>Due to limited application, there is no significant impact.</td>
</tr>
<tr>
<td>Applicant is from a safe country of origin</td>
<td>Yes, in accordance with the Asylum Law.</td>
<td>No</td>
<td>Up until now, such practice was not employed</td>
<td>-</td>
</tr>
<tr>
<td>Applicant can return / be returned to a safe third country in line with Art. 38 of the Asylum Procedures Directive or equivalent national law</td>
<td>No, in accordance with the Asylum Law, that does not provide grounds not to accept an application for examination.</td>
<td>No</td>
<td>Rarely</td>
<td>Due to limited application, there is no significant impact.</td>
</tr>
<tr>
<td>Applicant misled the authorities by presenting false documents/information, withholding of info/docs</td>
<td>Yes, in accordance with the Asylum Law.</td>
<td>Yes</td>
<td>In some cases</td>
<td>Since all circumstances in the matter must be assessed in conjunction, the condition has no clear impact on the procedure.</td>
</tr>
<tr>
<td>Applicant destroyed documents intentionally to make assessment difficult</td>
<td>Yes, in accordance with the Asylum Law.</td>
<td>Yes</td>
<td>In some cases</td>
<td>Non-existence of documents creates extra difficulties to ensure the return.</td>
</tr>
<tr>
<td>Scenario</td>
<td>Yes, in accordance with the Asylum Law.</td>
<td>Yes</td>
<td>In some cases</td>
<td>Since all circumstances in the matter must be assessed in conjunction, the condition has no clear impact on the procedure.</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>----------------------------------------</td>
<td>-----</td>
<td>---------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Applicant made inconsistent, contradictory, false representations which contradict country of origin information (COI)</td>
<td>Yes, in accordance with the Asylum Law.</td>
<td>Yes</td>
<td>In some cases</td>
<td>Since all circumstances in the matter must be assessed in conjunction, the condition has no clear impact on the procedure.</td>
</tr>
<tr>
<td>Applicant lodged an inadmissible subsequent application</td>
<td>Yes, in accordance with the Asylum Law.</td>
<td>No</td>
<td>Up until now, such practice was not employed.</td>
<td>The aforementioned conditions has significant impact on the execution of the return procedure.</td>
</tr>
<tr>
<td>Applicant lodged an application to delay or frustrate enforcement of removal</td>
<td>Yes, in accordance with the Asylum Law.</td>
<td>Yes</td>
<td>In most cases</td>
<td>The aforementioned conditions has significant impact on the execution of the return procedure.</td>
</tr>
<tr>
<td>Applicant irregularly entered the territory and did not present him/herself to the authorities</td>
<td>Yes, in accordance with the Asylum Law.</td>
<td>Yes</td>
<td>In some cases</td>
<td>Since all circumstances in the matter must be assessed in conjunction, the condition has no clear impact on the procedure.</td>
</tr>
<tr>
<td>Applicant refuses to comply with the obligation to have his/her fingerprints taken</td>
<td>Yes, in accordance with the Asylum Law.</td>
<td>No</td>
<td>Not experienced</td>
<td>-</td>
</tr>
<tr>
<td>Applicant poses danger to national security or public order</td>
<td>Yes, in accordance with the Asylum Law.</td>
<td>No</td>
<td>Not experienced</td>
<td>-</td>
</tr>
<tr>
<td>Other? (please specify and add rows if necessary)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

**Q29. Does your Member State have a list of safe countries of origin / safe third countries?**  
**No**  
Latvia has not developed a list of safe countries of origin and safe third countries.

**Q30. Does your Member State implement any other measures to ensure that unfounded claims lead to the swift removal of concerned persons? Please describe such measures**  
**No**  
According to the Asylum Law, the inadmissibility and accelerated procedures are used to ensure a swift examination of unfounded claims.

**Q31. Have there been any recent changes to policy or practice to ensure that claims considered unfounded lead to swift removal (e.g. these may include changes to policy or practices with regard to accelerated procedures and the use of a list of safe countries of origin and/or other measures)?**  
**No**

### SECTION 5.2. PREPARING ASYLUM SEEKERS FOR RETURN

**Q32. Is it part of your Member State’s policy on return to, early on and throughout different stages in the asylum procedure, prepare asylum seekers for return should their application be rejected?**  
**Yes**  
If yes, is this policy formalised in:  
 a) official communications,  
 b) soft law or is it  
 c) standard practice of the authorities?

Over the course of an asylum-seeker’s procedure where his or her application is examined, information about return possibilities is ensured by the Asylum-Seeker’s Accommodation Division of the Office of Citizenship and Migration Affairs, namely, the Division informs about opportunities to withdraw the application for asylum and to apply for the programme of assisted voluntary return and reintegration assistance, ensured by the International Organization for Migration. If a rejected asylum-seeker has rights to apply for the said programme and a return decision is issued for the same person giving him or her rights to return voluntarily, the procedure is then explained by the Riga Office of the International Organization for Migration. If a decision concerning the forced return is issued with respect to a rejected asylum-seeker, the State Border Guard then explains the said decision to the third-country national in question; furthermore, the same person is also familiarized with the procedure for forced return and his or her rights and the return date.
Q33a. Have any recent changes taken place in your Member State policies with regard to the preparation of asylum seekers for return during the asylum procedure (notably following the exceptional flows of asylum seekers arriving in the EU since 2014)?

No

There is no changes planned.

Q34. If no specific approaches/measures are currently implemented, is your Member State planning to introduce a specific approach/measures to prepare asylum seekers for return whilst they are still in the asylum procedure?

SECTION 6: CONCLUSIONS

Q35. Based on your answers provided, does your Member State tailor its return policies to rejected asylum seekers, and if so, how?

In Latvia, the return policy was tailored based on the third-country nationals who resided in the country illegally. The irregular immigrants represent the most of the persons returned, when compared to the rejected asylum-seekers. As soon as a final decision is taken to reject international protection for a person and there is no other lawful reason for the same person to stay in Latvia, he or she becomes an irregular immigrant. Such a person has the same rights as are granted to a third-country national who resides in Latvia illegally. The sole difference between these two groups of persons is that one of them has a “history of asylum procedure”, but the other one has none. The said difference does not affect the type of the return procedure (voluntary or forced), because each case is assessed separately.

Q36. Based on the evidence provided, which practices or policies in your Member State can be described as good practice approaches to return rejected asylum seekers?

Regarding this matter it is hard to assess which practice could be described as good practice approach with respect to the rejected asylum-seekers, because each case should be assessed separately. The representative of the International Organization for Migration believes that the best practice is voluntary return with reintegration assistance. He reasons his opinion by stating that that there are cases when those returned via forced procedure do not travel back to their home, because they are afraid from people who lent them a lot of money for migration. In such cases those returned via forced procedure are forced to seek for any possible solution to repay their debts and most often ties with human smuggling and criminal organizations.

The Office of Citizenship and Migration Affairs and the State Border Guard believe that often there are cases when only forced return is possible. Therefore, each case should be assessed separately. If an asylum-seeker, over the course of the asylum procedure, provides false information, hides his or her identity or tries to abscond from Latvia, it should be assessed whether a forced return is to be applied. When enforcing a forced return, the readmission agreements with third countries can be deemed to be an effective instrument for return. If, upon assessing the matter, it is concluded that the asylum-seeker in question has left his or her country due to economic reasons, the reintegration assistance then will contribute to his or her return to the country of origin.
LIST OF SOURCES AND LITERATURE

Sources

Regulatory Enactments of Latvia

Asylum Law. - Latvijas Vēstnesis, No 2, 05.01.2016 – [came into force on 19.01.2016]
Immigration Law. - Latvijas Vēstnesis, No. 159 (2744), 20.11.2016. [came into force on 01.05.2003]
Citizenship Law. - Latvijas Vēstnesis, No. 93 (224), 11.08.1994. [came into force on 25.08.1994.]


Law on Stateless Persons. - Latvijas vēstnesis, No. 25 (2973), 17.02.2004. [came into force 02.03.2004.]

Regulatory Enactments of the European Union


Literature

Last year an asylum-seeker who possibly had ties with terrorism was returned.- Available: http://www.tvnet.lv/zinas/kriminalzinahas/606729-pern_no_latvijas_izraidits_iespejams_ar_teroristiem_saistits_patveruma_mekletajs. [viewed on 02.06.2016.]

Are the rights of refugees is beyond the Latvia. - Available: http://www.irlv.lv/2016/2/12/vai-beglu-tiesiba-stav-pari-latvijas-iedzivotaju-tiesibam [viewed on 02.06.2016.]
ANNEX 1

Q37. With reference to Question 2, please complete the following table with national statistics on the (estimated) number of rejected asylum seekers, if available.

Please provide here a brief explanation of the metadata, describing for example the population covered, the method used to reach the estimates, any caveats as to their likely accuracy etc. It should be noted, given the differences in methods used to make the estimates, that it will not be possible to synthesise this information to produce a ‘total EU estimate’ for the Study.

Source: Register of Asylum-Seekers