



STUDY

IMMIGRATION OF FOREIGN STUDENTS TO

LATVIA

Riga, August 2012

Pursuant to Council Decision No. 2008/381/EC of 14 May 2008, the European Migration Network was established, its objective shall be to meet the information needs of Community 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,
Rīga, Latvia, LV-1026
Telephone: +371 67219492
Fax: +371 67219431
E-mail: emn@pmlp.gov.lv
Web page: www.emn.lv

Author of the Study:

Kristīne Bērziņa,
Expert of the Latvian Contact Point of the European Migration Network

Reviewed by:

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

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SUMMARY

Every year 20% of first-time issued residence permits issued in the European Union (hereinafter – the EU) are issued in relation to education, and the number of foreign students has a tendency to increase. Immigration of foreign students to the EU is regulated by the Council Directive 2004/114/EC¹ (hereinafter – the Students' Directive). Taking into account that foreign students constitute an important part of non-EU population in several Member States, and play an important role in the development of economic and labour markets, as well as the education systems of the Member States, there is a need to review the current immigration policy of the EU in relation to foreign students by encouraging the development of the EU as a common education centre and allowing the gain of mutual benefit from intercultural dialogue.

The **aim** of the study is to provide an overview of the immigration policy that is being implemented by Latvia regarding foreign students entering Latvia to acquire a higher education (ISCED Levels 5-6), thus assisting policy makers and practitioners to reach a balance between active attraction of foreign students and prevention of the misuse of those rights.

The study gives an overview of the Latvian educational system, as well as the **education and migration policy** on admission of foreign students. To this date, no unified national policy and strategy to attract foreign students to Latvia has been developed. It is within the competence of each institution of higher education to assess the necessity and options with regard to attracting foreign students, as well as to draft a

corresponding strategy and define target countries. In its turn, migration policy is based on a common EU policy on admission of foreign students.

The **total number of foreign students** in Latvia is not large, but it is increasing every year. Approximately 50% of all foreign students are third-country nationals, which is covered by this study.

Admission

The admission procedure is carried out in two fields – education and migration. In education, admission is related to selection of students for study programmes implemented by institutions of higher education. In migration – submission of the documents necessary for obtaining the rights of legal residence and verification of submitted documents and information, with particular attention to evaluation of the risk of illegal migration.

In case the acquisition of education is related to short-term residence and does not exceed 90 days over a half-year period from the date of first entry, a short-term visa is issued, but in case of long-term education – a temporary residence permit.

Residence

When the admission procedure has been successfully completed, the foreign student obtains rights, for example, to employment or family reunification. The study covers the issue of what rights are denied to foreign students in comparison to long-term foreign residents.

If there is any reason for the foreign student to reside in the Republic of Latvia following the completion of studies, there are no restrictions to acquire legal residence rights according to the provisions of the Immigration Law by applying for a temporary residence permit.

¹ Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service. – Official Journal, L 375, 23.12.2004.

Misuse of rights

In Latvia, cases of misuse of the entry and residence rights by third-country nationals entering the state for educational reasons have been rare. The admission procedure of foreign students in institutions of higher education, and the procedure for processing the documents to apply for temporary residence permit and visa, prescribes for involved institutions to perform different inspections, which allows to determine the scope of the risk of illegal migration effective enough.

International cooperation

Latvia has concluded agreements with several third countries, which includes cooperation issues in education field. Also, institutions of higher education are active in concluding bilateral cooperation agreements with institutions of higher education in third countries regarding mutual student exchange.

The number of third-country students entering Latvia through participation in exchange programmes is very small. Entry and residence conditions for students participating in different exchange programmes are equal and do not differ from standard admission procedure.

Impact

The number of foreign students in Latvia is comparatively small, wherewith no essential impact in specific fields has been detected. It is expected that, in the case of a relevant inflow of foreign students, the education system, especially the quality of studies, would benefit.

1. INTRODUCTION

The study has been prepared on the basis of the specification elaborated and adopted by the European Commission and the National Contact Points of the European Migration Network. The information included in the studies prepared by the National Contact Points will be summarised by the European Commission in a synthesis report; this report will serve as an information basis for the EU policy makers to forward the proposed amendments to the Students' Directive.

The aim of the study is to provide an overview of the immigration policy currently implemented by Latvia regarding foreign students entering Latvia to acquire higher education (ISCED levels 5-6), for the purposes of assisting policy makers and practitioners to achieve a balance between active attraction of foreign students and prevention of the misuse of those rights.

The task of the study is to examine the entry and residence conditions for foreign students, admission procedure and the measures taken within this framework, to establish whether steps are taken to facilitate the admission of foreign students, to discover what measures are taken to attract students, to examine the rights of foreign students while residing in Latvia, and to assess the impact of foreign students in Latvia.

The object of the study is a foreign student arriving in Latvia from a third country with an initial purpose of acquiring higher education in an accredited educational institution. The study does not cover cases when a third-country national is already residing in Latvia due to other reasons, and then alters the immigration status to education.

The study consists of six chapters, including Introduction and Conclusions, and of an Annex, where, statistical data have been summarised to additionally describe the profile of a foreign student.

The target audience of the study is government institutions involved in the development, implementation, and supervision of migration and education policy, institutions of higher education, policymakers, representatives of NGOs and the academic environment, as well as other concerned parties.

1.1. Methodology and Definitions

In the preparation of this study, experts from the Office of Citizenship and Migration Affairs under the supervision of the Ministry of Interior, the Ministry of Education and Science, the State Education Development Agency, the Ministry of Welfare, the Academic Information Centre, Riga Stradiņš University, and the University of Latvia were involved.

Information from the above-mentioned institutions was received by interviews, requests for information, and contact via e-mail and telephone.

The study also includes information available on the official web pages of the aforementioned institutions, as well as in the database of the effective normative acts www.likumi.lv. All sources referred to in the study are included in the List of Sources.

All the statistical data included in the study have been harmonised with the experts of the specific field in Latvia.

All the terms and definitions used in the study correspond to those set by the EU and national legal acts.

The term “foreign student” is used in the study when referring to students entering the EU from third countries instead of the term “international student” used in the specification.

2. EDUCATION SYSTEM AND NATIONAL POLICY

2.1. Education System

There are three levels of higher education in Latvia — Bachelor, Master, and Doctor (see Diagram 2-1). There are 36 public institutions of higher education and 22² institutions of higher education established by physical persons.

At the institutions of higher education, academic and professional study programmes to acquire Bachelor's or Master's degrees (ISCED³ Level 5) are implemented.

The aim of academic higher education is to secure the acquisition of a theoretical background and practical skills of scientific research, gradually preparing the student for independent scientific research in the chosen scientific branch or sub-branch. Passing final exams, including the development and defence of a Bachelor's or Master's Thesis, is an integral part of academic higher education. Upon successful completion of an academic study programme, students receive the respective Bachelor's or Master's degree.

Professional higher education provides a two-level professional higher education – a first level professional higher education or college education, and a second level professional higher education or university education (ISCED Level 5). The aim of the professional higher education is to secure deep professional knowledge in the chosen branch. Professional higher education studies conclude with state exams. Upon the completion of the first level professional higher education programme, students receive a state recognised diploma of the first level professional higher education, which, at the same time, certifies also the acquisition of a specific level of professional qualification. Upon completion of the second level professional higher education programme, the student receives a Professional Bachelor's or Professional Master's degree, and the corresponding professional qualification.

After the studies at professional study programmes in medicine, dentistry, and pharmacy, which last for 5-6 years, graduates from these programmes can continue with studies in Doctor programmes.

² Source: Ministry of Education and Science. Data on Academic Year 2011/2012.

³ International Standard Classification of Education.

The first-level professional higher education (college education) programmes are aimed at the labour market. Graduates from these programmes can continue with studies in the corresponding second-level professional bachelor study programmes.

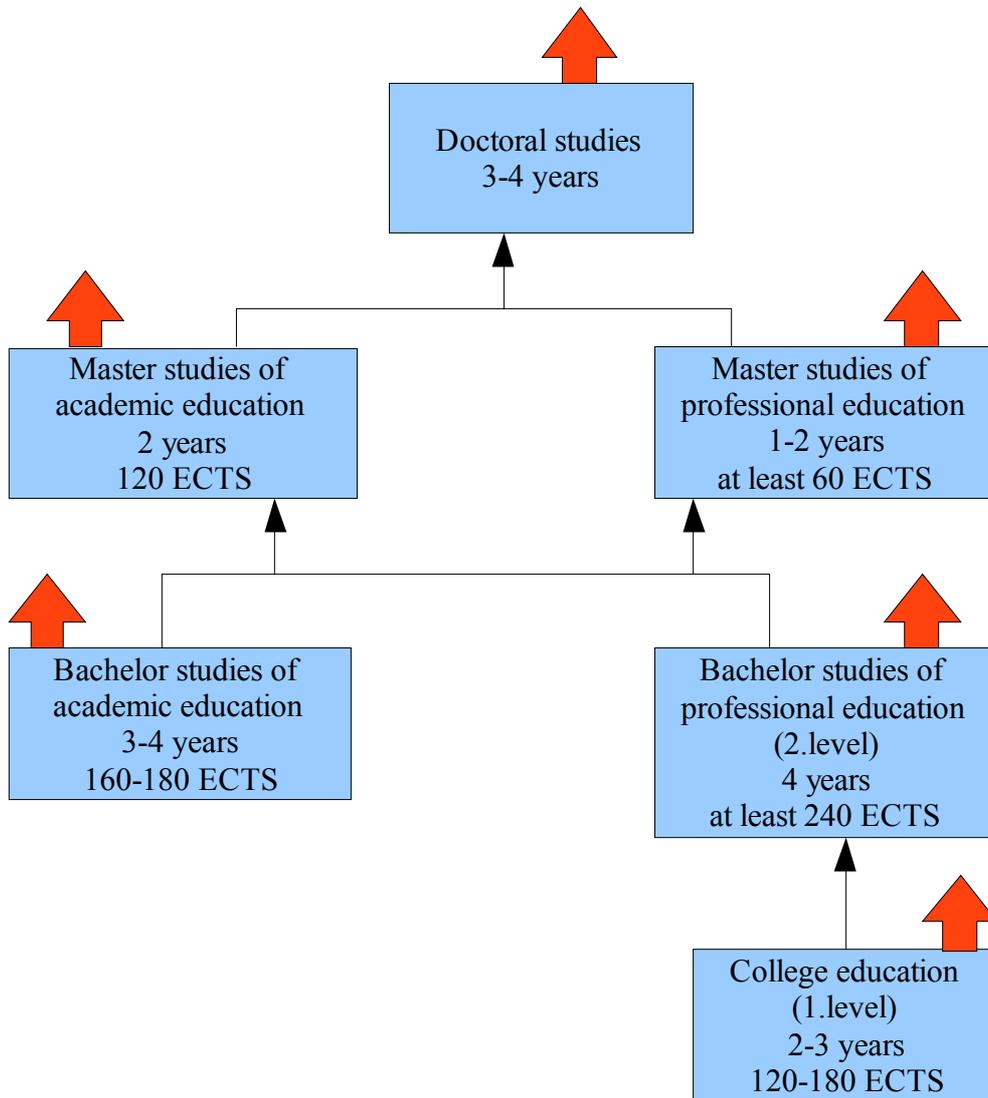
The Master's degree permits admission to Doctoral studies (ISCED Level 6). Doctoral studies enhance the creative acquisition of knowledge and the necessary skills for scientific research required of a scientist. The Doctoral Thesis is an integral part of the Doctoral study programme to receive the Doctor's degree. The Promotion Council awards a Doctor's degree after the public defence of the Doctoral Thesis. The Doctor's degree certifies the scientific qualification.

All institutions of higher education can implement academic and professional education programmes.

In Latvia national study credit system or credit point system is in use. One national credit point is defined as a full-time study workload per week and is equal to the workload of 40 academic hours of a student (per one week of studies). On average it is possible to acquire 40 credit points during one full-time study academic year. The Latvian credit point system is fully compatible with the ECTS⁴.

⁴ European Credit Transfer and Accumulation System.

Diagram 2-1
Higher education system and inclusion into the labour market



Source: Ministry of Education and Science

If international cooperation agreements do not indicate other provisions, foreign students have the right to study in full-time study programmes based on general rules, considering that:

- the secondary education documents of foreign students are in conformity with the standards of Latvia;
- the knowledge of foreign students corresponds to the admission requirements of the relevant institution of higher education or college;

- foreign students have a sufficient knowledge of the languages in which studies occur.⁵

Application deadlines and application procedures can differ for institutions of higher education and colleges. Also, there are no united requirements and admission procedures for foreign students. Therefore, if a foreign student wants to study in Latvia, he or she has to contact the relevant institution of higher education in order to find out the admission requirements and conditions. Also, there are no special requirements for knowledge of language – it must be sufficient. Usually, this is tested during an interview or by official language tests. Institutions of higher education and colleges offer also courses to prepare foreign students for studies in study programmes of the institutions of higher education or colleges.

Foreign students have also rights to study in exchange programmes according to both international contracts, and bilateral agreements signed between institutions of higher education. It should be noted that not all full-time study programmes provide for exchange programmes due to their characteristics (for example, studies in medicine).

It also should be noted that the rights of citizens of the EU, the EEA, and the Swiss Confederation to study in Latvia are equal to the rights of Latvian citizens and non-citizens⁶; therefore, this category is subject to “easier” requirements.

2.2. National Policy

The total number of foreign students in Latvia is not high – an average 1.6% of all students, but over the last few years, the number of foreign students has a

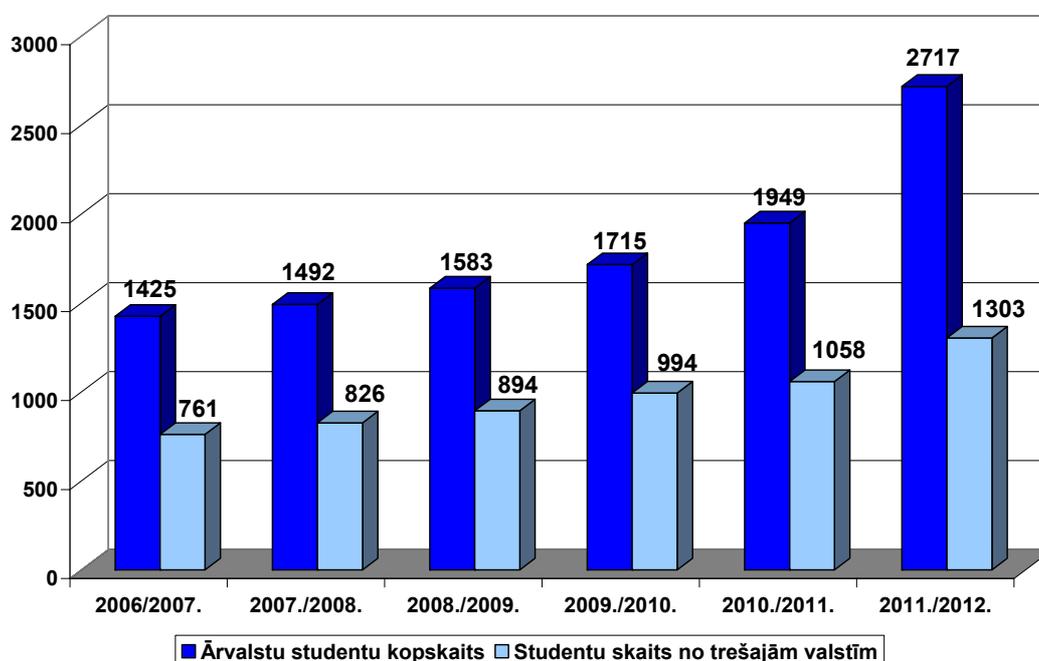
⁵ According to the Section 83 of the Law on Institutions of Higher Education.

⁶ Pursuant to the law On the Status of those Former USSR Citizens who do not have the Citizenship of Latvia or that of any Other State, Latvian non-citizens are such citizens of the former USSR who reside in the Republic of Latvia as well as who are in temporary absence and their children who simultaneously comply with the following conditions: 1) on 1 July 1992 they were registered in the territory of Latvia regardless of the status of the living space indicated in the registration of residence, or up to 1 July 1992 their last registered place of residence was in the Republic of Latvia, or it has been determined by a court judgment that they have resided in the territory of Latvia for 10 consecutive years until the referred to date; 2) they are not citizens of Latvia; and 3) they are not and have not been citizens of another state.

As regards the European Union, non-citizens of Latvia are deemed to be citizens of third countries, who have acquired permanent residence permits and have the related rights. The persons belonging to this category are not issued residence permits, but their status is approved by the non-citizen passport of Latvia.

tendency to increase, and in 2011./2012. academic year, the percentage was already 2.8% (see Graph 2-2). Slightly more than 50% of all foreign students are third-country nationals. However, it should be mentioned that some foreign students are permanent residents of Latvia who have graduated from secondary schools in Latvia and have acquired the citizenship of another state (for example, Russia, Ukraine, Lithuania) while residing in Latvia. Therefore, the number of foreign students actually coming to Latvia from another country is even smaller.⁷

Graph 2-2
The total number of foreign students and number of students from third countries during the academic year



Source: Ministry of Education and Science

Every year, the total number of students in Latvia is decreasing. Since 2006./2007. academic year, the total number of students has decreased by 25% (see Graph 2-3).

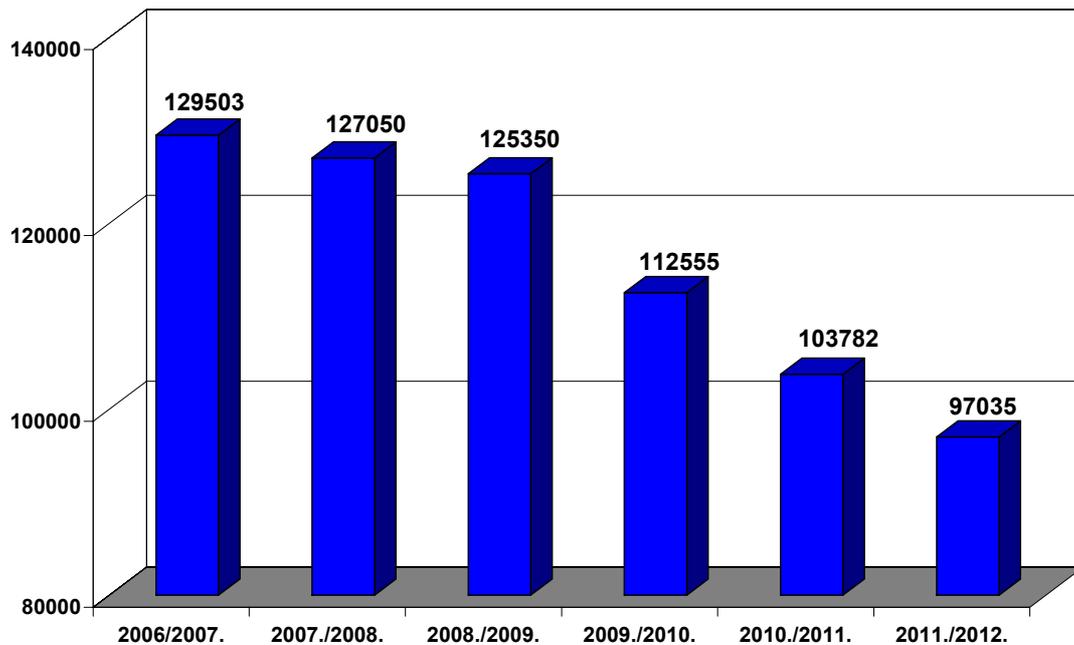
In different policy planning documents⁸ references have been included to develop the exportability of higher education by increasing the competitiveness and quality of study programmes, in the result an increase in the number of foreign

⁷ Information source: Office of Citizenship and Migration Affairs.

⁸ Valid policy planning documents and those under development in the field of higher education can be found on the web page of the Ministry of Education and Science www.izm.gov.lv under the Section *Laws and Regulations*.

students is expected, that to a certain extent would compensate the decrease in the number of local students.

Graph 2-3
Total number of students of institutions of higher education during the academic year



Source: Ministry of Education and Science

Currently, it is within the competence of each institution of higher education individually to assess the necessity and available options in attracting foreign students, as well as to draft a corresponding strategy, and to define target countries.

The admission procedure of foreign students to Latvian institutions of higher education and colleges, as well as the rights and obligations of such students, have been laid down by the *Law on Institutions of Higher Education*⁹ and the *Education Law*¹⁰, as well as by the relevant regulations of the Cabinet of Ministers.

In relation to **migration**, it must be noted that, since Latvia's accession to the EU, the migration policy in the admission of students, for the most part, is based on the common EU policy, including enforcement of the provisions of the Students' Directive. In Latvia, the procedure of entry, residence, and departure of foreigners,

⁹ Published: Latvian Herald, No. 179, 17.11.1995. – [come into force 01.12.1995.]

¹⁰ Published: Latvian Herald, No. 343/344, 24.12.1998. – [come into force 01.06.1999.]

including foreign students, is laid down by the *Immigration Law*¹¹ and the relevant regulations of the Cabinet of Ministers.

Institutions involved

The main responsible authority for the development and implementation of the national education policy, including attracting foreign students, is the [Ministry of Education and Science](#), its subordinate institution – the [State Education Development Agency](#), as well as the [Academic Information Centre](#).

The institutions involved in the development and implementation of the national migration policy are the [Ministry of Interior](#) and its subordinate the [Office of Citizenship and Migration Affairs](#), as well as the [Ministry of Foreign Affairs](#).

Admission

According to the terms of the Immigration Law¹², a **temporary residence permit** is issued to pupils of educational institutions accredited in the Republic of Latvia, or to full-time students, for the duration of studies, and for a period of time not exceeding one year, if residence in the Republic of Latvia is related to pupil or student exchange.

Usually the application documents for a temporary residence permit to pursue studies are submitted by foreigners to a mission not situated in a Schengen Agreement Member State; however, depending on various conditions, the documents may be submitted elsewhere:

- ▶ if the foreigner holds a valid residence permit in a Schengen Agreement Member State – to a mission of Latvia located in any Schengen Agreement Member State, or after the entry into the Republic of Latvia – to the Office of Citizenship and Migration Affairs;

- ▶ exchange students, students of Master's programmes or the equivalent, as well as doctoral students – to the Office of Citizenship and Migration Affairs;

- ▶ if the foreigner does not need a visa for entering the Republic of Latvia – to the Office of Citizenship and Migration Affairs;

- ▶ if the foreigner is a full-time student and a citizen of a country that does not pose an increased risk of terrorism, the documents may be submitted by the inviter

¹¹ Immigration Law. – Latvian Herald, No. 169, 20.11.2002. – [come into force 01.05.2003.]

¹² Section 23, Paragraph One, Clause 10 and Clause 19 of the Immigration Law.

(accredited educational institution) – to the Office of Citizenship and Migration Affairs.

► to apply for a temporary residence permit, citizens of Sri Lanka must submit documents to the Honorary Consulate of the Republic of Latvia in Colombo, Sri Lanka, in accordance with the cooperation agreements¹³ concluded.

Prior to inviting a foreigner, the educational institution **shall draw up a sponsorship** by submitting the documents specified by the Clause 15 of the Cabinet of Ministers Regulation No. 564 “Regulation Regarding Residence Permits” of 21 June 2010 to the Office of Citizenship and Migration Affairs. If a minor person has been invited, information about the natural person assuming responsibility over a minor pupil during his or her stay in the Republic of Latvia shall be provided.¹⁴ By signing the sponsorship application, the institution of higher education certifies additionally that it assumes responsibility for the foreign invitee's compliance with the purpose of entry and residence specified in the residence permit application documents as submitted, for his or her departure from the state at the specified time, and, if necessary, it ensures that expenses related to health care, residence in the Republic of Latvia, and return to the home country will be covered.¹⁵

For pupils of accredited educational institutions, or full time-students, the reduced **state fee** for the examination of the documents necessary for requesting residence permit is 50 lats (usually – 70 lats). Students of Master's or equivalent programmes, as well as Doctoral students are exempt from the mentioned state fee.¹⁶

The Office of Citizenship and Migration Affairs shall examine the documents submitted to apply for the temporary residence permit and **adopt a decision** on granting or refusal to grant the temporary residence permit within **30 days**.¹⁷

Residence

¹³ Cooperation agreements on work for attracting students between the Ministry of Foreign Affairs, the Office of Citizenship and Migration and Migration Affairs, and the State Border Guard have been concluded with Riga Stradiņš University in 2009; in 2012 similar agreements have been concluded with two higher education institutions – Riga Technical University and University “Turība”.

¹⁴ According to the Clause 19 of the Cabinet of Ministers Regulation No. 564 “Regulation Regarding Residence Permits” of 21 June 2010.

¹⁵ According to the Subparagraph 23.2 of the Cabinet of Ministers Regulation No. 564 “Regulation Regarding Residence Permits” of 21 June 2010.

¹⁶ According to the Subparagraph 5.2 and 10.24 of the Cabinet Regulation No. 571 “Regulations Regarding the State Fee for Examination of the Documents Necessary for the Requesting a Visa, Residence Permit or the Status of a Long-term Resident of the European Community in the Republic of Latvia and the Services Related Thereto” of 21 June 2010.

¹⁷ According to the Section 33, Paragraph One, Clause 1 of the Immigration Law.

The temporary residence permit is issued for the duration of the study agreement, but it must be registered each year. Documents for registering a temporary residence permit must be submitted 30 to 90 days prior to the end of the term of the residence permit by providing a valid travel document and health insurance policy. If a student, when applying for a residence permit, has not proved the existence of sufficient financial means for the entire period of the planned stay, he or she in addition has to submit a document on the financial means for the next year proving this fact. For registering the residence permit, a sponsorship issued by the educational institution and approved by the Office of Citizenship and Migration Affairs is necessary, by which the educational institution confirms that the student successfully continues the studies. A decision concerning the registration of the temporary residence permit is adopted within 30 days. The state fee for registering a residence permit is 15 lats.

After receiving a temporary residence permit, a foreign student has a right to employment – a note is made in the residence permit regarding the right to work with any employer for up to 20 hours per week.

During the term of validity of a residence permit, a foreign student is not permitted to apply to the Office of Citizenship and Migration Affairs for a residence permit for other reasons. This provision does not apply to foreigners who have completed the acquisition of a higher education in the Republic of Latvia and who have been issued a residence permit for the acquisition of this education.¹⁸

In cases when it is necessary to extend the period of residence of a foreign student in Latvia, a long-term visa is issued. It should be noted that every case is examined individually.

Currently, no changes to the regulations of admission and residence of foreign students are planned.

Discussions

In Latvia, discussions on attraction of foreign students and immigration conditions organised by representatives of state institutions, institutions of higher education, associations, etc. occur regularly. Most often, the main obstacle to attracting foreign students mentioned is the procedure to receive residence permits

¹⁸ According to the Section 32, Paragraph Four of the Immigration Law.

and visas. This procedure is hampered due to the lack of representation in the potential target countries. Also, the recognition of foreign documents of education is a time-consuming process. Another important issue arising during discussions is the competitiveness of institutions of higher education in Latvia compared to institutions of higher education in other countries.

On a political level, discussions have occurred regarding the draft law on the Law of Higher Education¹⁹, which is currently under revision by the Saeima. The most topical issue of the discussion is whether state-financed institutions of higher education should be allowed to implement study programmes in Russian (currently it is allowed only for private institutions of higher education), since the implementation of such programmes would attract students from the countries of the former USSR, who are already interested in acquiring a European-level education in their own language. The status of the Russian language in Latvia is a very sensitive issue.

¹⁹ The draft law was handed in the Saeima on 9 July 2008, but it still has not been adopted. – Available: <http://titania.saeima.lv/LIVS/SaeimaLIVS.nsf/0/9C83EA6FAE80D947C225748200469A06?OpenDocument> – [see 27.07.2012.]

3. CONDITIONS OF ENTRY AND RESIDENCE

3.1. Admission

Practical measures for attracting foreign students

One of the methods for attracting students from third countries is participation in international **education exhibitions**, which take place abroad. Thus, an opportunity is provided to design informative stands, to seek possibilities of cooperation with other countries and their institutions of higher education (more applicable to attracting of exchange students), as well as to cooperate with agents of education, at the same time.

Public institutions of higher education participate in exhibitions according to their internal strategy and goals, as well as within the available funding. There is also an opportunity to participate in exhibitions in cooperation with the Academic Information Centre, which organises participation in particular exhibitions and countries by covering part of the expenses.

Institutions of higher education established by legal bodies have the opportunity to participate in exhibitions within their own funding, but in separate cases, such opportunities are also provided by the Investment and Development Agency of Latvia.

Often, to recruit students in a particular target country, the services of agents of education are used.

Institutions of higher education of Latvia, when participating in education exhibitions, present themselves individually, rather than presenting Latvia as a united image of the country with wide opportunities to acquire higher education in different institutions of higher education.

As mentioned before, on a national level, **no target countries**, from which students should be attracted, **have been defined**. Instead, this decision has been left to institutions of higher education themselves; institutions of higher education established by legal bodies attract more students from CIS countries, as they are permitted to provide study programmes also in Russian, but public institutions concentrate more on the Asian, European, and African markets.

One of the conditions for a foreign student to have the right to study in Latvia is the conformity of secondary education documents to the Latvian standards. The Academic Information Centre of the Republic of Latvia is responsible for **recognizing education documents acquired abroad**.

To recognise an education document, the original of the education document and a transcript of records must be submitted to the Academic Information Centre. If the document has been issued in a country which is not a member state of the [ENIC/NARIC](#) network, the legalization of the document is mandatory. The Academic Information Centre performs an examination of the education document during which it establishes the status of the education institution in the country of origin and the level of the acquired education, and issues a certificate stating which education document issued in Latvia is the equivalent of the foreign education document (if equivalent at all). The maximum term for document examination is four months. Applicants do not have to pay for the examination of education documents acquired abroad.

Opportunities for third-country nationals having arrived in Latvia to acquire education to receive **funding to cover expenses related to studies and accommodation** are rather limited – study loans in Latvia are not available, and scholarships usually cover only expenses related to accommodation.

Scholarships are awarded based on international contracts concluded in accordance with the scholarship programmes of the country of origin, and students can also be awarded scholarships by institutions of higher education and colleges (within available funding).

In the beginning of 2012, the procedure for awarding scholarships was laid down based on the international contracts concluded.²⁰ Scholarships are awarded for full-time studies and the amount of a scholarship in a month is 350 lats (498 euros) for students of first level professional, Bachelor's, and Master's programmes, and 470 lats (669 euros)²¹ for students of Doctoral studies. Scholarships are awarded for a period not exceeding 10 months; if a student would like to receive a scholarship for a longer period of time, he or she must apply for it repeatedly in the following year.

²⁰ Scholarships are awarded according to the Cabinet of Ministers Regulation No. 68 "Procedure for Granting Scholarships to Foreigners" of 24 January 2012. Published: Latvian Herald, No. 5, 15.01.2012. – [come into force 27.01.012.]

²¹ The amount of the scholarships each year has been determined by the Ministry of Education and Science.

Scholarship does not cover travel expenses, is not compatible with other scholarships, and it cannot be awarded if the student resides in Latvia for less than 15 days per month.

Awarding of a scholarship does not expedite the procedure of issuing a visa or residence permit.

The **examination of study applications** of third-country students usually is a time-consuming procedure due to the volume of necessary documents and the specific requirements. Each institution of higher education and college has developed its own procedure for admission of foreign students, providing for the most effective examination of applications. In some cases, the study application can be examined individually.

Information regarding study opportunities, available study programmes, conditions, and the admission procedure usually is summarised and can be found on the web page of the institution of higher education or college in English and/or Russian. Also, to clarify various issues, the contact information of the respective division, information centre, student service, etc. of the institution of higher education or college can be found on the web page.

Since 2011, the State Education Development Agency maintains a web page www.studyinlatvia.lv²², which serves as the first point or portal for potential foreign students to acquire information. The web page contains information on studies provided by the institutions of higher education of Latvia available to foreigners wishing to acquire a full degree, or to attend separate courses/summer school. General information about Latvia, the conditions of accommodation and studying, gives general information about visas and residence permits, the recognition of diplomas, the higher education system in Latvia, and general admission rules are available at the webpage. This information is accompanied by links and contacts directing visitors towards more detailed information or help.

Information regarding immigration rules, the procedure, and the amount of the necessary documents can be found on the web page of the Office of Citizenship and Migration Affairs, www.pmlp.gov.lv. Information is available in English and Russian. The web page also provides a phone number and access to a forum where

²² The web page has been created in accordance with the instructions laid down in the “Action Plan for Necessary Reforms in Higher Education and Science for 2010-2012”, adopted by the Ministry of Education and Science, and is co-financed by the European Commission.

questions on the procedure of entering and residing in Latvia can be asked. All the normative acts regulating the immigration procedure are available in English, and are published on the portal of legal acts www.likumi.lv.

Study fee

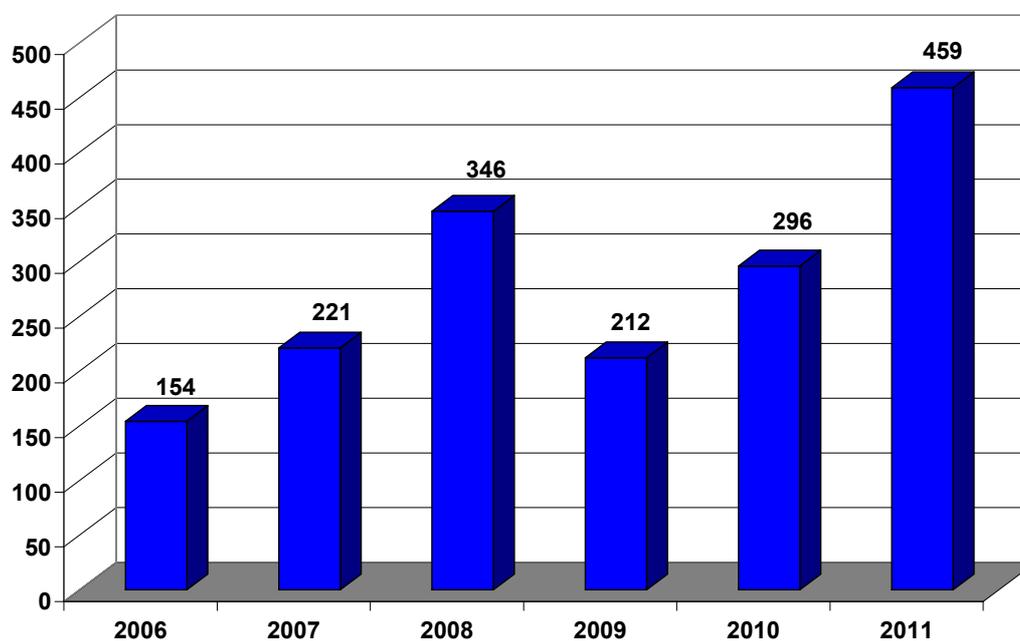
Foreign students must pay a study fee for the acquisition of a higher education study programme in the amount and in accordance with the procedures laid down in the study contract. The study fee for third-country students is usually higher (up to two times) than for local students, both in public institutions of higher education, and those established by legal bodies. Traditionally, study programmes in medicine, dentistry, and pharmacy have a higher study fee (8 000-12 000 euros per year), for other study programmes, a third-country national has to pay on average 3 000-5 000 euros per year, and the study fee is lower in colleges and institutions of higher education outside Riga. Since 2006, the study fee for both local and foreign students has nearly doubled, which can be explained by the increase in maintenance expenses of institutions of higher education (increase in gas, electricity, water, etc. tariffs), the increasing costs of study programmes, rising of tax rates, a decrease in the total number of students, etc. It must be noted that the increased study fee has not left an impact on the number of foreign students in Latvia.

Issuance of visa and residence permit

Taking into consideration the fact that the number of foreign students in Latvia is gradually increasing, the number of temporary residence permits issued due to education reasons to third-country nationals is also increasing (see Graph 3-1). Approximately 90% of the total number of residence permits issued to third-country nationals has been issued for studies, others – for learning. Most often, residence permits for studies have been issued to citizens of Russia, Turkey, Uzbekistan, and Georgia.²³

²³ See Annex.

Graph 3-1
Number of first temporary residence permits issued to third-country nationals for education reasons, 2006-2011²⁴

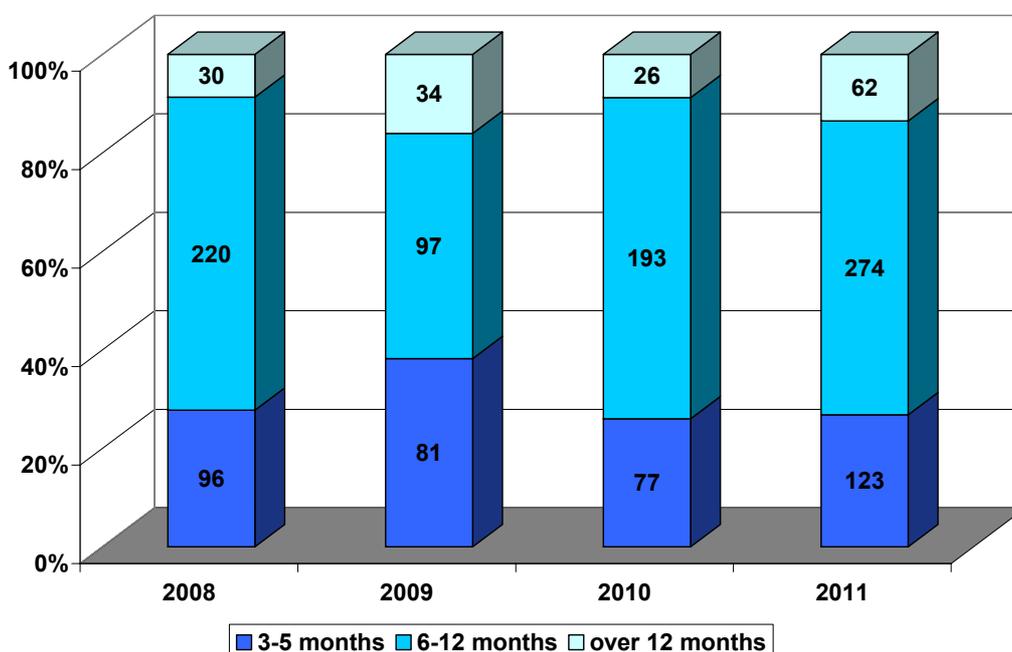


Source: Eurostat

Most temporary residence permits are issued for a time period of 6-11 months (see Graph 3-2), which corresponds to the residence permit registration term and also the length of the academic study year.

²⁴ Until 2008, statistical data regarding the reasons of education were not collected.

Graph 3-2
Number of first temporary residence permits issued to third country nationals for education reasons by term of validity, 2008-2011



Source: Eurostat

If a third-country national would like to study in Latvia, prior to entering the country, he or she **must receive a temporary residence permit**.²⁵ It should be reminded that a temporary residence permit in Latvia is issued for the entire period of studies, but it must be registered annually.

It should be noted that, in settling the right of residence in Latvia for third-country national, the length of education acquisition is taken into account. If the acquisition of education is connected with a short-term residence (for example, courses, summer school) and does not exceed 90 days in a half-year period, starting from the first entry to the country, a short-term visa is issued, but in cases of long-term education (for example, studies in institution of higher education), a temporary residence permit is issued. When issuing a short-term visa, facilitations as provided for in the Visa Code²⁶ are taken into account, for example, exemption from the visa fee.

²⁵ National policy in migration context for admission of students who are third-country nationals is covered in Section 2.2.

²⁶ Regulation No. 810/2009 of the European Parliament and of the Council of 13 July 2009, on establishing a Community Code on Visas (Visa Code). – Official Journal, L 243/1, 15.09.2009. – [come into force 05.04.2010.]

Application documents for a temporary residence permit are examined by the Office of Citizenship and Migration Affairs. Prior to adopting a decision, it is evaluated whether the provisions of Article 6 and Article 7²⁷ of the Students' Directive have been fulfilled. Latvia does not apply the requirement of Article 7(1)(c) on examination of sufficient knowledge of the language, but instead examines a more general provision – whether the applicant has acquired the necessary education for starting the studies. In separate cases, when consular authorities establish that the person is not able to communicate in the working language of the studies, issuance of a residence permit can be refused. If all conditions are fulfilled and there are no other reasons that could be a basis for refusing the residence permit, a decision on granting the residence permit is adopted. The decision is sent to the respective mission in order to issue the visa.

In addition to the provisions of Article 6 and Article 7 of the Students' Directive, declaration of the place of residence is also a requirement – the student must be registered at some particular place of residence (for example, an apartment or dormitory). Compliance with this provision is verified, along with other provisions.

The decision on granting or refusing to grant a temporary residence permit is adopted by the Office of Citizenship and Migration Affairs within 30 days. There is also a possibility to examine the documents within 10 working days for a raised fee – 150 lats, or within five working days – for 200 lats.

²⁷ **Article 6** of the Students' Directive states that a third-country national shall: a) present a valid travel document as determined by national legislation. Member States may require the period of validity of the travel document to cover at least the duration of the planned stay; b) if he/she is a minor under the national legislation of the host Member State, present a parental authorisation for the planned stay; c) have sickness insurance in respect of all risks normally covered for its own nationals in the Member State concerned; d) not be regarded as a threat to public policy, public security or public health; e) provide proof, if the Member State so requests, that he/she has paid the fee for processing the application on the basis of Article 20.

Article 7 of the Students' Directive states that in addition to the general conditions, a third-country national who applies to be admitted for the purpose of study shall: a) have been accepted by an establishment of higher education to follow a course of study; b) provide the evidence requested by a Member State that during his/her stay he/she will have sufficient resources to cover his/her subsistence, study and return travel costs. Member States shall make public the minimum monthly resources required for the purpose of this provision, without prejudice to individual examination of each case; c) provide evidence, if the Member State so requires, of sufficient knowledge of the language of the course to be followed by him/her; d) provide evidence, if the Member State so requires, that he/she has paid the fees charged by the establishment.

Student after the decision on issuing the residence permit is received, in order to enter Latvia and to receive a residence permit **applies for a long-term visa**²⁸ by submitting necessary documents to the respective mission (in case the foreigner is not a holder of a valid Schengen visa or cannot use the right to enter without a visa).

After all the submitted documents have been examined, following the decision adopted by the Office of Citizenship and Migration Affairs to grant the residence permit, consular authorities issue a long-term visa with a period of stay not exceeding 15 days (a note *For residence permit* is made on the visa).

Although in such cases receipt of the visa is a formality with the purpose of acquiring the right to enter the territory of Latvia, the steps to apply for a temporary residence permit and visa have not been merged. Often, the procedure for applying for a visa is the first one where Latvian authorities have direct contact with the applicant himself or herself (in cases where the application documents for residence permit are submitted by an authorised representative of the education institution), and by interviewing the person, it is possible to acquire a more precise view concerning the compatibility with the requirements of the institution of higher education, as well as on the actual purposes of the applicant.

The consular authority, when examining the visa application, once more assesses the risks of illegal immigration. During the examination of documents, conditions, due to which the visa cannot be granted, can be discovered. Therefore, there may be cases when, irrespective of the decision adopted regarding issuing of a residence permit, the issuance of a long-term visa to enter the territory of Latvia is refused. In practice, such cases are very rare, as both the student and his inviter (the accredited educational institution) actively cooperate with consular authorities and the Office of Citizenship and Migration Affairs in providing necessary information.

Foreign students also have the opportunity to receive a **residence permit for preparation courses** (for example, a language course), but it depends on whether the study programme provides such courses. After graduating the preparation courses, for the student, when applying for the study programme, a temporary residence permit for full-time studies is issued.

²⁸ The necessary documents for application for long-term visa, procedure of examination of application, scope of the examination, etc. are described in the study by the Latvian Contact Point of the European Migration Network “Visa Policy in Latvia as a Migration Channel”, available: http://www.emn.lv/lv/pdf/2011/Vizu_politika_Latvija_ka_migracijas_parvaldisanas_veids.pdf.

The conditions applied to the **exchange students** are slightly more lenient. For example, during document examination, the risk of illegal immigration is not evaluated, because it is assumed that this category is *bona fide* persons, and the risk of illegal immigration is therefore very low. Also, exchange students and their inviters are exempt from the state fees for examination of the application documents for applying for a long-term visa, for applying for and registration of a residence permit, for approval of sponsorship, etc.²⁹

The student in person submits the necessary application documents for a residence permit and visa to the mission, as well as arrives in person to the Office of Citizenship and Migration Affairs to receive the residence permit. In some cases, if the foreigner is a full-time student and does not reside in the state where the documents must be submitted, the documents may be submitted by the inviter (the accredited educational institution).

The student must submit the documents to apply for a residence permit and, later, for a visa, to a diplomatic or consular mission of the Republic of Latvia abroad. Taking into account that a long-term visa is granted in order to enter the country, documents may not be submitted to missions of other Member States, because the contracts signed by Member States regarding the representation arrangements for visa issuance are adopted only for short-term visas.

Considering the aforementioned, it should be noted that submission of the necessary documents to receive the legal right of entry and residence for students from particular states (like India, Pakistan), where there are no Latvian missions, but which are potential target countries for attracting students, is substantially incommoded. In 2012, the Ministry of Foreign Affairs has allocated funds for a business visit of consular authorities to India, where, on 20 and 21 August on the premises of the Lithuanian consular mission, interviews with approximately 100 study applicants from India and Nepal, for whom a positive decision with regard to their residence permit has been made, will be conducted. After the interviews, the documents will be taken to the Embassy of Latvia in Uzbekistan, which is the

²⁹ According to the Paragraph 10.17 of the Cabinet of Ministers Regulation No. 571 “Regulations Regarding the State Fee for Examination of the Documents Necessary for the Requesting a Visa, Residence Permit or the Status of a Long-term Resident of the European Community in the Republic of Latvia and the Services Related Thereto” of 21 June 2010.

responsible authority of issuing visas, and then the documents will be sent back to India to be delivered to the applicants.

Most often, the **refusal to grant** a residence permit is related to the fact that not all necessary documents have been submitted, examinations and interviews have revealed a risk of illegal migration, or false information has been given.³⁰ The decision to refuse a residence permit may be appealed by the educational institution. Usually the inviter (the accredited educational institution), in cooperation with consular authorities or authorities from the Office of Citizenship and Migration Affairs, prevent the lack of the necessary information. Cases when third-country nationals misuse the right to enter and reside in a state for education purposes, or cases when institutions of higher education attempt to smuggle in such persons, occur seldom. Statistical data on such cases is not currently collected.

³⁰ Reasons for refusing issuance a residence permit have been stated in Section 34 of the Immigration Law.

3.2. Residence

Students

Conditions of the residence of a foreign student are covered in Section 2.2.

Each institution of higher education has its own approach towards the issue of **results of foreign students**. There are study programmes (e.g. medicine), where attendance is a crucial factor for passing study courses and receiving the diploma; therefore, institutions of higher education, when implementing these programmes, follow attendance and overall study progress. Usually the most important thing for the student in order not to be excluded from the study programme is absence of academic debts, and payment of the study fee according to the procedure laid down in the study contract. Although statistics on the results of foreign students are not collected, it should be mentioned that foreign students usually comply in good faith with all requirements necessary for receiving the diploma.

If the student is excluded from the study programme, the institution of higher education must inform the Office of Citizenship and Migration Affairs,³¹ which will then **annul the issued residence permit**, within three business days. In practice, such cases have been quite rare. In 2011, residence permits for foreign students who are third-country nationals were annulled in 33 cases, most often because the student had left the studies by one's own initiative or had been excluded from the study programme.

When issuing the residence permit, a note on the student's **right to employment** is made at once without forming a sponsorship from an employer. A student (also an exchange student) from a third country has the right to work 20 hours per week with any employer or as a self-employed person. The Office of Citizenship and Migration Affairs does not check whether the student uses those rights and whether all the conditions of employment have been observed. Accordingly, statistical information characterising the students' employment is not collected. If residence in Latvia does not exceed 90 days in a half-year period, starting from the day of first entry to the country, the Office of Citizenship and Migration Affairs issues a work permit corresponding to the term of validity of the visa.

³¹ According to Section 39, Paragraph One of the Immigration Law.

Employment legal relationships in Latvia are regulated by the Labour Law³² and the provisions defined in it applies to all persons working in Latvia, also foreigners.

Until now, no separate studies on the employment of foreign students in Latvia have been conducted, but it should be noted that it is difficult for foreign students to include into the labour market during studies without the knowledge of the Latvian language or, at least, Russian. Possible employment sectors are services and trade, although the student could also work in professions where no strict knowledge of the state language is required or where the student's native language could be used. It should be concluded that, according to previous estimates, the number of working students is not very high.

A foreign student who has a temporary residence permit to reside in Latvia **does not have the right** to receive state social allowances, state-guaranteed support for unemployed persons and persons seeking employment, as well as state-guaranteed medical care. To cover expenses related to health care in the Republic of Latvia, a foreigner must purchase a health insurance policy³³, which must be presented when receiving and registering the residence permit.

Students' family members

A spouse, minor children (also those under guardianship) and persons under trusteeship of a full-time or exchange student have the right to request a temporary residence permit for the term of validity of the temporary residence permit issued to the student.³⁴

The necessary documents³⁵ to apply for a temporary residence permit may be submitted together with the foreigner applying for a residence permit for education reasons.

There are no facilitations for the spouse of the student regarding the state fee for the examination of documents necessary for applying for the residence permit, for

³² Published: Latvian Herald, No. 105, 06.07.2001. – [come into force 01.06.2002.]

³³ The Cabinet of Ministers Regulation No. 591 "Regulation of Medical Insurance for the Foreigners" of 28 July 2008, lays down the procedure for a foreigner to receive health care services in the Republic of Latvia, the procedure for health insurance of foreigners, a minimum insurance amount, as well as the minimum amount of services covered.

³⁴ According to Section 23, Paragraph Four of the Immigration Law.

³⁵ The necessary documents are indicated in Clauses 28, 39, 40, and 41 of the Cabinet of Ministers Regulation No. 564 "Regulation Regarding Residence Permits" of 21 June 2010.

applying for the long-term visa, and for registering the residence permit. Children up to the age of 16 are exempt from the state fee when applying for a long-term visa.

The spouse of the student does not have the right to be employed in the Republic of Latvia, and their access to social security, as well as to medical services is the same as that of the foreign student residing in Latvia for the purposes of studies with a temporary residence permit.

A child has the right to acquire a free education in the accredited educational institutions of Latvia. In Latvia, there are state-financed minority schools, and also private schools.

The number of family members of students entering the Republic of Latvia during the last three years is very small: in 2009, a first residence permit was issued to 4 family members, repeated permits – to 6 family members; in 2010, a first residence permit was issued to 5 family members, repeated permits – to 5 family members; in 2011, a first residence permit was issued to 7 family members, repeated permits – to 4 family members.³⁶

Taking into account the aforementioned, it should be noted that there is no sufficient evidence suggesting that the right to family reunification, the conditions of entry and the residence of family members are essential factors for foreign students entering Latvia.

3.3. Possibilities of Stay after the Completion of Studies

If the foreign student has a reason to reside in the Republic of Latvia after the completion of studies, there are no restrictions to settle the right to legal residence according to the Immigration Law by applying for a temporary residence permit. The necessary documents for settling the formalities to acquire the right of further residence can be submitted to the Office of Citizenship and Migration Affairs without leaving the country, before the end of the term of validity of the residence permit already issued.³⁷

³⁶ Source: Office of Citizenship and Migration Affairs.

³⁷ According to Subparagraph 4.2. of the Cabinet of Ministers Regulation No. 564 “Regulation Regarding Residence Permits” of 21 June 2010.

In Latvia, third-country nationals are not offered the opportunity to remain in the state for the purposes of seeking employment following the completion of studies.

Following the completion of studies, third-country nationals do not have free access to the labour market. In case a third-country national would like to receive a residence permit for employment, based on an employment contract, the potential employer must register a vacancy in the [State Employment Agency](#). If no citizen of Latvia, non-citizen of Latvia, or citizen of the EU of the corresponding qualification has applied for the registered vacancy within a month, only then the employer has the right to form a sponsorship for a third-country national at the Office of Citizenship and Migration Affairs by submitting the necessary documents. When the sponsorship has been approved by the Office of Citizenship and Migration Affairs, the third-country national has the right to submit the necessary documents to apply for a temporary residence permit. If the third-country national is to be employed based on a contract for work-performance, a vacancy in the State Employment Agency does not have to be registered.

Together with a temporary residence permit, a work permit is issued to the third-country national, without which he or she has no right to work. The work permit gives the right to work at one employer in a definite position. If the third-country national, having received a temporary residence permit, loses the job, the residence permit and work permit issued to him are annulled, and he or she must leave Latvia, due to the fact that a third-country national who has entered Latvia for the purposes of employment, cannot become an employment seeker and receive the respective state allowances. In separate cases, if the foreigner has found another employer, he or she may apply for a new residence permit without leaving the Republic of Latvia.

There are no special initiatives in Latvia aimed at harmonising the needs of the labour market with the qualification acquired by foreign students and facilitating cooperation between the institutions of higher education and employers in defining the need for a qualified labour force.

To clarify the need for a qualified labour force in the Latvian labour market, the [Ministry of Economics](#) regularly performs middle-term and long-term forecasting

of the labour market while the State Employment Agency performs short-term forecasting.³⁸

In separate cases, and if there is an especially substantiated reason, following the completion of studies, third-country nationals have the right to change their immigration status by submitting the necessary documents to the Office of Citizenship and Migration Affairs, if the submission of documents is performed during the period of validity of the previous residence permit. This provision also applies to those cases where a student, following the completion of studies, would like to receive the EU Blue Card³⁹ or undertake scientific research⁴⁰. It should be noted that, currently in Latvia, the number of registered foreigners having received residence permits under these conditions is very small (on 1 January 2012, there were 8 persons who are holders of the EU Blue Card and 15 persons having received a residence permit for scientific research in Latvia).

Usually, foreign students arrive in Latvia to acquire a qualitative higher education corresponding to European standards for a comparatively small study fee and then return to their country of origin to develop their professional career. Cases when students remain in Latvia following the completion of their studies are very rare. Most often, the change of immigration status is related to family reunification due to a marriage concluded with a citizen of Latvia, a non-citizen of Latvia, or a foreigner who has received a permanent residence permit to remain in Latvia (see Table 3-3).

³⁸ For further information see www.em.gov.lv and www.nva.gov.lv, as well as the study “Satisfying Labour Demand through Migration in Latvia” by the Latvian Contact Point of the European Migration Network, available: http://www.emn.lv/lv/pdf/Labour_migration_09_08_2010_LV.pdf.

³⁹ According to the Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment. Published: L 155, Official Journal of the European Union. 18.06.2009.

⁴⁰ According to the Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research Published: Official Journal, L 289, 03.11.2005.

Table 3-3
Change of immigration status to/from education, 2008-2011

	2008	2009	2010	2011
From family reunification to education	6	9	3	6
From employment to education	1	3	1	1
From other reason to education	5	3	5	3
From education to family reunification	16	17	3	23
From education to employment	5	4	1	3
From education to other reason	14	5	1	7

3.4. Misuse of the Rights

In Latvia, cases of misuse of the entry and residence rights by third-country nationals entering the state for educational reasons have been rare. The admission procedure of foreign students in the institutions of higher education, and the procedure for processing the documents to apply for a temporary residence permit and visa, prescribes for involved institutions to perform different inspections, which allows to determine the scope of the risk of illegal migration effective enough.

Institutions of higher education are themselves interested in attracting students who are interested in studies, because, for instance, by forming the sponsorship, the institution of higher education certifies that it assumes responsibility for the compliance of the purpose of entry and residence of the invited foreigner with the purpose specified in the submitted residence permit application documents, for his or her departure from the state at the specified time, etc.

To prevent misuse of the right to entry and residence, **institutions of higher education** interview students to discover the student's wish to study in the chosen study programme, examine the documents confirming previously acquired education (if previously there have been students admitted from the respective country, the selection personnel already has some information regarding the format and content of education documents, thus allowing for the immediate detection of signs of forgery), and they can also request that applicants pass an entrance examination to select the most capable students.

During the recognition procedure of education documents, the **Academic Information Centre** gathers evidence proving the authenticity of the documents. According to the data collected by the Academic Information Centre, since 2007,

falsified documents have most often been submitted by citizens of Cameroon – 21% of the total number of documents (250) submitted by citizens of Cameroon – and citizens of Bangladesh – 10% of the total number of documents (172) submitted by citizens of Bangladesh.

When submitting application documents for a temporary residence permit, the **Office of Citizenship and Migration Affairs**, before a decision is adopted, check whether all necessary documents have been submitted, whether the purpose of entry and residence complies with the documents as submitted, whether the third-country national has not been included in the list of individuals whose entrance into the Republic of Latvia or other Schengen Agreement Member States is forbidden. If the foreigner is entering from a state whose citizens require additional assessment according to the Cabinet of Ministers Regulation,⁴¹ the Office of Citizenship and Migration Affairs receives a resolution from the Security Police. If necessary, additional documents may be required and an interview may be conducted.

Prior to adopting a decision to grant a long-term visa to a third-country national for entry into Latvia in order to receive a residence permit, the **consular authority** performs a repeated examination of the submitted documents, verifies information in databases, if necessary – contacts similar institutions in the country of origin, and performs interviews with the individual. In fact, the interviews conducted by consular authorities have the most influential role in detecting a misuse of rights, because, during the interview, very broad information is gathered on the potential student, his or her knowledge of language and the actual purpose of entry.

Within the state, the responsible institution for compliance with and control of the regulations of the residence of foreigners is the **State Border Guard**. Officials of the State Border Guard strictly control the observance of regulations of foreigners' departure – in databases, it is possible to verify the defined term of departure of the foreigner, and, in cooperation with the Office of Citizenship and Migration Affairs, it is possible to verify the foreigner's status in Latvia, and by contacting the respective institution of higher education or by performing an inspection, evidence for the departure of the foreigner can be collected.

⁴¹ Cabinet of Ministers Regulation No. 554 "Regulations Regarding the States for the Citizens of which in Issuing a Visa or Residence Permit an Additional Examination shall be Performed" of 21 June 2010. – Latvian Herald, No. 100, 28.06.2010. – [come into force 29.06.2010.]

In its practice, the Office of Citizenship and Migration Affairs has encountered situations when a third-country national, upon submitting application documents for a temporary residence permit, frequently changes the institution of higher education, suggesting that the actual purpose of entry and residence of the individual is connected to another reason. In such cases, if an application is made for a repeated temporary residence permit, the individual's purpose of residence is assessed very thoroughly, in order to prevent misuse of legal migration regulations. In these cases, where the term of validity of the previous residence permit has ended and the individual would like to submit a new application for a residence permit connected with the acquisition of education in another educational institution or for a completely other reason – for instance, employment or the activities of a self-employed person – the decision usually adopted is not favourable for the person. To apply for a new permit, the individual who has missed the term of application must leave the country and must submit the application documents for a new temporary residence permit in a country which is not a Schengen Agreement Member State.

Admission of a foreign student can only be performed by an accredited educational institution in an accredited study programme. The accreditation of the institutions of higher education and colleges is organised by the Ministry of Education and Science, according to the procedure laid down by the Cabinet of Ministers. At the end of every academic year, the Ministry of Education and Science publishes the list of the institutions of higher education and colleges who are entitled to issue accredited diplomas for acquiring higher education in the Latvian Herald, as well as the names of the accredited study programmes of these institutions of higher education and colleges.⁴²

It can be concluded that, in general, the actual purpose of the third-country students entering into and residing in Latvia is, indeed, to study. The potential misusers of the right to residence, for the most part, are deselected during the admission procedure. In separate cases, if all conditions of admission have been fulfilled and the residence permit has been issued, the actual purpose of the individual's entry is finally discovered at the moment when the student is excluded from the study programme due to failing the study programme entrance exams, and his or her residence permit is annulled.

⁴² According to Section 9 of the Law on Institutions of Higher Education.

4. INTERNATIONAL COOPERATION

4.1. Bilateral and Multilateral Cooperation

Latvia has concluded approximately 20 agreements⁴³ with third countries (Belarus, China, Egypt, India, Israel, Moldova, Turkey, Ukraine, USA, etc.) covering issues on the cooperation in the field of education. For the most part, the agreements within the framework of this study provide for the promotion and development of student exchange, the mutual recognition of diplomas, and the granting of scholarships. The concluded agreements do not attempt to simplify the conditions of entry and residence in Latvia more than already stated in the Immigration Law and the relevant regulations of the Cabinet of Ministers. The concluded agreements are not a basis for implementing further activities in attracting students. Currently, no conclusion of bilateral or multilateral agreements to even more facilitate the entry and residence of students from particular third countries into Latvia, within mobility partnership inclusive, is planned.

The cooperation agreement concluded in 2009 between the Ministry of Foreign Affairs, the Office of Citizenship and Migration Affairs, and the State Border Guard, as one party, and Riga Stradiņš University, as the other party, on attracting citizens of Sri Lanka, stipulates a special procedure in the admission of potential students. Thus, citizens of Sri Lanka submit application documents for a residence permit and a long-term visa at the same time (for other third-country nationals, these procedures have not been merged) to the Honorary Consulate of the Republic of Latvia in Colombo. The submitted documents are transferred to the responsible authorities for examination. In 2012, two more institutions of higher education have concluded similar agreements on attracting citizens of Sri Lanka.

Institutions of higher education are active in concluding cooperation agreements for student exchange with the institutions of higher education from third countries,⁴⁴ thus strengthening international cooperation and gaining valuable experience in the process of improving studies. Most often, such cooperation

⁴³ The concluded agreements can be found on the web page of the Ministry of Education and Science www.izm.gov.lv under the Section *International Cooperation*.

⁴⁴ Until now, all the agreements concluded by higher education institutions on students exchange have not been summarised.

agreements are concluded with institutions of higher education from the USA, Canada, Russia, Turkey, Japan, and China. It should be mentioned that the procedure for these students to enter and reside in Latvia is laid down by the Immigration Law and the relevant regulations of the Cabinet of Ministers.

4.2. Cooperation within Exchange Programmes

The number of third-country nationals entering Latvia within the framework of exchange programmes (*Erasmus Mundus*, other exchange programmes organised by the EU) is very small. Conditions for entry and residence are equal for all participants of *Erasmus Mundus* and other exchange programmes organised by the EU, and they do not differ from the standard admission procedure.

Usually students participate in an exchange programme for a short period of time – for 3-6 months – and, very rarely – for a year. Therefore, in the case of short-term studies, a visa is issued for residence in Latvia, but for long-term studies – a temporary residence permit.

The student has the right to study in an exchange programme the estimated length of which does not exceed 3 months without requesting the right of residence, if he or she is a holder of a valid residence permit for stay in another EU Member State or if no visa is required for him or her to enter Latvia.

If the exchange student stays in Latvia with a valid visa, if he or she is a holder of a valid residence permit for stay issued in another EU Member State, or if he or she is a citizen of a country whose citizens do not require a visa for entry into Latvia, the application documents for a residence permit must be submitted to the Office of Citizenship and Migration Affairs.⁴⁵

As mentioned before, exchange students and their sponsors are exempt from the state fee for the examination of application documents for a long-term visa, applying for and registering of residence permit, approval of sponsorship, etc.⁴⁶

⁴⁵ According to Clause 4 of the Cabinet of Ministers Regulation No. 564 “Regulation Regarding Residence Permits” of 21 June 2010.

⁴⁶ According to Paragraph 10.17 of the Cabinet of Ministers Regulation No. 571 “Regulations Regarding the State Fee for Examination of the Documents Necessary for the Requesting a Visa, Residence Permit or the Status of a Long-term Resident of the European Community in the Republic of Latvia and the Services Related Thereto” of 21 June 2010.

In addition to the aforementioned, no other measures are being applied or have been planned to facilitate the mobility of foreign students in the EU.

Taking into account that the number of exchange students is very small, no difficulties or obstacles in organising residence of these students in the country have been encountered in current practice, as it is possible to approach problematic situations individually.

5. IMPACT OF FOREIGN STUDENTS IN LATVIA

The number of foreign students in Latvia is comparatively small therefore significant impact on specific fields has not been encountered. So foreign students do not participate in the competition for state-funded study positions in study programmes of public institutions of higher education and colleges, they do not influence the opportunities of local students to study in state-funded study positions. Each institution of higher education determines the number of foreign students that it can admit for studies, taking into account its capacity and available resources.

Until now, the influence of foreign students on the labour market in Latvia has not been officially assessed and studied, but previous estimates on the employment of foreign students during studies and after the completion of studies show that it is difficult for a foreign student to include into the labour market and the right to employment is used quite rarely. Thus it can be concluded that foreign students are not a category of individuals who could somehow limit entrance of the local labour force into the labour market, or who could foster the development of a particular sector.

At the moment foreign students are also not the category of individuals who would substantially influence the overall demographic indices in the state – the number of students residing in the state with their family members, or changing their immigration status due to marriage, is extremely small, because the primary aim of foreign students is to acquire education, return to their country of origin and then to develop their career and start a family there.

The admission procedure for foreign students and the examinations performed within its framework, as well as the frequent assessment of the risk of illegal migration, allow for the detection of cases where the right to entry and residence in Latvia for the purposes of education could be misused. Therefore, such cases are established quite rarely and have not influenced the national policy regarding the attraction and admittance of foreign students.

At the same time, it should be mentioned that in the report on the exportability of higher education commissioned by the State Chancellery,⁴⁷ was concluded that, in general, an influx of foreign students could influence the education system in a positive manner, especially the quality of studies, by creating a more international study environment, introducing other learning methods and allowing local students to prepare for employment in an international environment. The report also presents calculations showing that each foreign student brings in, on average, 5 000 euros for the state per year, and, taking into account the number of foreign students, in the academic year 2011.-2012. the total contribution to the state budget was approximately 13,5 million euros. Hence, the opinions in the academic and scientific environment and of the policy makers on attraction of foreign students are positive.

Until now, there has not been any specific research in Latvia on public opinion about foreign students, but, considering that, since the restoration of independence of the Republic of Latvia on 21 August 1991 the public attitude towards immigration and respectively immigrants has been explicitly negative, it can be concluded that, in a way, such an attitude among particular layers of society could be attributed towards foreign students as well. A particularly strict position could be held concerning foreign students remaining in the country after the completion of studies, especially if this would occur at a high level, because the prevailing view is that foreign students reside in the state according to the principle – enter the country, acquire the education, depart from the country, and use the gained knowledge professionally in the country of origin.

⁴⁷ Final Report on the Evaluation of the Higher Education Exportability and Making Recommendations Developed by: SIA “KPMG Baltics”, commissioned by: State Chancellery. – Available: <http://petijumi.mk.gov.lv/ui/DocumentContent.aspx?ID=3938> – [see 15.08.2012.]

6. CONCLUSIONS

In general, the number of foreign students in Latvia is not large, but it has a tendency to gradually increase. Also, the number of first residence permits issued for education purposes is increasing, and in 2011 it was 12% of all first residence permits issued in Latvia.

The migration system in Latvia regarding foreign students is considered as liberal:

- depending on different conditions, the necessary application documents for a residence permit can be submitted to the Office of the Citizenship and Migration Affairs or to a mission of Latvia located in any Schengen Agreement Member State;
- for the examination of application documents for a residence permit, a reduced state fee is applied, and students of separate categories (Master's and Doctoral programmes) are entirely exempt from the payment of this fee;
- the right to employment has been restricted insofar as not to hamper the qualitative acquisition of a study programme and it is conferred automatically upon receipt of the residence permit;
- in case the foreign student is from a third country that does not pose a risk of illegal migration, application documents for a residence permit may be submitted by the sponsor (the accredited educational institution);
- it is also possible to receive a residence permit for the duration of preparation courses, if such are provided by study programme;
- the application documents for a residence permit may also be examined in an accelerated procedure by paying a higher state fee;
- exchange students enjoy substantial facilitations – when examining the documents, the risk of illegal migration is not assessed; exchange students and their sponsors are exempt from the state fee for the examination of application documents for a long-term visa and a residence permit, and approval of the sponsorship, etc.;

- the small number of foreign students allows for the individual examination of difficult cases.

The rules of entry and residence applicable to foreign students correspond to the provisions included in the Students' Directive. In the nearest future, no substantial changes to the national migration policy regarding foreign students have been planned.

In Latvia, major attention is devoted to prevention and combat against illegal migration, therefore foreign students coming from countries presenting an increased risk of illegal migration must take into account that the rules of their entry and residence in Latvia are stricter.

Although representatives of the institutions of higher education and colleges regularly stress that the immigration procedure for the admission of foreign students is hampered (submissions of application documents for a residence permit and a visa are not merged, the residence permit and visa are issued as a result of two separate procedures, thus there is no guarantee that, if a foreign student receives a residence permit, he or she will also receive a visa), it should be mentioned that this approach thus far has ensured the effective detection and prevention of possible illegal migration. The consular authority, when adopting a decision on issuing a visa, assesses the risk of illegal migration once more, and very often this is the only person who is able to collect valuable information by interviewing the applicant in person.

Regular inspections by the State Border Guard with respect to compliance with the rules of departure, as well as the requirement for the foreign students to submit the necessary documents in person, promotes the prevention of illegal migration. Thus, the number of foreign students misusing the right of entry and residence is very small.

The submission of the necessary documents to receive the legal right of entry and residence for students from particular states where there are no Latvian missions (like India, Pakistan), but which are potential target countries from which to attract students, is substantially incommoded. Currently, the Ministry of Foreign Affairs, following the interest of the institutions of higher education in attracting students, has found a solution in cooperation with Member States with a mission in the respective third country – consular authorities are sent to the respective country to receive documents and conduct interviews. It should be noted that, in case the attraction of

foreign students were set as a national priority, issues of this kind could be solved more effectively by allocating more funds to opening missions or finding other solutions.

Immigration conditions can by no means be considered as the main factor in attracting foreign students, because there exist several other equally important or even more important criteria that are assessed by the study applicants when choosing an educational institution – important role can be attributed to the quality of study programmes, conditions of study fee, language of studies, image of the target country, educational institution rating, mobility opportunities to other countries.

Discussion on the amendments to the Students' Directive proposed by the European Commission in the result of which it is planned to summarise proposals for improving the conditions for the entry and residence of foreign students should be supported because more precise immigration conditions would promote a united application of requirements and criteria in all Member States, which is currently a problem.

Currently the provisions included in the Students' Directive in separate cases are too general, for example, the second paragraph of Article 6 stipulates that "Member States shall facilitate the admission procedure for the third-country nationals (...) who participate in Community programmes enhancing mobility towards or within the Community." The mentioned provision does not define the nature, nor the amount of facilitations, therefore, Member States most likely have implemented this provision in different and, perhaps, inefficient manner. The Directive does not set a precise term for the examination of an application for a residence permit, leaving this in the competence of the Member State, there is also no detailed regulation of students' mobility in the territory of the EU. This regulation should be developed according to a similar principle like currently in the European Council and Parliament Directive project on the conditions for the entry and residence of employees transferred within multinational companies. It would also be necessary to specify the provisions regulating the employment of students.

It is also important to develop and agree on the mechanisms for preventing illegal migration so that Member States are ready to face the potential increase in the number of cases of the misuse of these rights.

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ANNEX

Table 1
Number of first-time temporary residence permits issued to
third-country nationals for education
reasons by citizenship, 2006-2011

	2006		2007		2008	
	Name of the country of citizenship	Total	Name of the country of citizenship	Total	Name of the country of citizenship	Total
1.	USA	23	Georgia	53	Georgia	78
2.	Russia	22	Turkey	27	Turkey	29
3.	Thailand	14	Russia	23	Uzbekistan	28
4.	Turkey	10	Kazakhstan	23	Belarus	26
5.	Belarus	11	USA	12	Russia	25
6.	China	9	Uzbekistan	11	Kazakhstan	25
7.	Kazakhstan	9	Belarus	10	Norway	21
8.	Sri Lanka	8	Syria	7	Thailand	19
9.	Ukraine	7	Kyrgyzstan	6	Tajikistan	13
10.	Georgia	7	Nigeria	6	China	13
	2009		2010		2011	
	Name of the country of citizenship	Total	Name of the country of citizenship	Total	Name of the country of citizenship	Total
1.	Georgia	31	Georgia	39	Uzbekistan	57
2.	Turkey	29	Turkey	33	Georgia	56
3.	Norway	27	Uzbekistan	27	Turkey	54
4.	Russia	17	Kazakhstan	25	Russia	47
5.	Kazakhstan	11	Russia	21	Kazakhstan	26
6.	Thailand	10	Ukraine	19	Belarus	26
7.	Ukraine	10	Norway	17	Norway	25
8.	Uzbekistan	9	Azerbaijan	12	Ukraine	24
9.	Azerbaijan	8	British overseas countries and territories	11	Azerbaijan	23
10.	China	6	Belarus	9	Nigeria	16

Data source: Eurostat

Table 2
Number of all valid temporary residence permits issued to
third-country nationals for education
reasons by citizenship, 2006-2011

	2006		2007		2008	
	Name of the country of citizenship	Total	Name of the country of citizenship	Total	Name of the country of citizenship	Total
1.	Russia	79	Russia	78	Georgia	78
2.	Sri Lanka	73	Sri Lanka	69	Russia	63
3.	Belarus	24	Georgia	52	Sri Lanka	57
4.	Syria	21	Kazakhstan	35	Norway	33
5.	USA	20	Belarus	27	Belarus	31
6.	Kazakhstan	20	Syria	23	Uzbekistan	31
7.	India	16	Uzbekistan	17	Kazakhstan	19
8.	Ukraine	14	Turkey	16	Syria	19
9.	Israel	13	USA	14	Turkey	15
10.	Thailand	13	India	11	Ukraine	14
	2009		2010		2011	
	Name of the country of citizenship	Total	Name of the country of citizenship	Total	Name of the country of citizenship	Total
1.	Georgia	75	Russia	71	Russia	83
2.	Russia	70	Georgia	57	Uzbekistan	82
3.	Norway	55	Uzbekistan	37	Georgia	71
4.	Sri Lanka	42	Ukraine	30	Belarus	47
5.	Uzbekistan	27	Belarus	29	Ukraine	45
6.	Kazakhstan	22	Kazakhstan	27	Turkey	44
7.	Belarus	20	Turkey	27	Azerbaijan	41
8.	Ukraine	18	Sri Lanka	23	Nigeria	26
9.	Syria	13	Azerbaijan	22	Sri Lanka	21
10.	Azerbaijan	12	Norway	20	Thailand	16

Data source: Eurostat

Table 3
Change of immigration status to education
by citizenship, 2008-2011

	2008		2009		2010		2011	
	Citizenship	Total	Citizenship	Total	Citizenship	Total	Citizenship	Total
1.	Russia	6	Russia	9	Russia	4	Russia	3
2.	Ukraine	2	Ukraine	2	Belarus	2	Ukraine	2
3.	India	1	Armenia	1	Armenia	1	Armenia	1
4.	Israel	1	Belarus	1	Syria	1	China	1
5.	Mexico	1	Israel	1	Turkey	1	Syria	1
6.	Nepal	1	Moldova	1			Turkey	1
7.							Uzbekistan	1

Data source: Eurostat

Table 4
Change of immigration status from education
by citizenship, 2008-2011

	2008		2009		2010		2011	
	Citizenship	Total	Citizenship	Total	Citizenship	Total	Citizenship	Total
1.	Russia	13	Russia	8	Belarus	1	Russia	13
2.	Belarus	8	Belarus	7	India	1	Georgia	4
3.	Sri Lanka	5	Ukraine	5	Russia	1	Kyrgyzstan	3
4.	Syria	2	Nigeria	3	Ukraine	1	Armenia	1
5.	Ukraine	2	Kyrgyzstan	1	Uzbekistan	1	Australia	1
6.	Armenia	1	Lebanon	1			India	1
7.	Australia	1	Syria	1			Israel	1
8.	Israel	1					Nigeria	1
9.	Lebanon	1					Sri Lanka	1
10.	Nepal	1					Syria	1

Data source: Eurostat