



PRACTICAL MEASURES TAKEN BY
LATVIA FOR REDUCING IRREGULAR
MIGRATION

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Each national contact point shall prepare research studies, the topics of which are determined by the work program of the respective year. The topics of the research studies shall be connected with the area of migration of the third-country nationals.

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¹ Decision of the Council of the European Union No. 2008/381/EC of 14th May 2008 establishing a European Migration Network. – Official Journal, L 131, 21.05.2008.

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ANNOTATION

The aim of the study “Practical Measures Taken by Latvia for Reducing Irregular Migration” is to provide an overview on the current approach, functioning mechanisms and instruments implemented in Latvia for addressing the problem of irregular migration.

The introduction of the present study outlines the methodology of work, explains the terms used, outlines definitions and methods used in choosing information sources, as well as lists the institutions that provided information during the development of the study.

The second section reviews the Latvian position in solving issues of irregular migration, and simultaneously provides an outline of institutions that are connected to the area of irregular migration in Latvia, as well as lists the most significant amendments to the normative acts that have been adopted during the last five years with the aim of introducing the standards of the European Union.

The third section reviews the practical actions of the responsible institutions of Latvia taken to reduce irregular migration and provides an

overview on the implementation of the most successful measures.

The fourth section gives an overview of Latvian participation in international projects and organizations that are aimed at reducing irregular migration in Europe on the whole, as well as gives an account on the cooperation of Latvia with third countries in order to render the procedures connected with irregular migration more efficient.

The fifth section provides an overview of the normative acts and treaties of the European Union that have affected the work of Latvian responsible institutions in the area of combating irregular migration.

The sixth section in a transparent manner provides data from Eurostat, as well as other available data that allow for general assessment of irregular migration indicators.

The seventh section summarizes the conclusions that have arisen as a result of the research.

1. INTRODUCTION

1.1. Study Objectives

The aim of the research study “Practical Measures Taken by Latvia for Reducing Irregular Migration” is to reflect integrated actions of the Latvian institutions for reducing irregular migration by reviewing the most significant changes in the legal framework since 2005, the introduction of which has improved the quality and standards regarding procedures that are observed in the area of irregular migration. The study provides an overview on Latvia's participation in international organizations and international cooperation in the areas related to irregular migration.

Practical action of the responsible institutions in reducing irregular migration as well as the measures and procedures applied by them are described in the study. Concurrently, the study provides statistical data characterizing the trends of irregular migration.

The object of the study is a third-country national, who has entered Latvia illegally by using forged documents, or who has provided false information while claiming legal grounds for residing in Latvia, a third-country national who has lost a legal basis for residing in Latvia or, who has breached the conditions of the residence permit or work permit, as well as a person, who has failed to leave the country upon receipt of the refusal to grant international protection status or a person, who has absconded while waiting for a decision on granting of a legal status.

The target audience of the study includes state institutions involved in development and implementation of the migration policy, academia, as well as non-governmental institutions, media and public, which are interested in the issues of irregular migration.

1.1. Definitions

In accordance with the Immigration Law² of the Republic of Latvia the following terms have been used in the study:

Foreigner (alien) – a person who is not a Latvian citizen or a non-citizen of Latvia;

Order to leave the country – an administrative act that confirms the fact of illegal residence of an alien and places upon them a duty of voluntarily leaving the territory of the member

² Immigration Law. – Latvian Herald, No. 169, 20.11.2002. – [came into force since 01.05.2003.]

states of the European Union and to return to their country of citizenship, a third country, where they have entered from or a third country that they are entitled to enter;

Forced return decision – an administrative act that confirms the fact of illegal residence of an alien and orders a forced return of an illegally residing alien from the territory of the member states of the European Union to their country of citizenship, a third country, where they have entered from or a third country that they are entitled to enter;

Illegal stay – the presence on the territory of the Republic of Latvia that is in breach of the conditions for residence stipulated in Section 5 of the Regulation No. 562/2006 of the European Parliament and Council of 15 March 2006 introducing the Communities Code on the conditions regulating mobility over the borders (Schengen Borders Code);

Third-country – any country, except a member state of the European Union, a state of European Economic Area or the Swiss Confederation;

Carrier – a merchant, whose economic activity is related to transport of people by sea or air transport or by land transport.

1.2. Methodology

The study “Practical Measures Taken by Latvia for Reducing Irregular Migration” has been developed based on the specification and structure developed by the European Commission and adopted by the national contact points of the Network.

Mainly experts from the Office of Citizenship and Migration Affairs and the State Border Guard that are institutions subordinated to the Ministry of Interior were involved in development of the study. The said institutions are directly responsible for the implementation of migration policy.

The information provided by the Ministry of Foreign Affairs and the Ministry of Welfare has also been included in development of the research.

Internet and the database of legal regulations *www.likumi.lv* that is available online has been used for the development of the study.

Statistical data for the study has been provided in accordance with the information available in the Eurostat data base. The Eurostat receives the data from the national data providers – the Central Statistical Bureau³, the Office of Citizenship and Migration Affairs,

³ State institution subordinate to the Ministry of Economics, responsible for collection, compilation, and organisation of statistics. Official web site: www.csb.gov.lv.

the State Border Guard. Since the Eurostat provided data that is rounded to the nearest 5, it is not possible in particular cases to fully evaluate the trends in the migration field. In order to describe the existing trends in the field of irregular migration data provided by the national data providers is used in the study.

All items of information and sources that have been used in development of the study are included in the list of literature and sources.

2. POLITICAL, INSTITUTIONAL AND LEGAL FRAMEWORK

2.1. National Policy and Legislation towards Irregular Migration

Latvian migration policy has been developing since the reinstatement of the independence of Latvia⁴, when, after separating from the former USSR⁵, the normative acts of Latvia have been developed and harmonized according to the international legal norms and later the provisions of the European Union.

Most significant political events in the last decade that affected the migration policy development trends in Latvia were connected with preparations for joining the European Union, the period up to Latvia acceding to the European Union on 1 May 2004 and joining the Schengen Agreement⁶ on 21 December 2007.

Since the moment of accession to the Schengen Agreement, the Latvian border with Russia and Belarus has become an external border of the Schengen Area.

Due to the low economic welfare level, which predetermines the low social guarantees in force in the country, including the sectors related to immigration, Latvia had not previously been a target state of irregular migrants, at the same time, unfavourable economic factors and geographical location stimulates use of Latvia's territory as a territory for human trafficking and a transit country for irregular migration.

It is essential for Latvia to ensure security of the external border of the European Union by introducing the standards determined by the European Union and to reduce the threat of irregular migration and human trafficking. Consequently, the declarations of the Cabinet of Ministers on planned action of the government while preparing for accession to the Schengen Agreement as well as the ones after accession made in the recent years include

⁴ Latvia regained its independence on 21 August 1991.

⁵ A superpower that existed from 1921 until 1991. Latvia was incorporated into the USSR in 1940.

⁶ Council Decision No. 2007/801/EC of 6 December, 2007 on the full application of the provisions of the Schengen *acquis* in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic. - Official Journal, L 323/34, 08.12.2007.

issues of the security of Latvia's border as the external border of the European Union⁷, necessity of ensuring implementation of the requirements of the Schengen Agreement and combating irregular migration⁸, as well as optimizing the work of responsible institutions⁹, to develop cooperation with third countries and to develop a visa policy that corresponds to the policy of the Schengen Area.

On 31 January 2006 the Cabinet of Ministers passed "The 2006-2009 Development Programme for Common Asylum and Migration Management System"¹⁰.

The programme set new targets and functions for services involved in control of migration process in order to enable them to participate in the development of the migration policy of the European Union and to facilitate coordinated and purposeful development of the involved institutions with the aim of raising the significance of preventive measures in cooperation with the countries of origin or transit countries of irregular migrants by changing the tasks of the migration services.

Meanwhile on 30 May 2006 "Guidelines for Foreign Policy of Latvia for Years 2006-2010"¹¹, were passed. The guidelines stated that a united foreign policy of the European Union on security issues, combating terrorism, irregular migration and organized crime must be stimulated.

The Office of Citizenship and Migration Affairs plans to develop migration policy guidelines in 2012. The necessity for such guidelines has arisen as a result of the recent political discussions on the issues that are related to economic emigration of the residents of Latvia and the resulting deterioration of the demographical situation in the country. One of the principal issues to be included in the guidelines of 2012 is the issue of solving the labour problem in Latvia, as rapid migration of the residents of Latvia has created deficit of labour force in some sectors.

In order to address this issue, the labour market and possibilities of legalization of the legal status in Latvia need to be made more accessible to foreigners, whilst a more accessible labour market would reduce the number of illegally employed people in Latvia.

⁷ The Decision on Approving National Security Conception adopted during the Parliament session of 2 October 2008. - Latvian Herald, No. 163, 23.10.2008.

⁸ Cabinet of Ministers Declaration of 7 November 2006 On the Planned Action of the Cabinet of Ministers Managed by Aigars Kalvitis. – Available at: <http://www.mk.gov.lv/lv/mk/vesture/kalvisa-valdiba-2/kalvisa-valdiba-2/> - [Accessed on 01.08.2011.]

⁹ Declaration on the planned action of the Cabinet of Ministers managed by Ivars Godmanis. – Available at: <http://www.mk.gov.lv/lv/mk/vesture/godmana-valdiba-2/godmana-valdibas-deklaracija/> - [accessed on 01.08.2011.]

¹⁰ The Order of the Cabinet of Ministers No. 60 of 1 February 2006 "The 2006-2009 Development Programme for Common Asylum and Migration Management system". - Latvian Herald, No. 21, 03.02.2006. – [came into force on 01.02.2006.]

¹¹ The Order of the Cabinet of Ministers No. 417 of 6 June 2006 "On Latvian Foreign Policy Guidelines for 2006-2010". - Latvian Herald, No. 89, 08.06.2006. - [came into force on 06.06.2006.]

In order to implement the policy of the European Union in the field of migration, Latvia has introduced passports with biometrical data, has started to issue Schengen visas and implemented a range of amendments to the legislative acts.

The procedure of entry, stay, transit, exit and detention of foreigners, as well as the procedure for keeping the foreigners in detention in the Republic of Latvia and expelling them, which is aimed at ensuring implementation of the migration policy that corresponds to the international legal norms and interests of the Latvian state is provided for by the ***Immigration Law*** and subordinated regulations of the Cabinet of Ministers.

Several requirements of the European Union have been transposed to the Immigration Law, amendments to the Immigration Law have been enacted several times in recent years and the Cabinet of Ministers regulations subject to the law have been amended or reissued.

On 23 January 2008 the law “Amendments to Immigration Law”¹² came into force in order to enable full performance of Schengen *acquis*¹³ requirements and to include the provisions of the Council Directive 2001/40/EC of 28 May 2001 on mutual recognition of the decisions regarding expelling of nationals of third countries¹⁴, along with the aforementioned amendments, the work of the State Border Guard was considerably changed, the procedure for denial of entry and reasons for the denial of entry were established, along with establishing the types of visas and the procedure for issuing them.¹⁵

Meanwhile on 1 July 2010 new norm of the Immigration Law¹⁶ came into force, providing that foreigners have the duty to comply with the demands of the state institutions that request comparison of the biometrical data during border control and immigration control. The aforementioned amendments have been adopted to improve detection of irregular migrants using the possibilities offered by comparison of biometrical data.

In 2009 the State Border Guard and the Office of Citizenship and Migration Affairs commenced work on transposing of the Directive of the European Union and of the Council 2008/115/EC of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals¹⁷ (hereinafter – the Return Directive),

¹² Law “Amendments to Immigration Law”. – Latvian Herald, No. 4, 09.01.2008. - [came into force on 23.01.2008.]

¹³ Council Decision No.2007/801/EC of 6 December 2007 on the full application of the provisions of the Schengen *acquis* in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic. - Official Journal, L323, 08.12.2007., pp. 34.-39. - [Accessed on 29.07.2011.]

¹⁴ Published in: Official Journal, L149, 02.06.2001., pp. 34.-36. - [Accessed on 09.06.2011.]

¹⁵ Annotation to the draft law “Amendments to Immigration Law”. - Accessible at: http://www.mk.gov.lv/doc/2005/IEManot_101007_1.doc. - [Accessed on 01.08.2011.]

¹⁶ Law “Amendments to Immigration Law”. – Latvian Herald, No. 74, 12.05.2010. - [came into force on 01.07.2010.]

¹⁷ Published: Official Journal, L348, 24.12.2008.

into the national legal acts and on 16 June 2011 law “Amendments to Immigration Law”¹⁸ came into force.

The provisions of the Return Directive were transposed to the Immigration Law in order to improve the standards and procedures that are in force in the Republic of Latvia regarding return of third-country nationals. As a result of introducing the Return Directive, the work of both, the State Border Guard and the Office of Citizenship and Migration Affairs, in the area of combating illegal immigration changed and the operation of voluntary return program was strengthened.¹⁹

On 16 June 2011 law “Amendments to Immigration Law” came into force and subordinate Cabinet of Ministers regulations were issued:

- On 1 July 2011, Cabinet of Ministers Regulation No. 454 “Procedure for Forced Expulsion of Foreigner, Samples of Exit Documents and Procedure for Issue Thereof”²⁰ came into force. The Cabinet of Ministers Regulation established the procedure for forced expulsion of a foreigner, as well as the samples of the exit document that is issued to the foreigner if obtaining of the travel (return) document is impossible and the procedure for issuing it.
- On 19 August 2011, Cabinet of Ministers Regulation No. 630 “Regulation on the Procedure for Receiving and Providing Assistance to the Member States of the European Union and Schengen Agreement States in the Area of Forced Expulsion Using Air Space, as Well as the Procedure for Organizing Common Flights between the Member States of the European Union and Schengen Agreement States”²¹ came into force. The Regulation establishes the procedure according to which the Republic of Latvia receives and provides assistance to the Member States of the European Union and Schengen Agreement states in the area of forced expulsion using the air space, the scope of such assistance, as well as the procedure for organizing common flights between the member states.

Along with accession to the Schengen Agreement, which provided the possibility of free movement for any person within the Schengen Area, use of Latvia as a state of origin for human trafficking intensified, which made introducing of the norms of the Directive of the Council 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal

¹⁸ Law “Amendments to Immigration Law”. – Latvian Herald, No. 93, 15.06.2011. - [came into force on 16.06.2011.]

¹⁹ Draft law “Amendments to Immigration Law”. - Accessible at: <http://www.mk.gov.lv/lv/mk/tap/?pid=40178026> – [Accessed on 24.11.2010.]

²⁰ Published: Latvian Herald, No. 100,, 30.06.2011. - [came into force on 01.07.2011.]

²¹ Published: Latvian Herald, No. 129,, 18.08.2011. - [came into force on 19.08.2011.]

immigration, who cooperate with the competent authorities²² essential. In order to implement the aforementioned requirement:

- On 22 February, 2007 law “Amendments to the Immigration Law”²³ came into force;
- On 22 February, 2007 the law “On Stay of the Victims of Trafficking in Human Beings in the Republic of Latvia”²⁴ came into force. The law provides for conditions of granting and terminating the period of waiting to a foreigner, who is not a national of the member state of the European Union and who, according to the normative acts, has been recognised to be a victim of trafficking in human beings, the conditions of stay of such people in the Republic of Latvia, as well as provision and receipt of social rehabilitation services and social assistance provided for by this law.
- On 13 February, 2008 the law “On the Council of Europe Convention on Action against Trafficking in Human Beings”²⁵ came into force.

Accession to the Schengen Agreement set new demands concerning the issue of the new Schengen visas that are valid in the territory of all states of the Schengen Area. Introducing such a unified system is essential for Latvia in order to step up border control safety measures by improving visa control mechanisms after lifting border control on the internal borders of the European Union.

Since 21 December 2007, Latvian diplomatic and consular representative offices abroad started issuing the common or Schengen visas, but since 5 April 2010, Latvia commenced application of the Visa Code²⁶. Since accession to the Schengen Agreement, Latvia has concluded agreements on mutual representation regarding the issue of Schengen visas.

Following Cabinet of Ministers regulations are subordinate to the Immigration Law and are directly targeted at reducing irregular immigration in the country:

- Cabinet of Ministers regulation No. 676 “Visa Regulation” of 30 August 2011.²⁷ The regulation establishes the procedure, according to which the documents for requesting the visa are submitted, visas are issued, registered, annulled or cancelled, the validity terms of the visa are determined, the amount of data in the information systems (National visa information

²² Published: Official Journal, L 261, 06.08.2004., pp. 19-23.

²³ Law “Amendments to Immigration Law”. - Latvian Herald, No. 23, 08.02.2007.

²⁴ Published: Latvian Herald, No. 23,, 08.02.2007. - [came into force on 22.02.2007.]

²⁵ Published: Latvian Herald, No.23, 12.02.2008. - [came into force on 13.02.2008.]

²⁶ Regulation (EC) No. 810/2009 (13 July 2009) of the European Parliament and of the Council on establishing a Community Code on Visas (Visa Code). – Official Journal, L 243, 15.09.2009.

²⁷ Published: Latvian Herald, No. 144,13.09.2011. - [came into force on 14.09.2011.]

system and Visa register) and the procedure for using it at the border crossing points, where the visas may be issued according to the Visa Code.

It must be mentioned that the most significant changes in the national legal acts on the questions concerning visas have been performed in 2010, as visa categories and conditions for issuing, annulling and cancelling of visas changed after the effective date of the Visa Code. In 2010 a norm, which provided that in cases of detecting a breach in immigration and stay conditions, the State Border Guard is entitled to annul or cancel the visa of the foreigner not only on the state border, but also inside the country, was included into national legislation. Before the effective date of the regulation, only the Office of Citizenship and Migration Affairs had the aforementioned rights.²⁸

- Cabinet of Ministers Regulation No. 549 of 21 June 2010 “Amendments to Cabinet of Ministers Regulations No. 365 of 26 May 2008 ”The Procedure According to Which Control of the Available Information during Inspection of the Documents of the Foreigner Requesting a Visa or a Residence Permit is Performed””,²⁹ have been supplemented with additional procedure of control measures for foreigners requesting a residence permit according to Articles 28, 29 or 30, Part One, Section 23, of the Immigration Law. During the performance of inspection, the competent state institutions check whether the foreigner will pose a threat to the security of the state or public order and security upon issuing of a residence permit or not.³⁰
- Cabinet of Ministers Regulation No. 554 of 21 June 2010 “Regulation Concerning the Countries whose Nationals are Subject to Additional Control upon Issue of a Visa or a Residence Permit”³¹. The regulation establishes the list of the countries, whose nationals are additionally checked when issuing a visa or a residence permit. The list of the countries is updated, at the behest of the Security Police^{32, 33}.

²⁸ Apstiprina jaunu vīzu izsniegšanas kārtību (New Procedure for Issuing Visas Adopted). – Accessible at: <http://www.rs.gov.lv/?id=35&sa=&top=-1&rel=1479> - [Accessed on 15.10.2010.]

²⁹ Published: Latvian Herald, No. 100, 28.06.2010. - [came into force on 01.07.2010.]

³⁰ Annotation to draft of the Cabinet of Ministers Regulation “Amendments to Cabinet of Ministers Regulations No. 365 of 26 May 2008 „The Procedure According to Which Control of the Available Information during Inspection of the Documents of the Foreigner Requesting a Visa or a Residence Permit is Performed””.- <http://www.mk.gov.lv/lv/mk/tap/?pid=40176245> – [Accessed on 14.05.2010.]

³¹ Published: Latvian Herald, No. 100, 28.06.2010. - [came into force on 29.06.2010.]

³² The Security police is a state security institution subordinate to the Minister for the Interior, which implements the state policy in the area of national security and is a subject of operative work.

³³ More extensive information on the process of issuing visas is available at the research study of the Network “Visa Policy in Latvia as a Migration Channel”. Research study is available at the Network web page www.emn.lv.

Simultaneously, as Latvia was preparing for Schengen Agreement, passports corresponding to the European Union and international standards were introduced in the country starting with 20 November 2007. The passports contain biometrical data to enable border crossing using automatic document control systems. The new passports ensure recording of the personal biometric data and digital image of the face into the electronic microchip of the passport, as of 15 September 2008 the microchip of the passport contains digital images of the fingerprints of the index fingers of both hands of the individual. The biometrical data recorded in the microchip ensure a secure link between the holder of the passport and the passport itself, which is a serious contribution in preventing attempts of illegal passport use.³⁴

According to the system in force in the Republic of Latvia, an individual for committed offences, including, violation of entry, residence, departure and employment norms, can be subjected to administrative or criminal penalty.

The procedure for determining which action or inaction has to be considered an administrative violation, what administrative penalty can be placed upon a person, who has committed an administrative violation, by which institution (official) and according to what procedure, is determined by the *Latvian Administrative Violations Code*³⁵, the criminal penalty is enforced based on the norms provided for by the *Criminal Law*³⁶, meanwhile *Sentence Execution Code of Latvia*³⁷ regulates the conditions and procedures of criminal sentences provided for by the Criminal Law, the legal status of the convicted persons and competence of the national and municipal institutions in execution of the sentence.

Accession to the European Union and Schengen Agreement required introducing new norms into Latvian Administrative Violations Code, Criminal Law and Sentence Execution Code of Latvia in order to enable the responsible institutions to perform their duties according to the new norms.

In order to transpose into the national legislation the Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data³⁸ law “Amendments to the “Law on Aviation””³⁹ came into force on 13 June 2006, with an aim to reduce the risk of irregular migration and terrorism threat, timely detection of persons who might try to illegally enter the Republic of Latvia. While on 26 June 2007 law “Amendments

³⁴ Source of the information: Office of Citizenship and Migration Affairs.

³⁵ Published: Messenger, No. 51, 20.12.1984. - [came into force on 01.07.1985.]

³⁶ Published: Latvian Herald, No. 199/200, 08.07.1998. - [came into force on 01.04.1999.]

³⁷ Published: Messenger, No. 1, 01.01.1971. - [came into force on 01.04.1971.]

³⁸ Published: The Official Journal, L261, 06.08.2004, pp. 24-27. – [Accessed on 09.06.2011]

³⁹ Published: Latvian Herald, No. 83, 30.05.2006. - [came into force on 13.06.2006.]

to the Latvian Administrative Violations Code”⁴⁰ came into force, which stated in the case of failure to provide the requested passenger information, provision of incomplete or incorrect information to the State Border Guard, if done by a carrier, who performs carriage by air transport from a country that is not a Member State of the European Union or European Economic Area to the Republic of Latvia – a fine shall be imposed on the carrier – a natural or legal person.

On 12 January, 2008 law “Amendments to the Sentence Execution Code of Latvia”⁴¹ came into force in order to specify the procedure of executing the sentence on expulsion from the Republic of Latvia.

On 12 January 2008 law “Amendments to the Criminal Law”⁴² came into force. The law established the norm that a citizen of another country or a person with a permanent residence permit of another state may be expelled from the Republic of Latvia, determining, as an additional penalty, the prohibition of entry for a time period from three to ten years. The period of serving the additional penalty shall commence on the date when a person has been expelled from the Republic of Latvia.

Along with implementation of the new requirements that enhanced combating of irregular immigration, amendments to the Border Guard Law in order to expand the functions of the State Border Guard in supervision of irregular immigration were necessary:

- On 4 July 2007 law “Amendments to Border Guard Law”⁴³ came into force in order to secure the rights of the State Border Guard officials to perform control of residence conditions of foreigners, including employment control in the premises belonging to legal entities and private persons or possessed by them, as well as the rights to invite a person to the State Border Guard in connection with the control of entry, residence and exit conditions of the foreigners, and the right to request and receive the information required for immigration process control.

In order to reduce the number of illegally employed third-country nationals and take over the provisions of the Directive of the European Parliament and of the Council 2008/104/EC of 19 November 2008 on temporary agency work⁴⁴ (hereinafter – Directive 2008/104/EC) and the Directive of the European Parliament and of the Council 2009/52/EC of 18 June 2009 providing for minimum standards on sanctions and measures against

⁴⁰ Published: Latvian Herald, No. 93, 12.06.2007. - [came into force on 26.06.2007.]

⁴¹ Published: Latvian Herald, No. 208, 29.12.2007. - [came into force on 12.01.2008.]

⁴² Published: Latvian Herald, No. 208, 29.12.2007. - [came into force on 12.01.2008.]

⁴³ Published: Latvian Herald, No. 98, 20.06.2007. - [came into force on 04.07.2007.]

⁴⁴ Published: Official Journal, L 327, 05.12.2008., pp. 9.-14.

employers of illegally staying third-country nationals⁴⁵ (hereinafter – Sanction Directive), amendments to the Labour Law⁴⁶, amendments to the Administrative Violations Code⁴⁷, amendments to the Associations and Foundations Law⁴⁸ came into force on 20 July 2011 and amendments to the Criminal Law⁴⁹ came into force on 13 July 2011.

The institutions responsible for examination of administrative violations and enforcement of administrative penalties for stay in the territory of the Republic of Latvia without a valid visa, residence permit or a valid travel document and for deliberate provision of an individual with the possibility to illegally stay in the Republic of Latvia are the Office of Citizenship and Migration Affairs and the State Border Guard.

2.2. Institutional Framework

Entry and stay of foreigners in the Republic of Latvia is documented and controlled by the Office of Citizenship and Migration Affairs and the State Border Guard both under the supervision of the Ministry of Interior, as well as diplomatic and consular representations of the Republic of Latvia and the Consular Department of the Ministry of Foreign Affairs according to their competences. The aforementioned institutions cooperate in order to ensure successful circulation of information and implementation of procedures.

The Ministry of Welfare, the Ministry of Economics, the Ministry of Health, the Ministry of Education and Science, the Ministry of Justice, as well as national security institutions and municipalities are also responsible for solving different issues related to the area of migration.

The Ministry of Interior is the leading state institution in the interior sector, functions whereof include subsectors of combating crime, protection of public order and security, protection of legal rights and interests of a person, security of the state borders, fire safety, fire fighting, rescue services, civil defence, population census and documentation, as well as migration. The Ministry of Interior is directly subordinated to the minister of interior.

The Office of Citizenship and Migration Affairs is a state institution under the supervision of the Ministry of Interior, its functions, tasks, and competences are stated in the By-law of the Office of Citizenship and Migration Affairs⁵⁰. Competence of the Office of Citizenship and Migration Affairs includes issuance of identification and travel documents,

⁴⁵ Published: Official Journal, L 168, 30.06.2009., pp. 24.-32.

⁴⁶ Published: Latvian Herald, No. 103, 06.07.2011. - [came into force on 20.07.2011.]

⁴⁷ Published: Latvian Herald, No. 103, 06.07.2011. - [came into force on 20.07.2011.]

⁴⁸ Published: Latvian Herald, No. 103, 06.07.2011. - [came into force on 20.07.2011.]

⁴⁹ Published: Latvian Herald, No. 99, 29.06.2011. - [came into force on 13.07.2011.]

⁵⁰ Cabinet of Ministers Regulation No. 811 of 3 October 2006 “By-law of the Office of Citizenship and Migration Affairs”. - Latvian Herald, No. 160, 06.10.2006. – [came into force on 07.10.2006.]

maintenance of the Population Register, and implementation of the national migration and asylum policy:

- development of the legal acts for regulation of migration processes;
- issuance of visas for entry or transit through the Republic of Latvia;
- issuance, extension, registration and annulment of the residence permits;
- development of the legal acts for the implementation of the asylum policy;
- examination of applications and issuance of decisions on granting or refusal to grant the status of refugee or alternative status;
- issuance of documents to:
 - asylum seekers;
 - refugees;
 - persons who have been granted alternative status.

The Office of Citizenship and Migration Affairs consists of the Central Office and 32 regional administrations.

Migration Division, Residence Permits Division, Asylum Affairs Division and Persons Status Control Division are directly responsible for development and implementation of migration and asylum policy as regards to irregular migrants.

The State Border Guard is a direct administration state institution under supervision of the Minister of Interior. The tasks, functions, competence and duties of the State Border Guard are determined by the Border Guard Law.⁵¹ The functions of the Border Guard include maintaining the integrity of the state border and prevention of irregular migration. One of the main tasks of the State Border Guard is control of how the regulations on entry, stay, exit and transit of foreigners in the territory of the Republic of Latvia are observed, as well as to perform the actions provided for by the Asylum Law⁵²: accept an application for granting the status of refugee or alternative status, identification of an asylum seeker and conduction of other related inspections and examinations, issuance of identification documents to an asylum seeker if he is not detained. The State Border Guard is responsible for provision of the necessary translation services and payment. If an asylum seeker has been detained on the basis of the Asylum Law asylum seeker shall be accommodated in premises specially equipped for this purpose in a territorial unit of the State Border Guard.

The structure and organization of work of the State Border Guard shall be determined by the Regulation of the State Border Guard. The State Border Guard consists of the Central Board and 6 regional administrations and the State Border Guard College.

⁵¹ State Border Guard Law. - Latvian Herald, No. 329/330, 16.12.1997. - [came into force on 01.01.1998.]

⁵² Published: Latvian Herald, No. 100, 30.06.2009. - [came into force on 14.07.2009.]

The State Border Guard cooperates with other state and municipal institutions, merchants and international organizations, unions or communities on the issues of state border protection, as well as the issues that are connected with observation of entry, stay, exit and transit provisions for foreigners and other issues in its competence.

In order to reduce the flow of irregular migration in the state, the State Border Guard cooperates with the administrations of international sea ports, airports, sea passenger ports and railway stations, with the customs services, structural units of the National Armed Forces⁵³ and the respective municipalities.

The State Border Guard and the Office of Citizenship and Migration Affairs cooperate with other law enforcement institutions and authorities by exchanging information in the area of irregular migration and illegal employment. The State Border Guard organizes different control measures at different objects in cooperation with institutions like State Labour Inspectorate⁵⁴, State Revenue Service⁵⁵, State Police⁵⁶ and Security Police.

In 2009 the Riga Bureau of International Organization for Migration within the framework of the “Voluntary Assisted Return and Reintegration Program” of the European Return Fund of General Programme for Solidarity and Management of Migration Flows started providing assistance in returning migrants and helping to start life in country of origin.

3. PRACTICAL MEASURES TO REDUCE IRREGULAR MIGRATION

3.1. Pre-entry: Practical Measures Undertaken to Address Irregular Migration Before the Migrant Arrives in Latvia

Along with deterioration of the economic stability and worldwide economic crisis of 2008, which particularly affected the welfare level of third countries and caused regional conflicts, the number of people, who arrive to the Republic of Latvia from the third countries,

⁵³ National Armed Forces are the unified military forces composed of the militarily organized, trained and armed part of the population.

⁵⁴ State Labour Inspectorate is a direct administration state institution under supervision of the Minister of Welfare. The functions of the State Labour Inspectorate include implementation of state monitoring and control in the area of legal labour relations and labour protection.

⁵⁵ State Revenue Service is a direct administration state institution subordinate to the Minister of Finance, which ensures management of records on tax payments and taxpayers, levies state taxes, benefits and other mandatory payments determined by the state in the territory of the Republic of Latvia and collects taxes, duties and other mandatory payments into the budget of the European Union, implements customs policy and manages customs affairs.

⁵⁶ The State Police is an armed militarized state or municipal force whose duties include protection of personal life, health, rights and freedoms, property, public and state interests from criminal or other illegal threats.

has increased. It is essential to perform preventive measures before the nationals of the third countries enter the European Union in order to prevent irregular migration.

The preventive measures before entry of the nationals of the third countries into the Republic of Latvia are performed by cooperation of the state institutions, organization of training for employees, performing risk analysis, using the available technical resources, as well as by introducing sanctions into the normative acts of Latvia, against people who deal in carriage of irregular migrants.

The Office of Citizenship and Migration Affairs, the State Border Guard, consular and diplomatic representations of Latvia and security institutions cooperate to discover the irregular migrants or representative thereof, who attempt to enter Latvia by using forged documents or, providing false information during submission of an application for visa.

This type of entry into the Schengen Area through Latvia is most frequently used by the nationals of the Commonwealth of the Independent States (hereinafter – CIS), who mention tourism or business as the purpose of their visit, but actually attempt to use Latvia as a transit country in order to move further to other countries of the Schengen Area in search of employment.

In order to ensure successful control of the migration processes, the preventive measures are taken at the diplomatic and consular representations, namely, documents and information submitted to receive visa or residence permit in Latvia is verified, also interviews of persons are carried out.

The nationals of the countries requiring additional control according to the procedures established by the Cabinet of Ministers or the submitters of visa applications, information and purposes of visiting provided by those who arouse doubt concerning the authenticity thereof are invited for interview to the Office of Citizenship and Migration Affairs or consular representative offices of the Republic of Latvia abroad. Constitution Protection Bureau⁵⁷, Security Police, as well as liaison officers of the State Border Guard are involved in the process of checking the information.

The liaison officers of the State Border Guard cooperate with the officials of the diplomatic and consular representations of the Republic of Latvia and provide consultations on the questions of issuing visas, interview visa applicants from the countries of high immigration risk by checking the correctness of the data provided in the available data bases, as well as provide telephone consultations on the conditions of crossing the Latvian border.

If the officials of the diplomatic and consular representation services of the Republic of Latvia have doubts about the correctness of the information provided in the invitation for

⁵⁷ Constitution Protection Bureau is a state security institution subordinate to the Cabinet of Ministers.

Schengen visa, the State Border Guard liaison officer sends the information to the contact person at the State Border Guard, which further coordinates control of the required information.

Meanwhile, if suspicions concerning the legal nature of entry of an individual have arisen during the document inspection process, but formally there is no legal basis for refusal of the visa, a decision to perform control of the conditions of stay after entry of the individuals into the Republic of Latvia is performed.

Similarly, the State Border Guard provides information to the diplomatic and consular representations on visas that have been issued at the representations of Latvia abroad and at the border or have been annulled in the territory of the state, thus giving opportunity to the officials of the consular service to assess in future the conditions on which the decision on issuing visa has been based.

Cooperation of the liaison officers of the State Border Guard with the airlines is of considerable importance, for example, the liaison officer in Georgia maintains close cooperation with the airlines that perform flights to the member states of the European Union. Within the framework of cooperation, the airlines (for instance, Air Baltic, Czech Airlines, Lufthansa, Lot Polish Airlines) are consulted on the conditions of entry, stay and transit of the third-country nationals in the territory of the member states of the European Union and Schengen member states in order to prevent the cases when individuals attempt to leave their country of residence by submitting forged documents.

In order to comply with the functional requirements established by the European Union concerning introducing biometry, which would ensure identification of individuals, thus reducing the threat of illegal entry and terrorism, in accordance with the stated in the Visa Code and the Schengen Borders Code with 31 November 2011 the State Border Guard and the diplomatic and consular representations of the Ministry of Foreign Affairs will use European Union Central Visa Information System to process biometrical data.

The equipment, compact passport readers ensuring reading of optical and electronic data by single action and possibility of acquiring data from non-touch microchips, which permit detection of errors found in the document, has been purchased.

A reference – information system intended for visual inspection of the personal identification documents of foreign countries is installed at work places. The system contains

images of the document pages under different types of light, a description and images of the protective elements of the document.⁵⁸

An essential instrument for reducing irregular migration in the country is identification of irregular migration paths and trends, which is the function of the Analytical Department, Service Organization Board, Central Board of the State Border Guard.

The information that is received from the structural units of the regional administrations of the State Border Guard, liaison officers of the State Border Guard and the common information system (ICONET) of the FRONTEX agency is summarized, analyzed and, if required, the respective tactical warnings are prepared, which are then sent to the structural units of the regional administrations of the State Border Guard.

In order to limit migration flows, combat irregular migration, as well as prevent possible threat of terrorism the condition of the Directive 2004/82/EC that provides for administrative liability of a legal entity or private person performing air traffic from the country that is not a member state of the European Union or a country of European Economic Area to the Republic of Latvia and who has failed to submit (or has submitted incomplete or incorrect) data on the passengers from the third countries or stateless persons has been incorporated in the normative acts of Latvia.

Similarly, Latvian Administrative Violations Code provides administrative penalty, per each person carried, to a legal entity or private person (carrier operating in the area of the sea, air or land transport) for carrying of a third-country national to the Republic of Latvia without the travel documents required for crossing the state border.

Regular training of the personnel is performed at each State Border Guard structural unit according to a confirmed plan. In May and June 2011, together with the Office of Citizenship and Migration Affairs within the framework of the European External Borders Fund Pilot project “Use of Visa Information System and Functionality of the Entry – Exit System” training exercise was organized, during which 71 border guards received theoretical and practical training on the topics of issuing visas and registering thereof into the National Visa Information System.

Likewise, the Office of Citizenship and Migration Affairs and the State Border Guard participates in training on identification of person whose relation to country of origin.

⁵⁸ The 2009 program project of the European External Borders Fund “Development of National VIS by Ensuring its Compliance with the Final Version of Technical Documentation provided by the EC and Provision of the Required Training to System Users” has been completed. - Accessible at: http://www.pmlp.gov.lv/lv/par_pmlp/projekti/ARF_NVIS_gaita_30_06.html - [Accessed on 19.09.2011.]

As Latvia does not face a disproportionately high influx of illegal immigrants, Latvia does not organize wide information campaigns for illegal immigrants outside the territory of Latvia.

It must also be mentioned that the Ministry of Foreign Affairs regularly organizes informative events that are aimed at informing travellers about their duties. At the end of 2009 the Ministry of Foreign Affairs in cooperation with the State Employment Agency⁵⁹ organized series of informative events under joint heading “Find out, before you agree to work abroad”. Even though target audience of the informative events are residents of Latvia it is important to mention that the phenomenon of marriages of convenience and related irregular migration receives considerable attention in the campaigns of the Ministry of Foreign Affairs as well.⁶⁰

3.2. Entry: Practical Measures Undertaken to Identify and Detect Irregular Migrants at the Borders

Border control in Latvia is performed on the external border of the Schengen Area with Russia and Belarus (hereinafter - the external border) but on the internal border of the Schengen Area with Lithuania and Estonia (hereinafter - the internal border). The structural units of the State Border Guard, upon assessment of the risk degree, perform measures of immigration control and, in cooperation with the corresponding services of the Republic of Lithuania and the Republic of Estonia, jointly patrol the internal border and organize joint campaigns.

Meanwhile, on the external border of the European Union – border crossing points – a complete inspection of the third-country nationals is performed, as well as border surveillance aimed at prevention of illegal crossing of the border.

It is important for the Republic of Latvia, as the external border of the member states of the European Union and Schengen Area, to supply the officials of the State Border Guard with the technical equipment that enables identification of the irregular migrant and detection thereof on the state border (both at the border crossings and at any other segment of the external border of the Republic of Latvia). Use of technical equipment in the work of the State Border Guard officials is essential for control of the correspondence of the documents provided by the entering individuals to the particular standard, in order to detect and identify irregular migrants, who attempt to enter the European Union without valid documents or with

⁵⁹ State Employment Agency is a direct administration state institution under supervision of the Minister of Welfare, which was established to implement state policy in the area of reducing unemployment and support to the unemployed, work seekers and the individuals subject to unemployment risk.

⁶⁰ Source of information: Ministry of Foreign Affairs.

forged documents, as well as to detect those third-country nationals that attempt to enter the European Union illegally.

A complete inspection (inspection of person, vehicle and personal belongings, computerized control using the databases of the law enforcement institutions, thorough inspection of the documents, inspection of means of subsistence, inspection of the substantiation of work and residence conditions) and interviewing of third-country nationals is performed at the border crossings in order to verify the travel rout as well as the intended place of residence.

In order to identify the irregular migrant on the state border, the State Border Guard performs the following measures:

- risk analysis;
- ensures continuous surveillance of the state border, using technical border security equipment;
- performs border control of the entering persons, vehicles, cargos and personal belongings using technical devices, as well as, if required, ensures the second line check⁶¹ of individuals, vehicles;
- performs profiling of the entering and exiting persons at the border crossing sites (ports, airports).

According to the Schengen *acquis* requirements, as well as to ensure intensity of the person and vehicle flow, the state border crossings are equipped with technical equipment in the amount that ensures performance of the required border checks within the border control area or directly in the vehicles.

Surveillance of the border of the Republic of Latvia is essential for reducing irregular migration, as in the recent year a trend of increasing number of cases when irregular migrants attempt to cross the “green border” of the Republic of Latvia has been observed. Different technical means are used for border surveillance by the State Border Guard officials, i.e. for surveillance of the state border, control of the borderland and the borderland regime, surveillance of the territorial sea and inland waters. In order to detect and identify the irregular migrants, the following technical border surveillance equipment is used:

1. human presence detection systems – for detecting signs of border breach, for determining of the location of the trespassers in the terrain and detection thereof on the state border and in the borderland, frontier area, territorial sea and inland waters;

⁶¹ Second line check - in accordance with the Schengen Borders Code Article 2 is a further check of a third-country national which may be carried out in a special location away from the location at which all persons are checked. This is performed if there is suspicion that the document is forged, if the notice has been showed that person is included in the SIS, etc.

2. terrain surveillance and movement detection systems;
3. perimeter (territory) security devices;
4. surveillance devices – for visual control of the state border, borderland and frontier area, for detection of border breaches, for detection of the location of the trespassers in the terrain - day and night optic and optically electronic mobile devices, stationary and mobile surveillance devices;
5. vehicles – for carrying border guard appointment personnel, for patrolling, for pursuit, detention and transportation of trespassers – cars, quadricycles, snow motorbikes, etc.
6. watercraft – ships, speedboats and motorboats used on the state border in the sea and for monitoring of the territorial sea, control of inland waters, detection of the trespassers, pursuit, detention and transportation thereof;
7. aircraft – helicopters that are used for control of the state border, frontier area, borderland and borderland regime, for monitoring of the state border in the sea, territorial sea and inland waters, for search of the border trespassers, pursuit, detention and transportation thereof.

Watercraft and aircraft are equipped with the surveillance, navigation, light and sound signal devices, and terminal devices of electronic communications networks, computerized devices and their accessories.

In order to detect irregular migrants, who are carried in vehicles, the officials of the State Border Guard primarily use mirrors and torches. In order to confirm the signs of the violation detected during the primary inspection the officials of the State Border Guard use devices for detecting the presence of life, devices for detection and inspection of closed and hidden spaces.

For identification and verification⁶² or registration of individuals according to the biometrical data of individuals, the devices for input and processing of personal biometrical data are used.

Upon inspection of the documents of the person, which is performed during the border crossing inspection, visual check of the documents is performed first, if required, document control devices are used, i.e. devices for automatic reading and checking of visual and coded data, optical magnifying devices with lighting, lighting devices of different wavelengths, devices for in depth analysis of the documents. If a grounded suspicion concerning the authenticity of the document produced arises and in order to confirm and visualize the forgery signs detected during the primary inspection, the documents of the person are sent for

⁶² Verification – direct comparison of persons' biometrical data with the biometrical data available in the document or comparison of biometrical data with samples in the data base.

secondary inspection, where use of automatic devices for checking visual and coded data, microscopes with digital cameras, video spectral comparators, sets of measuring and auxiliary devices provide the final proof that the document is a forgery.

Meanwhile in the most difficult cases the document is sent for inspection to the Expert Analysis Service of the Central Board of the State Border Guard, which performs the in-depth analysis thereof. If required, information exchange with analogous services abroad is performed.

For third-country nationals, upon crossing the external border of the Republic of Latvia, the visual inspection of the date of issue of the visa and the validity term thereof, with the aim of determining whether the person is entitled to enter the Schengen Area, as well as whether the person, who has stayed in the territory of the member states of the Schengen Area has not exceeded the time period indicated in the visa, is performed.

If the visa is issued at the diplomatic and consular representations of the Republic of Latvia abroad, the purpose of the visit of the person is compared with the one stated in the application for the Schengen visa, information is available in the National Visa Information System. If a third-country national cannot substantiate the purpose of visit and the travel route chosen, or if the above does not correspond to the data provided in the application for Schengen visa, the Schengen visa is cancelled or annulled.

In most cases when visa is cancelled or annulled purchase of a vehicle, visit to the relatives and visit to the cemetery or tourism in the Baltic States is mentioned as a purpose of applying for visa, while after the entry, the individuals attempt to travel to Scandinavian or other Western European countries.

It is essential to note that in order to additionally check the purpose of entry and its correspondence, the officials of the State Border Guard, in case of suspicion, check whether the third-country nationals have sufficient financial resources to stay in the Republic of Latvia or in any other member state of the Schengen Agreement, as well as request the confirmation that the national of the third country will exit the territory of the Schengen Area by producing the reserved tickets or documents that confirm their prompt exit. If the third-country national cannot demonstrate sufficient financial resources for entry into the territory of the member states of the Schengen Agreement, the official of the State Border Guard decides on denying entry of the foreigner into the Republic of Latvia.

If the official of the State Border Guard has decided to deny entry into the Republic of Latvia to the foreigner, but immediate transporting of the foreigner to the country where he/she has arrived from is impossible, according to Section 60 of the Immigration Law, the

official of the State Border Guard is entitled to detain the aforementioned foreigner for as long as required until return of the foreigner becomes possible, but not longer than for 48 hours.

If it is found that the document of the third-country national is forged, the person is handed over to the criminal investigation official of the State Border Guard, who takes the decision on initiating a criminal procedure and performs the required procedural actions. After the detention of the third-country national, the personal identification data are entered in to the Automatic Fingerprint Identification System (AFIS). AFIS data is used for identification of the individual by performing the checks that are connected with the control of provisions for entry, stay, exit and transit of the individuals. AFIS ensures information exchange using fingerprint comparison system *Eurodac*. The AFIS system has a vital role in reducing irregular migration in order to acquire information on previous violations of a migrant in the Republic of Latvia.

In order to spot irregular migrants at the state border crossings, as well as in order to possess provisional information on their movement routes, the State Border Guard has developed a risk analysis system. The aim of the system is to provide the structural units of the State Border Guard with continuous, targeted, prompt and objective assessment of the situation for decision making.

The data acquired by the structural units of the State Border Guard constitute the basis for the risk analysis. These data characterize illegal border crossings or attempts to do so, flow directions of the persons crossing the border, cases of illegal stay of foreigners, as well as the data and information about the categories of the trespassers (for instance, illegal trespassers, irregular migrants, supporters of such, organizers of irregular migration, smugglers, border regime violators).

The information provided by other institutions of the Republic of Latvia, state and private companies, foreign cooperation services (using information entered on ICONET), as well as data and information available in the open sources is used for risk analysis.

By composing the risk analysis assessments, the State Border Guard contributes to development of risk analysis documents of strategic nature on the national (for example, National Threat Analysis⁶³), as well as international (FRONTEX, EUROPOL) level.

In cases when the risk analysis assessments (or separate sections thereof) are required by other state, municipal and law enforcement institutions for performance of their functions and tasks, the State Border Guard, pursuant to a mutual agreement, provides them with the required information according to their competence and tasks.

⁶³ National Threat Analysis is a comprehensive assessment which leads to identification of existing and potential specific national security threats or risk factors.

The State Border Guard performs risk analysis on two risk analysis levels – operational and tactical. The overview of operational and tactical risk analysis is prepared depending on the situation, but not less frequently than once monthly.

The operational risk analysis is performed, considering the worldwide developments of strategic importance as well as those happening in particular regions, as well as by assessing the risk factors on the state border and in the territory of the state, and in the neighbouring states that directly or indirectly affect or can affect situation in the competence areas of the State Border Guard.

The tactical risk analysis assesses the risk factors within one Territorial Board of the State Border Guard and the adjacent regions of the bordering state, by reflecting the existing and possible trends of development of these factors, the means for eliminating effects whereof lie within the competence of the head of the Territorial Board of the State Border Guard.

In cooperation with the FRONTEX agency, the officials of the State Border Guard, who daily work with the analytical information, participate in the meetings and workgroups of the Risk Analysis Unit.

In cooperation with the FRONTEX agency, joint international operations are held on the external border of the Republic of Latvia. The representatives of the State Border Guard also participate in the operations organized by FRONTEX on the borders of other countries and in the established operation control centres. Importance of participation of the State Border Guard officials in such operations must be emphasized, as during these operations new contacts between the participants from other member states of the European Union, as well as guest experts of the member states are established. Furthermore, the knowledge of the foreign languages is developed along with the skills of working in an international team.

Joint operations in cooperation with the FRONTEX agency are performed on the internal borders as well. For instance, operation MITRAS was organized in spring 2011 with the main aim of identifying the main routes of irregular overland migration on the internal borders of the member states of the Schengen Area, combating violations in the area of irregular migration and improvement of the information exchange between the law enforcement institutions of the member states involved. According to the task of the operation, the Regional Administrations of the State Border Guard implemented immigration control measures on the external and on the internal borders. As a result, the number of the people and vehicles checked by the State Border Guard on the roads of the border area increased. The total number of third-country nationals increased 1.5 times during the operation in comparison with the previous periods. The State Border Guard did not detect illegally staying third-country nationals or routes of irregular migration during the operation.

The insignificant changes in number of the persons detained during the operation (including third-country nationals), in comparison with regular figures, evidenced that uncontrolled irregular migration flow through the internal borders of the Republic of Latvia is not present.

During involvement in such type of operations the State Border Guard is capable of learning in which structural units the organization of the service needs to be improved.

The personnel of the State Border Guard receive regular training in detection of forged documents (passports, visas, residence permits, driving licences, etc.). The State Border Guard College regularly organizes training with inclusion of the topics on samples of visas, methods of detection of visa forgery, use of technical aids in detection of forgeries on the curricula. The State Border Guard College has developed a retraining curriculum aimed at training the officials of the State Border Guard on the issues of immigration.

3.3. Stay: Practical Measures Undertaken to Control Irregular Migration in the territory of Latvia

Since third-country nationals enter Latvia declaring false purposes of their visit, as well as are employed without a work permit or otherwise violate the conditions of stay, performance of immigration control is necessary after entry of the person into the territory of Latvia as well.

The competent structural units of the State Border Guard are involved in control of violations of entry, stay, exit and transit conditions for foreigners. One of the priorities is to control those foreigners (including foreigners from terrorism and irregular migration risk countries), who have declared a short stay in the Republic of Latvia as the purpose of entry in to the country (with visas issued at the representations of the Republic of Latvia), who can relatively be divided into two groups:

- a) foreigners, who have stated true purpose of their stay in the annex to the Schengen visa, but have exceeded the duration of the planned stay or transit;
- b) foreigners, who have not stated the true purpose of their stay in the annex to the Schengen visa, as they have chosen another member state of the European Union as the target country, while staying in the Republic of Latvia for a short period of time or transiting it.

Also subject to control are foreigners, who stay in the territory of the Republic of Latvia with long term visas, temporary residence permits (for example, with the purpose to marry, establish legal work relations, acquire education (students), etc.) as well as foreigners who enter the Republic of Latvia with visa issued by another Schengen member state and/or are travelling in transit.

State Border Guard in cooperation with the Office of Citizenship and Migration Affairs control those foreigners, who stay in the Republic of Latvia with a permanent residence permits (check of the travel document validity terms, observation of the place of residence declaration conditions, observance of the conditions for registration of the residence permit).

In order to implement the control of the foreigners whose declared purpose of entrance into the Republic of Latvia is a short stay, national information systems are used additionally.

Considering the work plan of the respective structural unit of the State Border Guard, as well as upon assessment of the existing risk factors in the proximity of the internal borders or in the territory of the country, different immigration appointments for performance of immigration measures are used.

Within the limits of the immigration measures, the officials of the State Border Guard perform profiling and interviewing of the individuals:

- in places where gathering of the foreigners is possible, i.e. – places of entertainment and recreation, places of trade and car parks of the supermarkets;
- public territories – airports, bus terminals, railway stations and sea ports.

Immigration control at the internal borders in sea ports and airports the officials of the State Border Guard carried out by choice order based on risk analysis.

Identification of the immigrant is performed using different methods and depends on whether the person has identification documents (for example, a passport, an ID card, a driving licence).

If the person does not have any documents, the explanation of the foreigner is taken first in order to receive information (for example, about the place of residence, citizenship), which might be essential for identification of the foreigner. The officials of the State Border Guard have encountered cases when the identification document is found after search of the personal effects of the person.

Dactyloscopy⁶⁴ plays a significant role in identification of the immigrant. Dactylocards have provided the possibility to determine the identity of the immigrant, especially in the cases when the immigrant has entered from the Russian Federation or other countries of the CIS.

If third-country national has been detained according to the Immigration Law, the biometrical data of the individual are entered into the Automatic Fingerprint Identification System, which is linked to *Eurodac*. This method, by entering the data of the fingerprints of the individual, enables the receipt of the reply with identification data.

⁶⁴ Procedure with an aim to acquire persons' finger prints to identify a person.

Not infrequently, the Contact Points⁶⁵, liaison officers of the State Border Guard and Maritime Operations Coordination Centre of the Ventspils Board of the State Border Guard, which request assistance of other countries within the framework of the Baltic Sea Region Border Control Cooperation (BSRBCC), are involved in the identification of an immigrant.

The State Border Guard, very often on the basis of a request from the Office of Citizenship and Migration Affairs, in cooperation with the State Labour Inspectorate, civil registry offices⁶⁶, tourism accommodation providers and Latvian higher educational establishments performs control of those irregular migrants, who have entered Latvia declaring false entry purposes - family reunification, studies, tourism or education.

In order to detect breaches of labour norms for foreigners and to detect the foreigners, who illegally stay in the country, competent structural units of the State Border Guard independently, as well as in cooperation with the Office of the Citizenship and Migration Affairs, the State Police and the State Labour Inspectorate in the whole territory of the state perform checks of the objects and preventive measures for combating irregular migration.

The information on foreigners employed in Latvia is mainly received from the national information systems (Work Permit Register, Data Warehouse System of the State Revenue Service, Register of Enterprises), and, upon assessment of the acquired information, the respective structural unit of the State Border Guard performs control of legality of foreigners' work at workplaces and enterprises.

The Labour Law provides that an employer, who sends a person to perform work in Latvia, has a duty of informing the State Labour Inspectorate. Consequently, to control third-country nationals, who use entrance visas issued by other countries in order to enter the Republic of Latvia, the officials of the State Border Guard use information that was acquired earlier and employment control measures are implemented together with the State Labour Inspectorate.

In order to limit illegal employment a series of amendments to the normative acts of the Republic of Latvia, including the Labour Law, were performed in 2011 by transposing the Directive 2009/52/EC with the aim of additional immigration control and by providing that:

⁶⁵ Information exchange centres on the border of Latvia – Lithuania and Estonia, that have been created on the basis of the Article 17 of the Law “Agreement between the government of the Republic of Latvia and the government of the Republic of Lithuania on cooperation in combating organised crime and other offences and on joint actions in border regions” of 12 October 2006 and Article 13 of the Agreement “Agreement between the government of the Republic of Latvia and the Government of the Republic of Estonia on cross-border cooperation in combating crime” of 7 June 2006.

⁶⁶ Civic registry offices are institutions belonging to the justice system, which carry out registration of birth, marriages, and death. (<http://www.tiesas.lv/index.php?id=163>) - [Accessed on 19.08.2011.]

- when preparing a labour agreement it is the duty of the employer to request the foreigner to produce a visa or a residence permit, as well as the work permit (if such is required);
- employment of a person, who is not entitled to stay in the Republic of Latvia is prohibited;
- the employer is not liable for employing a person, who is not entitled to stay in the Republic of Latvia, if such person has produced the documents confirming the right to reside in Latvia to the employer prior to being employed.

Liability for violation of these normative acts regulating labour relations is provided for by the Latvian Administrative Violations Code, namely:

- if an employer employs a person without a valid personal identification document, who is under 15, a fine ranging from 100 to 500 LVL is imposed;
- if the employer employs up to five people without work permits, who stay in the Republic of Latvia legally, a fine ranging from 100 to 300 LVL is imposed on private persons, whilst the one imposed on legal entities ranges from 500 to 2 500 LVL.
- if the employer employs more than five people without a work permit, a fine ranging from 300 to 500 LVL is imposed on private persons, whilst a fine ranging from 2 500 to 10 000 LVL is imposed on legal entities;
- if the employer employs up to five people, who are not entitled to stay in the Republic of Latvia, a fine ranging from 150 to 350 LVL is imposed on private persons, while whilst the fine imposed on legal entities ranges from 750 to 3 000 LVL.

Criminal liability of the employer ensues, if:

- the limitations or conditions of employment of a person provided for by the law are breached resulting in a considerable loss.

According to Part One, Section 23 of the law “On the Procedures for the Coming into Force and Application of the Criminal Law”⁶⁷, the liability for the criminal offence provided for by the Criminal Law as a result of which considerable loss is produced, comes into force if as a result of the criminal offence not only a considerable material loss has been made, but also other interests and rights protected by the law are endangered or if such threat is considerable.

As a result of transposing the directive 2009/52/EC, the Criminal Law was supplemented by the condition establishing a criminal liability of the employer if persons,

⁶⁷ Published: Latvian Herald, No. 331/332, 04.11.1998. - [came into force on 05.11.1998.]

who are not entitled to stay in the Republic of Latvia are employed, if minor persons or more than five persons are employed, as well as in the cases if the persons are employed in especially exploitative work conditions or if a victim of trafficking in human beings has been employed deliberately. In this case the employer may be punished by arrest or forced labour, or a fine in the amount of up to two hundred minimum monthly salaries.⁶⁸

The Office of Citizenship and Migration Affairs and the State Border Guard are entitled to examine cases of administrative violations, including application of administrative fines for staying in the Republic of Latvia without a valid visa, a residence permit or a valid travel document (administrative penalty - a warning or a fine of up to two hundred and fifty lats) and for deliberate provision of a person with a possibility to illegally reside in the Republic of Latvia (administrative penalty – a fine in the amount from thirty to one hundred and fifty lats).

Similarly, norms have been included into the Labour Law that permit third-country nationals, who stay in Latvia illegally, to protect their rights and legal interests against the employer in the cases when rights of such people to receive remuneration for work and fair, safe and harmless to health work conditions have been violated. The Labour Law provides that not only the direct employer is liable for payment of unpaid work remuneration to illegally staying third-country national, but also the general contractor, if they have completely or partially transferred initial performance of their contractual liabilities to the employer. Simultaneously, all other subcontractors involved shall be held liable, if they have known about such illegal employment.⁶⁹

In order to provide for the rights of third-country nationals to protect their rights and legal interests by proxy of third parties, for instance, non-governmental institutions or other associations, the Associations and Foundations Law provides that associations and foundations may, on behalf of a person, who is not entitled to enter and stay in the Republic of Latvia, approach institutions and courts and protect the rights of such person with their permission.⁷⁰

Many irregular migrants attempt to receive legal rights to reside in the Republic of Latvia or the European Union by using the condition of the family reunification, and concluding marriage of convenience for that purpose, which is also considered to be one of the types of illegal migration.

⁶⁸ Draft law “Amendments to Criminal Law”. - Accessible at:
<http://www.mk.gov.lv/lv/mk/tap/?pid=40194427&mode=mk&date=2011-02-22>- [Accessed on 09.06.2011.]

⁶⁹ According to Section 75.¹ of the Labour Law.

⁷⁰ Draft law “Amendments to Associations and Foundations Law”. - Accessible at:
<http://www.mk.gov.lv/lv/mk/tap/?pid=40194428&mode=mk&date=2011-02-22> – [Accessed on 09.06.2011.]

The Immigration Law⁷¹ provides that the Office of Citizenship and Migration Affairs does not extend or shall annul the residence permit, if it is found that the marriage concluded is not monogamous, the spouses do not live together and that they do not have a joint household.

The officials of the State Border Guard perform inspections on the basis of the request from the Office of Citizenship and Migration Affairs. First, maximum possible information on persons of interest is obtained and after inspections at the persons' place of residence are planned. Intensity of inspections depends on the evaluation of the information obtained during the first inspection. If the information obtained is truthful and there is no reason for suspicion (spouses live together, have children) a statements is prepared for the Office of Citizenship and Migration Affairs. If information obtained causes doubts about the purpose of marriage, inspections are repeated. During the inspections spouses are interviewed as well as spouses are asked to present personal belongings. In case of necessity neighbours are interviewed.

Marriages of convenience are difficult to prove in the Republic of Latvia. Predominantly, both parties agree on an answer and state that during the inspections they have had a short term arguments, which is why they did not live together.

The State Border Guard has agreed with the civil registry offices that in the cases, when suspicion exist that a marriage of convenience is concluded or it is suspected use of false documents, the personnel of the civil registry offices will inform the respective structural unit of the State Border Guard.

In order to fight the phenomenon of marriages of convenience, the Ministry of Foreign Affairs has organized several campaigns and cycles of informative events in cooperation with the State Labour Inspectorate, the society "Shelter "Safe House"", as well as good cooperation has been established with the "Resource Centre for Women "Marta"". ⁷²

Performance of immigration control for the foreigners, who have stated tourism as the purpose of their visit to Latvia is performed by the structural units of the State Border Guard in cooperation with the organizations providing tourist accommodation.

The Tourism Law⁷³ provides that merchants and performers of economic activity must ensure personal filling and signing of the declaration form by the alien and proof of identity of the alien by requiring them to produce a valid identification document. This condition does not apply to the spouses of the aforementioned foreigners, minor children and

⁷¹ According to the Paragraph 34 Section 1 Clause 25 and Paragraph 35 Section 1 Clause 20 of the Immigration Law.

⁷² Source of the information: Ministry of Foreign Affairs.

⁷³ Published: Latvian Herald, No. 287, 07.10.1998. - [came into force on 01.01.1999.]

members of tourism groups. Declaration forms for the foreigners, who travel in tourist groups, are filled out by the leader of the tourist group. Cabinet of Ministers Regulation No. 226 “Regulations Regarding Procedures for the Completion, Storage and Transferral of Declaration Forms of Aliens”⁷⁴ of 3 April 2007 provide that pursuant to a written request of the State Police or State Border Guard a merchant or performer of economic activity shall immediately submit the declaration to the respective institution. Regarding the existing regulation, the officials of the State Border Guard are entitled to control the foreigners staying at the places of tourism accommodation and its cooperation with the administrations of the hotels, tourist dwellings, and administrations of the guest houses is considered to be good.

Meanwhile, in order to perform immigration control of foreigners, who have entered Latvia for the purpose of studying, the State Border Guard and the Ministry of Foreign Affairs cooperates with Latvian higher educational establishments.

The Ministry of Foreign Affairs, the Office of Citizenship and Migration Affairs and the State Border Guard have concluded cooperation agreement with Riga Stradiņš University on cooperation in attracting students in 2009. Among other provisions, the agreement stipulates that Riga Stradiņš University shall inform the State Border Guard on the cases when the students from the Democratic Socialist Republic of Sri Lanka skip lectures without a valid reason, are expelled or violate conditions of stay in the Republic of Latvia. Within the framework of the cooperation agreement, one student was detained and expelled from the Republic of Latvia during implementation of the measures of immigration control.

Cooperation with media promotes recognition of the State Border Guard on the national level, which has several times contributed to positive results, among others, in the area of irregular migration and illegal employment. Thus, the State Border Guard and the Office of Citizenship and Migration Affairs periodically receive applications from individuals indicating cases of illegal migration. A number of the toll free hotline, which is available 24 hours a day is available at the web page of the State Border Guard www.rs.gov.lv.

3.4. Pathways out of Irregularity

The procedures established in the legislative acts on return of third-country nationals are implemented by the State Border Guard and the Office of Citizenship and Migration Affairs. Before introducing the Return directive the foreigners were mainly returned to their country of origin by forced return.

⁷⁴ Published: Latvian Herald, No. 57, 05.04.2007. - [came into force on 06.04.2007.]

As of July 2011, when the principle of voluntary return was established by the legislation, the priority has to be given to voluntary departure. Forced return is provided as the ultimate measure if the alien does not comply with the order to leave the country, endangers the security of the state, is involved in facilitation of irregular migration or if the alien cannot indicate the place where they will be staying by the end of the respective expulsion procedure, etc.

Forced expulsion of foreigners is implemented in the cases when the foreigner has been prosecuted for committing a criminal offence in the Republic of Latvia and the court has applied an additional penalty onto them – expulsion from the Republic of Latvia after serving the sentence.⁷⁵

The principle of voluntary return is applied not only to the alien, who has received the order to leave the country, but also, if the term of the residence permit issued to the alien has expired or if the residence permit issued to them has been annulled, but the alien cannot leave the Republic of Latvia due to significant personal reasons. According to legal regulations⁷⁶, the maximum period in which to leave the country is 45 days, if the alien has a temporary residence permit or 90 days if the alien has a permanent residence permit.

The term for performance of the duty enforced by the order to leave the country – to leave the territory of the European Union is 7 to 30 days. The alien is entitled to leave the country earlier than provided for by the order to leave the country. Similarly, if during requesting of the residence permits, the foreigner has provided false information or requesting of the residence permit is undoubtedly unsubstantiated, the Office of Citizenship and Migration Affairs is entitled to determine a term during which the foreigner must execute the order to leave the country that is less than seven days. The alien is also entitled to request extension of the term for leaving the territory of the European Union. Such request of the alien may be satisfied by extending the term determined in the order to leave the country for a time period that does not exceed one year.

Before taking the final decision, the alien is given the opportunity to provide an explanation for the committed offence. If, upon assessment of the severity of the offence, conditions of committing thereof and characteristics of the alien, for example, age, disability,

⁷⁵ Section 43 of the Criminal Law provides that a national of another country or a person, having a permanent residence permit of another country may be expelled from the Republic of Latvia if the court concludes that, considering the circumstances of the case, their stay in the Republic of Latvia is impermissible. This penalty is used as an additional penalty by placing the entry ban for a period of three to ten years, and enforcing it after serving the basic penalty or after pre-term release from serving the basic penalty according to the procedure provided for by the law. The period for serving the additional sentence is counted from the day when the person has been expelled from the Republic of Latvia.

⁷⁶ According to the Cabinet of Ministers Regulation No. 564 “Regulation on Residence Permits” of 21 June 2010. - The Latvian Herald, No.101, 29.06.2010. - [came into force on 01.07.2010.]

loss of connection with the country of citizenship, place of residence of the relatives in Latvia, etc., it is found that issuing an order to leave the country is inexpedient or incommensurate, the Office of Citizenship and Migration Affairs shall in its turn give a possibility to the alien to legalize their stay in the Republic of Latvia by issuing a residence permit.⁷⁷ This practice was established at the Office of Citizenship and Migration Affairs as of the effective date of the Administrative Procedure Law on 1 February 2004.

Before 1 July 2011 if the State Border Guard detained the alien for illegal stay in the state, the decision of compulsory expulsion was taken immediately, but execution of all such decisions was impossible, as connection of the alien with the state where the expulsion was planned to, or to receive the certificate of return from the representative office of the respective state.

If such aliens do not have citizenship of any state and none of the states, where a connection with the alien has been established, guarantees citizenship, the Office of Citizenship and Migration Affairs shall consider a possibility to recognize the alien to be a stateless person in accordance with the Law on Stateless Persons⁷⁸ or issue a travel document⁷⁹. The travel document may also be issued by the State Border Guard. According to the normative acts, a validity term is established for the travel document, which is required for execution of the decision on forced expulsion.⁸⁰

As Latvia does not face high flow of irregular migrants, there has been no need to decide on any type of programs for legalization of irregular migrants in the Republic of Latvia.

An opposite trend has been observed in the number of asylum seekers. A number of people, who illegally cross the border by principally using forged documents, have increased. Although Latvia has not been their destination country, all trespassers request asylum after the detention, thus ensuring rights to stay in the European Union from the moment of submitting of the application for granting a status of an asylum seeker or an alternative status until the moment when undisputable final decision concerning their application is taken or

⁷⁷ According to Part three, Section 32 of the Immigration Law, the Head of the Office of Citizenship and Migration Affairs or an official authorized by them may permit submission of the documents required for requesting of the residence permit to the Office, if such action corresponds to the international legal norms, interests of the state of Latvia or is connected with human considerations.

⁷⁸ According to Part one, Section 2 of the Law on Stateless Persons, a person may be admitted to be a stateless person, if none of the countries have admitted them to be their citizen.

⁷⁹ According to Article 55¹ of the Immigration Law if the alien, who has been issued an order to leave the country or concerning whom a decision on forced expulsion was taken, does not have a valid travel document and such cannot be acquired using diplomatic or consular services, a travel document is issued.

⁸⁰ According to the Cabinet of Ministers Regulation No. 454 of 21 June 2011 "Procedure for Forced Expulsion of Foreigner, Samples of Exit Documents and Procedure for Issue Thereof" of 21 June 2011.

permanently in the cases when a status of a refugee⁸¹ or an alternative status⁸² has been granted.

4. TRANS-NATIONAL COOPERATION

4.1. Cooperation Agreements

The State Border Guard has improved its capacity and increased the number of activities in the international area within the limits of the European Union, by developing bilateral cooperation with third countries, as well as, by participating in international projects and by sharing the experience on security of the borders collected by the State Border Guard to the developing countries.

The readmission agreements of the Republic of Latvia and the European Union contribute to successful implementation of return of irregular migrants, enabling effective and purposeful return measures.

In order to facilitate international cooperation with the aim of reducing irregular migration, following bilateral agreements of Latvia and the European Union are in force with:

1. third countries: Armenia, Georgia, Moldova, Ukraine, Uzbekistan and Russia;
2. European Union member states: Austria, the Baltic States, the Benelux countries, Bulgaria, Croatia, Denmark, Germany, Finland, France, Greece, Hungary, Iceland, Italy, Liechtenstein, Norway, Poland, Portugal, Romania, Slovenia, Spain, Switzerland and Sweden.

The State Border Guard has concluded enforcement protocols with Ukraine, Georgia, Switzerland, Germany, Hungary, Romania, Liechtenstein, Greece and the Benelux countries.

The Republic of Latvia has concluded several bilateral agreements aimed at reducing crime and irregular migration in the state, as well as at facilitation of cooperation on the issues of borders:

1. Agreement of the Government of the Republic of Latvia and the Government of the Republic of Estonia on cross-border cooperation in combating crime;

⁸¹ According to Section 20 of the Asylum Law, a third-country national may apply for a status of refugee, if he/she is located outside his/her country of citizenship due to a substantiated fear of being persecuted for his or her race, religion, belonging to a certain ethnic group, belonging to a particular social group or his or her political views and, due to such fear does not wish to accept the protection of the country whose nationality he or she belong to and due to the same reasons cannot or does not wish to return to the country of his or her citizenship, if conditions of Section 27 of this law do not apply to such alien.

⁸² According to Section 23 of the Asylum Law, a third-country national or a stateless person, who may not be granted the status of the asylum seeker according to Part One, Section 20 of this law, and if conditions of Section 28 does not apply to such alien, may apply for the alternative status, if there are grounds to believe that after return to his or her country of origin he or she could be subject to severe harm, which is why he or she is incapable or does not wish to accept the protection of the aforementioned state.

2. Agreement among the Governments of the Republic of Latvia, the Republic of Estonia, and the Republic of Lithuania on cooperation on the issues of state border control;
3. Agreement between the Government of the Republic of Latvia and the Government of the Republic of Belarus on Facilitation of Mutual Trips of the Residents of Borderland Territories of the Republic of Latvia and the Republic of Belarus;
4. Agreement between the Government of the Republic of Latvia and the Government of the Republic of Belarus on Operation of the Authorized Border Representatives;
5. Agreement between the Government of the Republic of Latvia and the Government of the Republic of Belarus on Cooperation on Border Issues;
6. Agreement between the Government of the Republic of Latvia and the Government of the Russian Federation on Operation of the Authorized Border Representatives;
7. Agreement between the Government of the Republic of Latvia and the Government of the Russian Federation on Cooperation on Border Defence;
8. Agreement between the Government of the Republic of Latvia and the Government of the Russian Federation on Mutual Travels of Citizens;
9. Protocol between the Government of the Republic of Latvia and the Government of the Russian Federation on the Establishment of the Joint Latvian - Russian Working Group on the Issues of Fight Against Irregular Migration;
10. Treaty between the Republic of Latvia and the Russian Federation on the State Border of Latvia and Russia;
11. Agreement between the Government of the Republic of Latvia and the Government of the Republic of Lithuania on Operation of the Authorized Border Representatives;
12. Agreement between the Government of the Republic of Latvia and the Government of the Republic of Lithuania on Cooperation in Combating Organized Crime and Other Illegal Offences and Joint Action in the Borderland Areas.

Meanwhile the State Border Guard has concluded agreements in the area of border cooperation:

1. Agreement between the State Border Guard of the Republic of Latvia and Border Guard Board of the Republic of Estonia "On Establishment of a Contact Point";
2. Agreement between the State Border Guard of the Republic of Latvia and Border Guard Board of the Republic of Estonia "On Operation of the Contact Point "Valka – Valga"";

3. Temporary Cooperation Agreement between the State Border Guard and Border Guard Service of the Republic of Estonia on Joint Patrolling;
4. Agreement between the State Border Guard of Latvia and State Border Guard Service of the Ministry of Interior of the Republic of Lithuania “On Establishment of a Contact Point”;
5. Agreement between the State Border Guard of Latvia and State Border Guard Service of the Ministry of Interior of the Republic of Lithuania “On Operation of the Contact Point ”Kalvjai – Meitene””;
6. Agreement between the State Border Guard of the Republic of Latvia and Federal Migration Service (Russian Federation) on Cooperation in Combating Irregular Migration;
7. Agreement between the State Border Guard of the Republic of Latvia and the State Border Police of Georgia on Cooperation.

In order to reduce crime, including organized crime and irregular migration, the Ministry of Interior has concluded agreements with Armenia, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Russia, Ukraine, Uzbekistan, Slovakia, Azerbaijan, Poland, Lithuania, Estonia, Belarus, Finland, Hungary, Austria, Turkey, Belarus, Israel, Slovakia, the Czech Republic, Belgium, Croatia, Federal State of Schleswig-Holstein, Spain, Moldova, Cyprus, Switzerland, Malta and the United States of America in order to increase the cooperation with ministries of interior.

4.2. Other Forms of Cooperation with Countries

Cooperation of the law enforcement institutions at the internal borders is stimulated in order to reduce irregular migration. Joint Contact Points of both countries operate on the Latvian – Lithuanian and Latvian – Estonian borders, ensuring operative information exchange, especially on the issues of cross-border crime.

According to the cooperation agreement between the State Border Guard of the Republic of Latvia and the Border Guard Service of the Republic of Estonia on joint patrolling, which was concluded on 20 December 2007, a State Border Guard contact person has been appointed, who exchanges information in the Republic of Estonia with the appointed contact person, plans and implements joint patrols and operations on the internal borders, as well as summarizes the results of operation of the joint patrols and performs risk analysis.

To date during the joint patrols two Georgian nationals who had left asylum seekers reception centre have been apprehended. Joint patrolling is a method how the authorities of

the State Border Guard are assisting officials of the Republic of Estonia, for example with identification of Latvian documents.

Since 2 November 2006 a law adopting and authorising the agreement between the government of the Republic of Latvia and the government of the Republic of Lithuania on cooperation in combating organized crime and other criminal offences and joint action in borderland areas is in force. Section 18 of this agreement provides that joint patrolling may be performed on Latvian and Lithuanian borders. Currently in order to use the resources effectively joint patrols are assigned on the major roads and these are performed in turns – when the officials of Latvian State Border Guard are patrolling, the patrols are not assigned on the Lithuanian side and vice versa.

In order to limit irregular migration before entry to Latvia, the liaison officers of the State Border Guard operate in Georgia, and the Republic of Belarus, within the framework of the projects co-funded by the European Union “Establishment of the liaison officer point of the Republic of Latvia, the Republic of Lithuania and the Republic of Estonia in the Republic of Georgia” and “Establishment of the immigration liaison officer point of the Republic of Latvia, the Republic of Lithuania and the Republic of Estonia in the Republic of Belarus”.

The liaison officers of the Latvian State Border Guard in Georgia and Belarus represent interests of three countries – the Republic of Latvia, the Republic of Lithuania and the Republic of Estonia and continuation of the operation of the liaison officers points in Georgia and Belarus is performed in order to support the State Border Guard of the Republic of Latvia, State Border Guard Service of the Republic of Lithuania and Border Guard Board of the Republic of Estonia in the area of combating irregular migration.

The project is implemented within the framework of the general program Solidarity and Management of Migration Flows 2007 – 2013 of the External Border Fund of the European Union.

Considerable contribution to curbing irregular migration was provided by the position of the State Border Guard liaison officer in the Russian Federation, which expanded the cooperation coordinator network related to security of the external borders of the European Union, enhanced productivity of work task performance in the area of migration flow control and, by representing the interests of the Republic of Latvia, the Republic of Lithuania, the Republic of Estonia and the European Union on the issues of immigration, acquired, analysed and, within the limits of their competence, provided the required information on the issues of preventing and combating irregular migration. The State Border Guard liaison officer performed their service duties in Moscow until 30 June 2011, within the

framework of the general program Solidarity and Management of Migration Flows for 2007 – 2013 project of the External Border Fund of the European Union.

The State Border Guard, in cooperation with the member states of the European Union, has participated in two activities on provision of assistance to the institutions of the European Union member states of the Mediterranean region in identification and expulsion of illegal immigrants.

In order to combat irregular migration, trafficking in human beings and transfer of goods and stolen cars across the state border, the State Border Guard periodically organizes joint operations on the borders between Latvia and the Russian Federation and between Latvia and Belarus with involvement of the customs structural units of the State Revenue Service and territorial structural units of the State Police, sometimes involving experts of other European Union member states in these operations.

Similarly, the officials of the State Border Guard participate in operations organized by other states, for instance, in operation on the border between Slovenia and Croatia, on the Hungarian – Romanian border, on Italian – Slovenian border, as well as on the external borders of the European Union, for example, on the Finnish – Russian border, on Polish – Ukrainian border, etc. A representative of the German Federal Border Guard Service has participated in work at the focal point office, which is established at Terehova border control point (on the Latvian – Russian border).

The State Border Guard closely cooperates with the neighbouring countries on the external borders – the responsible services of the Russian Federation and the Republic of Belarus.

Russia and Latvia believe combating of irregular migration to be one of the most important areas of regulating migration in the territories of both countries. This is why in 2006 the Latvian – Russian border workgroup was established, and a Latvian and Russian workgroup on the issues of combating irregular migration was established. The aim of establishing the workgroup is improvement of coordination of the actions of the Republic of Latvia and the Russian Federation in the area of preventing and combating irregular migration, including strengthening of cooperation of both countries in this area. The workgroup consists of Latvian and Russian parties whose composition includes the following representatives from Latvia: the Ministry of Interior, the Ministry of Foreign Affairs, the Office of Citizenship and Migration and the State Border Guard, while from Russia - representatives of the Federal Migration Service, the Ministry of the Interior, the Ministry of Foreign Affairs, and the Federal Security Service. Within the framework of the workgroup, issues on situation in the area of migration – issues of combating irregular migration and

trends of irregular migration, noting the new trends of irregular migration on Latvian and Russian border are discussed, as well as practical work and measures targeted at combating irregular migration at internal borders, at airport and ferry terminals that are intended for internal Schengen flights or routes and changes in the normative acts of both countries.

Cooperation between the State Border Guard and Belarusian State Border Committee is organized according to “The agreement between the government of the Republic of Latvia and the government of the Republic of Belarus on cooperation on border guarding issues”⁸³ concluded on 18 August 1993, as well as according to the “Protocol on the Procedure of Information Exchange on the Situation on the State Border of the Republic of Latvia and the Republic of Belarus”⁸⁴ of 27 November 1996. The parties regularly organize meetings of managers of the border guard institutions of both countries, as well as expert visits. During the meeting experience exchange takes place on issues of service organization at the border crossing points and in the area of detecting forged documents, on the issues of risk analysis, and on use of service aviation, and other questions.

The State Border Guard has concluded cooperation agreements and agreements on joint activities with Estonia, Lithuania, Finland, Belarus, Azerbaijan, the USA, Russia, the Netherlands, Sweden, Hungary, Poland, Ukraine, Moldova, Georgia, Germany and France. Based on these agreements regular cooperation at the level of institution management and experts is implemented.

4.3. Cooperation with the European Union or International Organisations

The state institutions that are involved in return of the aliens have established cooperation with international organizations and non-governmental organisations, thus, ensuring observation of the legal norms, in order to return the aliens to their country of residence.

The officials of the State Border Guard and the Office of Citizenship and Migration Affairs cooperate with Riga Bureau of International Organization for Migration in order to facilitate assisted voluntary return of individuals, as well as participates in organized events and seminars of experience exchange that enable the officials of the State Border Guard and the Office of Citizenship and Migration Affairs to assess the models of assisted voluntary return management and reintegration of other states and to adjust them to Latvia.

The State Border Guard, in cooperation with FRONTEX agency, participates in the joint return operations organized by the European Union member states using specially organized charter flights and thus, effecting the possibility of returning the third-country

⁸³ Not published officially.

⁸⁴ Not published officially.

nationals to their countries of residence and at the same time gaining experience from participation in the role of observers. In the time period between 2008 and 2011 the State Border Guard has in this manner delivered 6 aliens to their country of residence and has twice participated in such operations in the role of an observer.

The State Border Guard exchanges information on the expelled persons in the form of reports effected through the FRONTEX agency and participates in the workgroups organized by FRONTEX on introducing technologies and use thereof in streamlining the border control processes.

The State Border Guard and the United Nations High Commissioner for Refugees Regional Office for the Baltic and Nordic Countries on 12 January 2011 signed an agreement on cooperation. According to this agreement, information exchange on irregular migration in the Republic of Latvia, the region of the Baltic Countries and worldwide, as well as on the situation in the areas or regions from where the applicant for international protection has arrived will be performed. United Nations High Commissioner for Refugees Regional Office for the Baltic and Nordic Countries may perform observation of the actions of the State Border Guard in relation to the persons seeking international protection, as well as in relation to how expulsion or return of persons is performed.

One of the priorities of the State Border Guard for 2011 is expansion of bilateral cooperation with the countries of Central Asia and the Caucasus as countries of origin and transit of irregular migration.

The State Border Guard, within the limits of the project financed by the European Commission, cooperates with the United Nations Development Programme, as well as, in cooperation with border guard services of several other states, participates in the program "Support to Integrated Border Management Systems in the South Caucasus (SCIBM)" project for provision of support to Georgia, Armenia and Azerbaijan. The principal targets of the project include improvement of border management capacity by developing an integrated border management system in each of the countries, improving inter-institutional cooperation, introducing technologies of border inspection procedure and providing pilot border control points with equipment.

Within the framework of Border Management Programme in Central Asia (BOMCA), which is financed by the European Commission and implemented by the United Nations Development Programme (UNDP) and International Centre for Migration Policy Development (ICMPD), the State Border Guard has organized training visits with the aim of introducing the integrated border management model that has been developed in Latvia, as well as with the best practice on issues of cooperation between the institutions that are

involved in provision of border security and control of flow of goods on the border of the Republic of Latvia.

5. IMPACT OF THE EUROPEAN UNION POLICY AND LEGISLATION

Several requirements of the European Union have been introduced into the normative acts of Latvia. Latvia has also used the possibilities offered by the European funds in order to raise its capacity in the area of combating irregular migration.

Introducing the Sanction Directive into the normative acts of the Republic of Latvia has improved both the labour rights of the aliens and control and punitive mechanisms in the Republic of Latvia by determining administrative and criminal liability of the employer in case of employing irregular migrants.

The Return Directive stimulates provision of aliens with higher opportunity to leave the country of destination and reintegrate in the country where they return, instead of applying forced removal. The latest amendments to the Immigration Law correspond to the aforesaid approach, thus providing more possibilities for aliens to leave the country voluntarily.

Namely, by introducing the Return Directive into the normative acts of Latvia the work of the State Border Guard and the Office of Citizenship and Migration Affairs has considerably changed.

Along with amendments to the Immigration Law and by introduction of the Return Directive into the national legislation, the notion of *illegal stay in the country* was for the first time defined.

Similarly, along with introduction of the Return Directive, by placing a prohibition on entry into Latvia by an alien, the aforementioned prohibition shall also apply to the whole Schengen Area. Within the framework of the law, assessment of each case separately provides for the right of not placing a prohibition of entry in case of issuing the order to leave the country.

The maximum term of entry prohibition determined at the moment of taking the decision on forced expulsion provided for by the Immigration Law has been reduced, and henceforward the expulsion shall be valid for a period of 30 days up to three years instead of the previous three to five years term.

Along with the changes in the procedure for expulsion of the aliens, it has been provided that in respect of illegally staying aliens priority has to be given to voluntary return,

thus, since introducing the Return Directive the alien may be allocated a term of up to 30 days for executing the order to leave the country instead of the former seven days.

Forced expulsion is to be used as an extreme measure, if the alien does not leave the country voluntarily, or if it is necessary due to reasons of the national security or public order, followed by a considerable increase in number of issued orders to leave the country, as well as the amount of the support provided by the Riga Bureau of International Organization for Migration, because the aliens subject to expulsion may apply for assisted voluntary return program.

Since introducing the Return Directive, the officials of the State Border Guard, upon assessment of the conditions of each case, are entitled not only to detain the aliens illegally staying in the country, but in certain cases to use alternative measures to detention, for example, to determine compulsory registration at the Border Guard or submission of the travel document.

Similarly, the procedure of readmission agreements has improved procedures in the field of return. Conclusion of readmission agreements with the third countries help ensuring control of migration processes, as the readmission agreements provide mechanisms for preventing and combating irregular migration. With the assistance of the readmission agreements it is possible to establish a legal basis for receipt and transfer of the persons, who stay illegally in the territory of another state, as well as to determine the cooperation of the competent institutions of both countries on readmission issues. Meanwhile, the third country is given an opportunity of gathering information on the number of their nationals, who have been returned from the Republic of Latvia, as well as on the offences related to illegal stay.

The readmission agreements regarding which execution protocols have been concluded are implemented most efficiently, as the implementation of the readmission agreement is described in more detail. As a result, a particular competent institution of the third country is involved in the readmission process, which enables faster execution of transfer of the person without additional formalities.

Successful cooperation on readmission of third-country nationals have been established with the Russian Federation. At present readmission of the third-country nationals is performed by implementing the procedures determined in the Agreement between the European Communities and the Russian Federation on readmission⁸⁵. Although the agreement between the European Communities and the Russian Federation on readmission provides for readmission of the third-country national according to the accelerated readmission procedure,

⁸⁵ Published: Official Journal, L 129/140, 17.05.2007.

currently it is not implemented in practice due to drawbacks of the legal regulation of the Russian Federation.

If the third-country national, who has entered the Republic of Latvia by illegally crossing the state border, has been detained not farther than within 30 kilometres from the borderland area, as well if the fact of illegal trespassing has been established (e.g. footprints of the aforementioned person have been found), transfer of the individual is implemented, based on the agreement between the government of the Republic of Latvia and the government of the Russian Federation on operations of the border officials. This cooperation has to be assessed as a positive practice in readmission of people, who have entered illegally.

By using the possibilities provided by the European Union, the Office of Citizenship and Migration Affairs, within the framework of the European Return Fund and European External Borders Fund has implemented several projects in order to raise qualification of the personnel, introduce new information system and improve the existing one, and the implementation of these projects has increased the quality of the procedures targeted at reducing irregular migration.

Within the program of 2008 of the European Return Fund, the Office of Citizenship and Migration Affairs has implemented the project “Training of Personnel of the Office of Citizenship and Migration Affairs”, within the program of 2009 the project “Language Training of the Personnel of the State Institutions Involved in Return Activities” was implemented and within the program of 2010 – “Foreign Language Training of the Personnel of the State Institutions Involved in Return Activities” in order to teach the foreign language (English, French and Spanish) skills to the personnel involved in return activities with the aim of improving the communication of the employees with diplomatic and consular representations and immigration services of the third countries and to facilitate work with the documents issued by them, as well as in order to improve the communication with persons, who have violated the conditions of entry and stay in the Republic of Latvia.

Within the framework of the European Return Fund a project “Improving Cooperation between Structures Involved in Return Process by Ensuring Availability of Qualitative Data” in order to synchronize the data on the persons, on whom restrictions on entry and stay in the territory of the Schengen Area have been imposed, within the National entry prohibition register (LGM) and Schengen Information System (SIS) and a project “Creation and Development of Digital Archive of Cases of Irregular migrants”, in order to commence development of the digital archive of the files of irregular migrants by providing the necessary equipment and software.

The following projects have been implemented using the possibilities offered by the 2010 program of the European Return Fund: “Creation of the Recording System of the Returned Individuals” that envisages to improve National Entry Prohibition Register and Illegal Migration Register in order to provide unified data processing of returned foreigners, regardless whether the foreigner has been issued with a national prohibition; “Creation and Development of Digital Archive of Cases of Illegal Immigrants” and “Foreign Language Training of the Personnel of the State Institutions Involved in Return Activities”.⁸⁶

Meanwhile the State Border Guard in cooperation with the European Return Fund has implemented projects that include both personnel training and experience exchange seminars.

For example, by inviting experts from Poland, Sweden and the Netherlands, 32 immigration officials received additional information on the best practice of the member states in the area of voluntary return of irregular migrants, application of forced expulsion and execution of the readmission agreements. Meanwhile, as a result of inviting experts from Germany, Spain, Luxembourg, Ireland, Lithuania and Estonia, 30 immigration officials received theoretical information on practical and legal aspects connected with return measures of third-country nationals, including drafting of the return documents, practice of the member states in informing airlines, escorting and action of the escorting officer in cases of emergency situations.

Within the framework of the European Return Fund, the project “Foreign Language Training for Border Guards” has been implemented, which involved improving of their foreign language knowledge in England, France, Spain and studies of Arabic in Latvia.

During implementation of the project “Support to Organizing and Improvement of Expulsion Measures”, measures for forced expulsion of 44 irregular migrants were taken by expelling the third-country nationals to Tunisia, Turkey, Belarus, Ukraine, Tajikistan, Armenia, Moldova, Georgia and Estonia. The conditions of performing service duties of the border guards were improved by purchasing additional equipment for escorting, immunization of the border guards and improving the professional skills of 10 border guards.

Meanwhile, Riga office of the International Organization for Migration facilitates return of the irregular migrants to their countries of origin using the support provided by the European Return Fund. Within the framework of the voluntary return program, the travel expenses of the return of the irregular migrant to the country of origin are covered and reintegration assistance is provided.

⁸⁶ Solidarity Program. - Accessible: http://www.pmlp.gov.lv/lv/par_pmlp/projekti/main.html - [Accessed on 27.09.2011.]

Within the framework of the European External Borders Fund, the Office of Citizenship and Migration Affairs has implemented a project “Provision of the Link of National VIS with the Central VIS” within the program of 2008 with the aim of improving migration process control, supplementing Latvian national Visa Information System, ensuring data exchange with the central Visa Information System of the European Union, as well as training the users.

Meanwhile within the framework of the program of 2009 a project “Development of National VIS by Ensuring its Compliance with the Final Version of the Technical Documentation Provided by the European Committee and Provision of the Required Training to the Users of the System” and the project “Development of the Manual on Best Visa Issuing Practice” were implemented.

Within the framework of the program of 2010, the Office of Citizenship and Migration Affairs has implemented the Project “Development of the National VIS by Ensuring its Compliance with the Final Version of Documentation Provided by the EC”.⁸⁷

The State Border Guard has implemented different projects within the framework of the European External Borders Fund with the aim of upgrading the border crossing sites. A development of the technical project for equipping the spans between the railway border control points with video surveillance systems is currently under way. The general purpose of the project is providing effective and qualitative control of the borders of the Republic of Latvia and external border of the European Union by ensuring internal security and eliminating external threats.

The aim of the project “Continuing Development of the Immigration Liaison Officers Point of the Republic of Latvia, the Republic of Lithuania and the Republic of Estonia in the Republic of Belarus and Georgia” is to contribute to facilitating measures organized by the competent services of the member states in the third countries regarding entrance of third-country nationals into the territories of the member states and cooperation between the member states, including activities of air and immigration liaison officers. As a result of implementing the projects, the establishment of a cooperation coordinator network connected with the security of the external borders of the European Union that will facilitate more productive performance of the work duties related to migration flow control, by representing the interests of the Republic of Latvia, the Republic of Lithuania and the Republic of Estonia, as well as the interests of the European Union on immigration issues, as a result of establishing direct contacts, as well as acquiring, analysis and provision of the required

⁸⁷ Solidarity Program. - Accessible at: http://www.pmlp.gov.lv/lv/par_pmlp/projekti/main.html [Accessed on 27.09.2011.]

information on the issues of preventing and combating irregular migration within the limits of their competence, will be extended and secured.

A joint project of Finland, Latvia, Estonia and Lithuania “Use of Visa Information System and Entry – Exit functionality” was commenced in 2010. The aim of the project is ensuring the link of the State Border Guard electronic information system (REIS) with the Central Visa Information System, as well as upgrading the procedures of the border control and migration control procedures. As a result of its implementation recommendations for devices, procedures and inspections for wholesome use of Central Visa Information System will be developed, as well as equipment will be purchased, changes to the State Border Guard electronic information system (REIS) software and border control/migration procedures will be made and users will be trained.

The State Border Guard and the Office of Citizenship and Migration Affairs plans to continue using the possibilities provided by the European funds as much as possible for improvement of the standards in the area of irregular migration.

6. STATISTICS

Information provided in this chapter describes tendencies in the field of irregular migration. Statistics have been compiled from different sources – directly from the national data providers (the Central Statistical Bureau, the Office of Citizenship and Migration Affairs and the State Border Guard) and the *Eurostat*.

The *Eurostat* collects and compiles the data in accordance with the Regulation No 862/2007 of the European Parliament and of the Council⁸⁸ and data are available since 2008.

In accordance with the Regulation No 862/2007 of the European Parliament and of the Council, statistics on third-country nationals, who have been refused entry at the external borders, who have been found to be illegally present in the member state and who have been issued with an order to leave and returned following an order to leave, statistics are rounded till nearest 5, wherewith in particular cases, it is not possible to evaluate existing tendencies in the field of irregular migration in Latvia.

⁸⁸ Regulation No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community Statistics on Migration and International Protection. - Official Journal, L 199, 31.07.2007, pp. 23-29.

6.1. Statistics

Total number of third-country nationals found to be illegally present in Latvia was influenced when Latvia joined the Schengen Agreement in the 21st December, 2007. Collected statistic shows, that in 2008 the number of third-country nationals found to be illegally present is relatively high and in 2009 it decreased due to the effective operation of the respectful institutions. Also in 2010, the total number continued to decrease.

Since 2005 between the third-country nationals found to be illegally present in Latvia unchangeably are Russians, Moldavians, Ukrainians and Belorussians. As well between the persons found to be illegally present are persons whose nationality is unknown.

Statistical data shows that the foreigners apprehended in the territory of Latvia mainly have reached the lawful age and mainly those foreigners are men.

6.1.1. Third-country nationals found to be illegally present

	2005	2006	2007	2008	2009	2010
Total number of third-country nationals found to be illegally present	307	238	247	310	245	195

Source: (2005-2007) State Border Guard, (2008-2010) Eurostat (data rounded to the nearest 5).

6.1.2. Main 10 countries of citizenship

	2005		2006		2007	
	Name of the country of citizenship	Total	Name of the country of citizenship	Total	Name of the country of citizenship	Total
1.	Moldova	46	Moldova	49	Moldova	50
2.	Ukraine	32	Russia	9	Russia	13
3.	Russia	15	Ukraine	13	Georgia	13
4.	Kazakhstan	7	Belarus	3	Ukraine	8
5.	Uzbekistan	4	Uzbekistan	3	Belarus	3
6.	Belarus	3	Georgia	6	Gana	1
7.	Georgia	2	Pakistan	3	Mongolia	1
8.	Mexico	2	Kazakhstan	1		
9.	Afghanistan	1	Azerbaijan	1		
10.	Sudan	1	Peru	1		

Source: State Border Guard

2008		2009		2010	
Name of the country of citizenship	Total	Name of the country of citizenship	Total	Name of the country of citizenship	Total
1. Russia	70	Russia	55	Russia	55
2. Ukraine	35	Moldova	45	Belarus	25
3. Moldova	30	Afghanistan	20	Kazakhstan	15
4. Uzbekistan	25	Ukraine	15	Ukraine	10
5. Unknown	25	Kazakhstan	10	Uzbekistan	10
6. Bangladesh	15	Gana	10	Afghanistan	10
7. Georgia	15	Azerbaijan	5	Armenia	5
8. Belarus	10	Belarus	5	Georgia	5
9. Armenia	10	Bangladesh	5	Kyrgyzstan	5
10. Syria	10	Iraq	5	Nigeria	5

Source: Eurostat (data rounded to the nearest 5).

6.1.3. Age of migrant found to be illegally present

Age	2008	2009	2010
Fewer than 14 years	-	-	-
From 14 to 17 years	5	10	-
From 18 to 34 years	150	115	130
35 years or over	160	120	65

Source: Eurostat (data rounded to the nearest 5).

6.1.4. Sex of migrants found to be illegally present

Sex	2008	2009	2010
Male	260	170	170
Female	50	75	25

Source: Eurostat (data rounded to the nearest 5).

By 2008 refusals of entry included refusals of entry at the external and internal borders of the European Union, since 2008 only at the internal borders, wherewith amount of the entry refusals has decreased. Hence the data are not comparable. Currently there is no real tendency regarding the number of refused entry at the external borders – in 2009 compared with 2008, the number of refused entries at external borders significantly decreased, but in 2010 it increased again.

Collected statistics on refused entry at the external borders divided by grounds for refusals shows that unchangeably mostly entry have been refused, because foreigner can not present valid visa or residence permit, as well statistics on type of borders shows that mostly entry have been refused on the land borders and borders at airport.

Most frequently entry at the external borders refused to Russians, Ukrainians and Belorussians. It should be mentioned that comparatively often entry refused for Tajikistan's and Kazakhstan's, Kyrgyzstan's as well.

6.1.5. Third-country nationals refused entry at the external borders

	2005	2006	2007	2008	2009	2010
Total number of third-country nationals refused entry	551	1003	1277	875	670	815

Source: (2005-2007) State Border Guard, (2008-2010) Eurostat (data rounded to the nearest 5).

6.1.6. Grounds for refusal

	2007	2008	2009	2010
No valid travel document	50	15	40	25
False/counterfeit/forged travel document	67	10	10	10
No valid visa or residence permit	1060	790	465	555
False visa	-	20	35	25
Purpose and conditions of stay not justified	30	10	65	120
Person already stayed 3 months in a 6-months period	-	-	-	-
No sufficient means of subsistence	1	5	25	60
An alert has been issued	4	25	30	20
Person considered to be a public threat	11	5	-	-

Source: (2007) State Border Guard, (2008-2010) – Eurostat (data rounded to the nearest 5).

6.1.7. Type of borders where refused entry

	2005	2006	2007	2008	2009	2010
Land	348	797	974	630	475	440
Sea	70	72	72	30	15	25
Air	133	134	231	220	185	350
Total	551	1003	1277	880	675	815

Source: (2005-2007) State Border Guard, (2008-2010) Eurostat (data rounded to the nearest 5).

6.1.8. Main 10 countries of citizenship of third-country nationals refused entry

	2005		2006		2007	
	Name of the country of citizenship	Total	Name of the country of citizenship	Total	Name of the country of citizenship	Total
1.	Russia	211	Russia	358	Russia	517
2.	Ukraine	75	Belarus	108	Belarus	202
3.	Belarus	64	Ukraine	91	Kazakhstan	98
4.	India	38	Estonia	65	Kyrgyzstan	93
5.	Moldova	16	Kyrgyzstan	39	Ukraine	82
6.	Kazakhstan	9	India	37	Non-citizens of Estonia	42
7.	Turkey	7	Moldova	36	India	24
8.	Romania	6	Kazakhstan	35	Moldova	23
9.	Morocco	6	Armenia	21	Taiwan	14
10.			Romania	15	Uzbekistan	13

Source: State Border Guard.

Nr.	2008		2009		2010	
	Name of the country of citizenship	Total	Name of the country of citizenship	Total	Name of the country of citizenship	Total
1.	Russia	375	Russia	290	Russia	270
2.	Belarus	130	Belarus	75	Belarus	130
3.	Ukraine	85	Kazakhstan	30	Kazakhstan	90
4.	Turkey	50	Ukraine	30	Tajikistan	35
5.	India	30	Turkey	25	Unknown	35
6.	Moldova	25	Israel	25	Ukraine	25
7.	Stateless person	25	Kyrgyzstan	20	Turkey	20
8.	Kyrgyzstan	20	Afghanistan	15	Kyrgyzstan	20
9.	Israel	15	Tajikistan	15	Georgia	20

Source: State Border Guard.

Since 2008, the total number of third-country nationals to whom decision about the return was issued gradually decreased. It means that persons more often are aware of negative consequences of violations, including a prohibition to enter the entire Schengen Area, foreigners are now trying to comply with the term of their visa or residence permit.

Data shows that foreigners, who have a subject of the decision to return and in fact has left the territory of Latvia most frequently refer to the citizens of Former USSR (Russia, Ukraine, Moldova and Georgia).

6.1.9. Third-country nationals ordered to leave

	2005	2006	2007	2008	2009	2010
Total number of third-country nationals ordered to leave (after being found to be illegally present)	203	207	240	265	220	210

Source: (2005-2007) State Border Guard, (2008-2010) Eurostat (data rounded to the nearest 5).

6.1.10. Main 10 countries of citizenship of third-country nationals ordered to leave

	2005		2006		2007	
	Name of the country of citizenship	Total	Name of the country of citizenship	Total	Name of the country of citizenship	Total
1.	Russia	59	Moldova	42	Moldova	56
2.	Moldova	37	Russia	39	Russia	34
3.	Ukraine	37	Ukraine	20	Ukraine	20
4.	Belarus	9			Georgia	12
5.	Armenia	6			Belarus	7
6.	Iraq	6			Armenia	6
7.	Azerbaijan	5				
8.	Georgia	4				
9.						
10.						

Source: State Border Guard.

	2008		2009		2010	
	Name of the country of citizenship	Total	Name of the country of citizenship	Total	Name of the country of citizenship	Total
1.	Russia	55	Russia	50	Russia	55
2.	Ukraine	55	Moldova	30	Belarus	30
3.	Moldova	20	Ukraine	20	Ukraine	20
4.	Uzbekistan	20	Belarus	15	Georgia	15
5.	Armenia	15	Afghanistan	15	Kazakhstan	15
6.	Georgia	15	Georgia	10	Uzbekistan	10
7.	Bangladesh	10	Syria	10	Afghanistan	5
8.	Azerbaijan	5	Kyrgyzstan	10	Azerbaijan	5
9.	Belarus	5	Armenia	5	China	5
10.	Stateless	5	Azerbaijan	5	Moldova	5

Source: Eurostat (data rounded to the nearest 5).

6.1.11. Third-country nationals returned following an order to leave

	2005	2006	2007	2008	2009	2010
Total number of third-country nationals returned following an order to leave	217	205	235	255	205	190

Source: (2005-2007) State Border Guard, (2008-2010) Eurostat (data rounded to the nearest 5).

6.1.12. Main 10 countries of citizenship of person returned

	2005		2006		2007	
	Name of the country of citizenship	Total	Name of the country of citizenship	Total	Name of the country of citizenship	Total
1.	Russia	59	Moldova	42	Moldova	52
2.	Ukraine	37	Russia	39	Russia	36
3.	Moldova	20	Ukraine	20	Ukraine	21
4.	Belarus	9	Belarus	6	Belarus	12
5.	Iraq	6	Azerbaijan	5	Georgia	12
6.	Armenia	6	Armenia	3	Armenia	6
7.	Azerbaijan	5	Georgia	3	Israel	3
8.	Georgia	5	Kazakhstan	3	Mongolia	2
9.	Uzbekistan	4	ASV	2	Uzbekistan	1
10.	Israel	4	Pakistan	1	Kazakhstan	1

Source: The Office of Citizenship and Migration Affairs.

	2008		2009		2010	
	Name of the country of citizenship	Total	Name of the country of citizenship	Total	Name of the country of citizenship	Total
1.	Russia	80	Russia	50	Russia	60
2.	Ukraine	55	Moldova	35	Belarus	25
3.	Moldova	25	Ukraine	20	Ukraine	20
4.	Uzbekistan	20	Belarus	15	Kazakhstan	15
5.	Armenia	20	Georgia	10	Moldova	5
6.	Georgia	15	Syria	10	Uzbekistan	5
7.	Bangladesh	10	Kyrgyzstan	10	Tajikistan	5
8.	Turkey	5	Armenia	5	Armenia	5
9.	Belarus	5	Azerbaijan	5	Azerbaijan	5
10.	Azerbaijan	5	Afghanistan	5	China	5

Source: Eurostat (data rounded to the nearest 5).

Since in Latvia the number of registered third-country nationals who have applied for asylum is low, data received from the experts of the Office of Citizenship and Migration Affairs is used to describe which country national's asylum applications are more often rejected. Data are concerted with experts, *Eurostat* this data publish rounded till nearest 5.

6.1.13. Third-country nationals whose application for asylum has been rejected

		2005	2006	2007	2008	2009	2010
Total number of third country nationals whose application for asylum has been rejected	In first instance	12	2	24	10	34	27
	Following a final decision	3	8	7	13	12	16

Source: The Office of Citizenship and Migration Affairs.

6.1.14. Sex of migrant whose application for asylum has been rejected

		2005	2006	2007	2008	2009	2010
Applications rejected in the first instance	Male	10	2	23	9	22	25
	Female	2	0	1	1	12	2
	Unknown	0	0	0	0	0	0
Applications rejected in the final decision	Male	3	6	7	13	10	10
	Female	0	2	0	0	2	6
	Unknown	0	0	0	0	0	0

Source: The Office of Citizenship and Migration Affairs.

6.1.15. Main 10 countries of citizenship of applicants whose application has been rejected in the first instance

	2005		2006		2007	
	Name of the country of citizenship	Total	Name of the country of citizenship	Total	Name of the country of citizenship	Total
1.	Somalia	7	Afghanistan	1	Bangladesh	6
2.	Georgia	1	Kyrgyzstan	1	Armenia	4
3.	Russia	1			Mongolia	2
4.	Moldova	1			Russia	2
5.	Japan	1			Belarus	1
6.	Belarus	1			Georgia	1
7.					Gana	1
8.					Kazakhstan	1
9.					Kyrgyzstan	1
10.					Nigeria	1

Source: The Office of Citizenship and Migration Affairs.

	2008		2009		2010	
	Name of the country of citizenship	Total	Name of the country of citizenship	Total	Name of the country of citizenship	Total
1.	Russia	2	Georgia	12	Afghanistan	9
2.	Bangladesh	2	Afghanistan	6	Congo	4
3.	Cuba	2	Syria	5	Uzbekistan	4
4.	Senegal	1	Russia	3	Russia	2
5.	Nigeria	1	Bangladesh	3	Palestine	2
6.	Ukraine	1	Cameron	2	Cameron	1
7.	Azerbaijan	1	Tajikistan	1	Libya	1
8.			Turkey	1	Belarus	1
9.			Eritrea	1	Georgia	1
10.					Morocco	1

Source: The Office of Citizenship and Migration Affairs.

6.1.16. Main 10 countries of citizenship of applicants whose application has been rejected following a final decision

	2005		2006		2007	
	Name of the country of citizenship	Total	Name of the country of citizenship	Total	Name of the country of citizenship	Total
1.	Belarus	1	Somalia	7	Russia	2
2.	Moldova	1	Afghanistan	1	Kazakhstan	1
3.	Japan	1			Georgia	1
4.					Ukraine	1
5.					Kyrgyzstan	1
6.					Palestine	1

Source: The Office of Citizenship and Migration Affairs.

	2008		2009		2010	
	Name of the country of citizenship	Total	Name of the country of citizenship	Total	Name of the country of citizenship	Total
1.	Bangladesh	6	Georgia	3	Georgia	10
2.	Armenia	3	Afghanistan	2	Uzbekistan	3
3.	Gana	1	Cameron	2	Afghanistan	2
4.	Nigeria	1	Syria	2	Palestine	1
5.	Sierra Leone	1	Bangladesh	1		
6.	Azerbaijan	1	Russia	1		
7.			Tajikistan	1		

Source: The Office of Citizenship and Migration Affairs.

6.2. Other Relevant Data

Other relevant data related to the field of illegal migration is collected in this chapter - expulsion costs, costs of trainings and other costs.

6.2.1. Carriers, to whom administrative protocol on the delivery of foreigners to Latvia without valid travel documents was applied

	2008	2009	2010
Total number of carriers	83	71	125

Source: State Border Guard.

6.2.3. Total number of third-country nationals illegally employed

	2005	2006	2007	2008	2009	2010
Total number of third-country nationals illegally employed.	28	131	98	149	27	21

Source: State Border Guard.

6.2.4. Main 10 countries of citizenship of third-country nationals illegally employed

2009		2010	
Name of the country of citizenship	Total	Name of the country of citizenship	Total
Russia	8	Russia	11
USA	3	USA	2
Moldova	2	Canada	2
Belarus	2	Uzbekistan	1
Armenia	2	Moldova	1
Turkey	2	Belarus	1
Georgia	2	China	1
Mexico	2	Afghanistan	1
Lebanon	1	Georgia	1
Nicaragua	1		
Nigeria	1		
Israel	1		

Source: State Border Guard.

6.2.5. Expulsion costs

	2005	2006	2007	2008	2009	2010
Expulsion costs (LVL)	16 025,14	771,36	33 357,90	43 058,-	32 354,-	42025,23

Source: State Border Guard.

6.2.6. Total number of revoked residence permits due to the fact that foreigner has been concluded marriage of convenience

	2009	2010
Total number of revoked residence permits	6	5

Source: The Office of Citizenship and Migration affairs.

6.2.7. Costs of the State Border Guard trainings and other actions regarding illegal migration

Nr.	Project/training	Costs of the Republic of Latvia	EU co-funding	Total costs
2005				
1.	Foreign language training	1 259 197,- EUR		1 259 197,- EUR
2006				
1.	Different types of training (foreign languages, upskilling of pilots, communications experts, etc.)	1 946 269, 40 EUR (including subsistence allowance)		1 946 269, 40 EUR
2007				
1.	Training courses	2 214 763,- EUR		2 214 763,- EUR
2.	A Project "Upgrading of training system of the border guards of the Republic of Latvia according to the requirements of Schengen legislation"	7 601,- LVL	131 636,- LVL (foreign)	139 237,- LVL
2008, 2009				
External Border Fund				
1.	Establishing of a point of immigration liaison officers of the EE, LT and LV in Georgia in 2008.	64 640,- EUR	254 726,- EUR	319 366,- EUR
2.	Establishing of a point of immigration liaison officers of the LV, LT and EE in	25 225,- EUR	98 851,- EUR	124 076,- EUR

	The Republic of Belarus.			
European Return Fund				
3.	Participation of the personnel of institutions competent on the issues of return in events and operations organized by FRONTEX and member states of the European Union.	6 750,- LVL	20 250,- LVL	27 000,- LVL
4.	Experience exchange on exemplary practices in the area of return.	3 062,- LVL	9 187,- LVL	12 249,- LVL
5.	Seminars on legal and practical aspects of the return measures.	1 748,- LVL	5 242,- LVL	6 990,- LVL
6.	Foreign language training for border guards.	32 787,- LVL	98 360,- LVL	131 146,- LVL
2009				
External Border Fund				
1.	Development of the immigration liaison officers' points of the EE, LT and LV in Georgia and Belarus.	34 544,- LVL	190 607,- LVL	225 151,- LVL
European Return Fund				
2.	Participation of the personnel of institutions competent on the issues of return in events and operations organized by FRONTEX and member states of the European Union.	4 744,- LVL	14 232,- LVL	18 976,- LVL
2010				
European Return Fund				
1	Support to organization and streamlining of the expulsion measures.	21 936,- LVL	65 888,- LVL	87 751,- LVL
2.	Seminars, education and training for the personnel of state institutions that are competent in the issues of the return process regarding legal and practical aspects of the return measures.	7 665,- LVL	22 994,- LVL	30 659,- LVL
5.	Office of Citizenship and Migration Affairs in cooperation with the State Border Guard implemented project "Language training	11 420,- LVL	34 262,- LVL	45 682,- LVL

	of the personnel of the institutions competent in the area of return”.			
External Border Fund				
3.	Establishment of the immigration communications officers' points of the EE, LT and LV in Russia.	28 203,- EUR	157 434,- EUR	185 637,- EUR
4.	Continuation of development of the immigration communications officers' points of the EE, LT and LV in Georgia and Belarus.	49 151,- EUR	271 210,- EUR	320 361,- EUR

Source: State Border Guard.

7. CONCLUSIONS

Beneficial institutional cooperation and distribution of competences among institutions has been established in the Republic of Latvia. The fact that the competence of the State Border Guard includes control of the conditions of entry, stay and exit of the foreigners both on the border and within the territory of the Republic of Latvia, ensures continuous monitoring of the immigrant flow.

The set of measures for the reduction of irregular migration before entry of the immigrants and during their stay that are enforced by the responsible institutions has provided a considerable reduction in the number of irregular migrants detained within the territory of the country (from 310 people in 2008 to 195 people in 2010).

Inspection of the submitted documents before issue of visas and residence permits, as well as interviewing the applicants for visas and residence permits has a significant role.

An effective measure for the reduction of irregular migration is the operation of the communications officers of the State Border Guard in the third countries, by providing consultations on questions of issuing visas, interviewing visa applicants from the countries of high immigration risk, checking the correctness of the data provided in the available data bases, as well as providing telephone consultations on the conditions of crossing the Latvian border and cooperating with the airlines.

Risk analysis and identification of irregular migration routes is a noteworthy instrument for the reduction of irregular migration, as well as facilitates cooperation with other countries and international organisations.

Participation of the State Border Guard in the work of international organisations, as well as use of the equipment and devices acquired within the framework of the European Union projects, has left a positive influence on the capacity of the State Border Guard to protect the state borders. The security of the state border has been efficiently raised by upgrading technical equipment as well as raising the qualification of the responsible officials.

One of the reasons for successful reduction of illegal employment of immigrants is monitoring of the immigrants after their entry into the country by inspections at different objects that are performed by the responsible institutions in order to detect individuals, who reside in the state illegally or individuals, who are employed illegally.

As the proportion of forged personal identification documents and visas is still high, the State Border Guard must continue its cooperation with the Latvian diplomatic and consular representations abroad, as well as the border control and immigration control

services of the respective states in order to detect forged documents that are submitted with the aim of illegal entry into the European Union.

Considering the positive experience, it is essential to develop the institute of the communications officers abroad in addition to the existing points of communications officers by establishing points of the communications officers in the states of origin of irregular migration or irregular migration transit countries in the future.

The State Border Guard has to continue work on concluding enforcement protocols with the countries with which European Union readmission agreements have been concluded, as well as to take measures for the complete implementation thereof in cooperation with third countries.

Considering the fact that the costs of expulsion of irregular migrants have considerably increased during recent years, it is important to facilitate the voluntary return of irregular migrants by expanding support to assisted voluntary return programs.

As the existence of marriage of convenience is difficult to prove, introduction of amendments to the normative acts in order to define marriages of convenience, as well as to facilitate inter-institutional cooperation are necessary in order to detect the cases when an individual has concluded such a marriage with the aim of receiving a residence permit with the aim of family reunification.

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