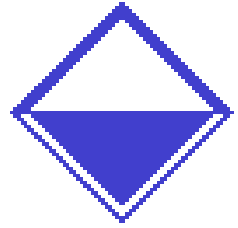




**EUROPEAN MIGRATION NETWORK  
LATVIAN CONTACT POINT**

A network diagram consisting of several blue circular nodes connected by yellow lines. One central node is highlighted in green. The diagram is set against a light blue diamond-shaped background.

**POLICY ANALYSIS REPORT  
ON ASYLUM AND MIGRATION:  
LATVIA 2007**

**June 2008, Riga**

The Office of Citizenship and Migration Affairs is  
Latvian contact point of the European Migration network

Authors of the report:  
Māra Peipiņa un Ilze Siliņa-Osmāne

Reviewers:  
Iveta Muceniece, Director of European Affairs and International Cooperation Department  
Ilze Briede, Head of Migration Policy Division  
Līga Vijupe, Director of Refugee Affairs Department

Contacts:  
Čiekurkalna 1.line 1, B-3  
Rīga, Latvia, LV-1026  
Phone: +371 67219515  
Fax: +371 67219431  
E-mail: [coordination@pmlp.gov.lv](mailto:coordination@pmlp.gov.lv)  
Web: [www.pmlp.gov.lv](http://www.pmlp.gov.lv)

## TABLE OF CONTENTS

EXECUTIVE SUMMARY	4
1. POLITICAL DEVELOPMENTS IN LATVIA	5
1.1. GENERAL STRUCTURE OF THE POLITICAL SYSTEM	5
1.2. GENERAL POLITICAL DEVELOPMENTS	5
1.3. INSTITUTIONAL DEVELOPMENTS	7
2. POLICY AND LEGISLATIVE DEVELOPMENTS IN THE AREA OF MIGRATION AND ASYLUM	8
2.1. GENERAL STRUCTURE OF THE LEGAL SYSTEM	8
2.2. OVERVIEW OF THE MAIN POLICY AND LEGISLATIVE DEBATES	8
2.3. POLICY AND LEGISLATIVE DEVELOPMENTS	11
2.3.1. REFUGEE PROTECTION AND ASYLUM	11
2.3.2. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS	12
2.3.3. CONTROL AND MONITORING OF IMMIGRATION	12
2.3.4. OTHER LEGAL MIGRATION	16
2.3.5. CITIZENSHIP AND NATURALIZATION	16
2.3.6. INTEGRATION	17
2.3.7. ILLEGAL MIGRATION	18
3. IMPLEMENTATION OF EUROPEAN UNION LEGISLATION	19
METHODOLOGY	27
THE LIST OF USED LITERATURE AND SOURCES	28

## EXECUTIVE SUMMARY

The Policy report on the migration and asylum situation in Latvia in the year 2007 gives the overview on development and changes of policy and legislation of migration and asylum in Latvia in the year 2007.

This Policy report is the second overview prepared by Office of Citizenship and Migration Affairs as Latvian contact point of the European Migration Network. The Policy report on the migration and asylum situation in Latvia in the year 2006 can be found and downloaded on the external webpage of Office of Citizenship and Migration Affairs - [www.pmlp.gov.lv](http://www.pmlp.gov.lv).

The purpose of this report is to disclose the major political changes in the field of migration and asylum in Latvia. The report has two principal objectives – to document in comparative perspective the situation of European legislation and effect of European political events in Latvia and also to describe the progress of national legislation and administrative practice, as well as political and public debates in the field of migration and asylum

The research is developed on the basis of specifications and structure produced by European Commission and adopted by national contact points of the European Migration Network.

According to the Council Decision of 14 May 2008 establishing a European Migration Network (2008/381/EC)<sup>1</sup> the objective of the European Migration Network shall to be meet the information needs of Community institutions and of Member States' authorities and institutions on migration and asylum, by providing up-to-date, objective, reliable and comparable information on migration and asylum, with

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<sup>1</sup> Council Decision of 14 May 2008 establishing a European Migration Network (2008/381/EC), Official Journal of the European Union, 21.05.2008., L 131, p. 7 – 12

a view to supporting policymaking in the European Union in these areas.

The following contact points of Member States involved in the European Migration Network are also taking part in the development of this Policy report besides Latvia: Austria, Belgium, Estonia, Germany, Ireland, Netherlands, Portugal, Romania, Slovenia, Spain and United Kingdom. The results of summaries of the contact points of the states involved in the development of the report will be summarized in the synthesis report by performing comparison to define tendencies and monitor the political events in the field of migration and asylum in the European Union. The synthesis report provisionally will be published in the last quarter of the year 2008.

In the first section of this report the political progress in the field of migration and asylum in Latvia is examined, including the general structure of the political system, major political and institutional changes.

In the second section the fulfillment of policy and legislation in the field of migration and asylum in Latvia is examined, including the general structure of the legal system, as well as progress of policy and legislation and changes in national legislation.

In the third section the progress of adoption of legislation of the European Union into national legislation and administrative practice is examined.

In the Annex of the report the work methodology is described: methods used for information determination and choosing of information sources, the authorities, which gave the support in obtaining and summarization of information are mentioned, as well as the problems faced, when performing the information analysis are described.

The total volume of the work is 30 pages.

## **1. POLITICAL DEVELOPMENTS IN THE AREA OF MIGRATION AND ASYLUM IN LATVIA**

In this section the structure of the political system, major political changes in the field of migration and asylum in the year 2007 in Latvia that influenced the political space of Latvia, as well as institutional changes are examined and described.

### **1.1. General Structure of the Political System**

The Policy report on the migration and asylum situation in Latvia in the year 2006 gave the detailed overview on the structure of the political system of Latvia in the field of migration and asylum, therefore in this report the structure of the political system will not be repeatedly disclosed, because in the year 2007 the structural changes in the institutions responsible for migration and asylum in Latvia did not happen.

The Policy report on the migration and asylum situation in Latvia in the year 2006 can be found and downloaded on the external webpage of Office of Citizenship and Migration Affairs - [www.pmlp.gov.lv](http://www.pmlp.gov.lv).

Similarly for the year 2006, in the year 2007 the Ministry of the Interior is the state administration institution in the field of internal affairs, where one of subfields is migration, which also develops and implements the policy in the field of migration. Besides the Ministry of the Interior the Ministry of Foreign Affairs, Ministry of Welfare, Ministry of Economics, The Secretariat of the Special Assignments Minister for Social Integration Affairs and the Naturalisation Board are also dealing with questions of migration and asylum. The mentioned institutions of state administration within their competence are mutually cooperating to realize the principles of good governance.

### **1.2. General Political Developments**

In the 2007 in Latvia has happened two political changes what substantially have affected the political space: the reelection of the president of the Republic of Latvia and the resignation of the government of Prime Minister Aigars Kalvītis.

On July 7, 2007 second term of presidency of the President of Latvia Vaira Vīķe-Freiberga (1999-2007) came to the end and on May 31, 2007 Saeima have elected new

president of the Republic of Latvia – Valdis Zatlers, who began to perform the duties of president on July 8, 2007<sup>2</sup>.

On December 5, 2007 the President of the State Valdis Zatlers accepted the resignation of the Prime Minister A.Kalvītis. A.Kalvītis till this moment was the only President of Ministers, who kept his appointment also after the election of Saeima. He was more than 1000 days in the post of Head of the Government. Kalvītis managed the government since the December 2, 2004.<sup>3</sup> The resignation of the President of Ministers A.Kalvītis was essentially affected by active protests of the inhabitants of Latvia against the release of the Head of the Corruption Prevention and Combating Bureau Aleksejs Loskutovs.

On December 20, 2007 in the Saeima accepted the new-made government of Ivars Godmanis.<sup>4</sup> He is the representative of the First Party of Latvia/Latvia's Way and until the confirmation for the post of the President of Ministers I.Godmanis were Minister of the Interior. The new government is made by rightwing-centered coalition of four parties - "People's Party" („Tautas partijas”), „The Union of Latvian Greens and Farmers Party” („Zaļo un Zemnieku savienības”), „First Party of Latvia/Latvia's Way” („Latvijas Pirmās partijas”/„Latvijas Ceļa”) and „For the Fatherland and Freedom/Latvian National Independence Movement” („Tēvzemei un brīvībai”/„LNNK”).<sup>5</sup> Four new Ministers have joined to the new-made government – Minister of Economics Kaspars Gerhards, Minister of Education and Science Tatjana Koķe, Minister of Health Ivars Eglīts and Minister of Interior Mareks Segliņš.

New Minister of the Interior M.Segliņš represents People's Party. M.Segliņš managed the Ministry of Interior also from 1999 till 2002.

Majority of Ministers have maintained their posts from previous government managed by President of Ministers A.Kalvītis: Minister of Foreign affairs, Minister of Children and Family Affairs, Minister of Culture, Minister of Regional Development and Local Government, Minister of Transport, Minister of Justice, Minister of Environment, Minister of Agriculture, Special Assignment Minister of Electronic Government Affairs, Special Assignment Minister of Social Integration, Special Assignment Minister for Administration of European Union Funds. Two Ministers previously have managed ministries of other fields,

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<sup>2</sup> The Statement that Valdis Zatlers is elected for a Sate President, Latvia Herald No 88, 01.06.2007.

<sup>3</sup> “Kalvītis gives a retirement letter”, LETA, daily newspaper “Diena” 05.12.2007., see [http://www.ldiena.lv/lat/business/hotnews/legislation/kalviitis\\_iesniedz\\_demisijas\\_rakstu](http://www.ldiena.lv/lat/business/hotnews/legislation/kalviitis_iesniedz_demisijas_rakstu)

<sup>4</sup> December 20, 2007 Shorthand record, Latvia Herald No 208, 29.12.2007.

<sup>5</sup> The Declaration on the planned actions of the Cabinet of Ministers conducted by Ivars Godmanis, see [www.mk.gov.lv/lv/mk/darbibu-reglamentejosie-dokumenti/deklaracija/](http://www.mk.gov.lv/lv/mk/darbibu-reglamentejosie-dokumenti/deklaracija/)

but in the government of I.Godmanis A.Slakteris manages the Ministry of Finance and Vinets Veldre manages the Ministry of Defense<sup>6</sup>.

### 1.3. Institutional Developments

On May 15, 2007 the new structural unit is established under the Ministry of the Interior – **Planning, Coordination and Control Department**<sup>7</sup> (further – the Department), which objective is to develop the internal policy in the field of public order and security, border guarding, border control and illegal migration, fire fighting and rescue, citizenship and migration, to coordinate and control it's implementation<sup>8</sup>.

The Department has the following functions:

- to develop the internal policy in the field of public order and security, border guarding, border control and illegal migration, fire fighting and rescue, citizenship and migration;
- to coordinate and control the implementation of internal policy in the field of competence of the Department, as well as in field of control of narcotics and reduction of spread of illegal narcotics;
- to ensure the unified approach in development of ministerial policy planning and operative strategy documents and their actualization in institutions subordinated to the ministry;
- to ensure the work of the Secretariat of the Council of Coordination of Narcotics' Control and Limitation of Drug Addiction.

The structure of the Department consists of Planning Division; Border guarding, Border Control and Illegal Migration Affairs Coordination Division, Fire Fighting and Rescue Affairs Coordination Division, Citizenship and Migration Affairs Coordination Division and Public Order and Security Affairs Coordination Division.

The functions of Border guarding, Border Control and Illegal Migration Affairs Coordination Division of the Department as well as of Citizenship and Migration Affairs Coordination Division are to coordinate and control the implementation of the internal policy and ensure the cooperation with other institutional units of the ministry and subordinated institutions.

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<sup>6</sup> Structure of the Cabinet of Ministers, see [www.mk.gov.lv/lv/mk/sastavs/](http://www.mk.gov.lv/lv/mk/sastavs/)

<sup>7</sup> Structure scheme of the Ministry of Interior, see [http://www.iem.gov.lv/iem/images/modules/items/item\\_file\\_4077\\_iem-struktura.pdf](http://www.iem.gov.lv/iem/images/modules/items/item_file_4077_iem-struktura.pdf)

<sup>8</sup> The Regulations of the Planning, Coordination and Control Department of the Ministry of the Interior of the Republic of Latvia No 61, 18.12.2007., see [www.iem.gov.lv/images/modules/items/reglamenti/PKKD%20reglaments%2007.pdf](http://www.iem.gov.lv/images/modules/items/reglamenti/PKKD%20reglaments%2007.pdf)

## **2. POLICY AND LEGISLATIVE DEVELOPMENTS IN THE AREA OF MIGRATION AND ASYLUM**

In this section the general structure of the legal system, major discussions on the fulfillment of policy and legislation, as well as progress of policy and legislation and changes in national legislation is examined.

### **2.1. General Structure of the legal system**

The Policy report on the migration and asylum situation in Latvia in the year 2006 already has the detailed overview of legal system in the field of migration and asylum. This Policy report can be found and downloaded on the external webpage of Office of Citizenship and Migration Affairs - [www.pmlp.gov.lv](http://www.pmlp.gov.lv).

In the year 2007 the legal system in the field of migration and asylum has not substantially changed. To ensure the execution of migration policy according to rules of international law and state interests of Latvia, the *Immigration Law*<sup>9</sup> and its subordinate regulations of the Cabinet of Ministers still define the procedure of entry, residence, transit, departure and detention of a foreigner, as well as procedure according to which the foreigner is held in guard in the Republic of Latvia and is expelled from it. The *Asylum Law*<sup>10</sup> and its subordinate regulations of the Cabinet of Ministers ensure the rights of the persons to receive the asylum in the Republic of Latvia, the refugee's status, temporary protection or alternative status.

### **2.2. Overview of the Main Policy and Legislative Debates**

As it was mentioned in subsection 1.2., on December 20, 2007 the newly established government of I.Godmanis was approved in Saeima, which according to Article 5 of the "Law on the Structure of the Cabinet of Ministers"<sup>11</sup> and point 1 of the Article 27 of the Law "Rules of the Parliamentary Procedure"<sup>12</sup> of July 28, 1994 have developed the governmental declaration, which defines the working priorities and objectives of the government.

Comparing the main objectives and tasks of the Declaration of the Cabinet of Ministers of I.Godmanis with the main objectives and tasks of the previous government

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<sup>9</sup> Immigration Law, Latvia Herald No 169, 20.11.2002.

<sup>10</sup> Asylum Law, Latvia Herald No 48, 27.03.2002.

<sup>11</sup> Structure of the Cabinet of Ministers Law, Latvia Herald No 64, 11.04.2002.

<sup>12</sup> Saeima Procedure Scroll, Latvia Herald No 96, 18.08.1994.

declaration, the migration affairs have not lost their topicality also in current declaration. In this government declaration the migration is more related to questions of employment. Namely, the actions, which have to be performed to solve the employment problems in Latvia, are stipulated, because in Latvia the residents' emigration to other states of the European Union is still important, in the result of which the economics of Latvia increasingly feels the lack of work force.

The government declaration lays stress that summarizing the objective balance of lack of work force in national economy and individual economic sectors, government has to work out and implement new balanced migration and employment policy and in case of a reasonable necessity has to define the quotes for fixed-term employment in individual sectors from states, who will have the signed bilateral agreement with Latvia on the mutual migration conditions.

Moreover, government is planning to work out a programme, the objective of which will be not to allow the increasing of number of social immigrants in Latvia, who will be more interested in possibilities to use the social allowances, promises to ensure changes in legal enactments, which regulate Labour law and develop a wide information campaign to encourage the labour force mobility, as well as return from economical emigration abroad, simultaneously providing the protection of rights of employees and employers.

Furthermore, government is planning to ensure the wholesome control of the external border of the European Union by implementing and executing the requirements of the Schengen Agreement, as well as to improve the work of the border control points, focusing on the further development of their infrastructure. State Border Guard service is restructured, which by joining to the Schengen area does not permit illegal immigration and arrival of illegal guest workers into the country<sup>13</sup>.

Also in the year 2007 the active work with the Concept on migration policy for employment<sup>14</sup> began in 2006 was in progress. We would like to remind, that in 2006 the interinstitutional working group is established, which consists of representatives of the Ministry of the Interior, Ministry of Economics, Ministry of Finance, Ministry of Welfare, Ministry of Foreign Affairs, Ministry of Justice, the Secretariat of the Special Assignments Minister for Social Integration Affairs, as well as Free Trade Confederation Union of Latvia and Employers' Confederation of Latvia with the aim "to evaluate the necessity of

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<sup>13</sup> The Declaration on the planned actions of the Cabinet of Ministers conducted by Ivars Godmanis, see [www.mk.gov.lv/lv/mk/darbibu-reglamentejosie-dokumenti/deklaracija/](http://www.mk.gov.lv/lv/mk/darbibu-reglamentejosie-dokumenti/deklaracija/)

<sup>14</sup> Conception for a migration policy with a view to employment, see [www.pmlp.gov.lv/?\\_p=70&news\\_id=1111&news\\_pos=0&menu\\_id=70](http://www.pmlp.gov.lv/?_p=70&news_id=1111&news_pos=0&menu_id=70)

encouraging of reception of third country nationals in Latvia for the employment purpose and to work out the possible solutions of increase of supply of labour in the situation, when substantial lack of labour, which unfavorably influence the rates of economical growth, is established”.

Unfortunately, this concept has a contradictory assessment in public, because according to made public opinion surveys the negative attitude to importation of guest workers to the labour market of Latvia is observed<sup>15</sup>.

Disagreement concerning the concept is also observed between the representatives of the government. Namely, Minister of Justice Gaidis Berzins and Minister for Special Assignments for Administration of European Union Funds Normunds Broks considered that measures planned in concept concerning the opening of labour market of Latvia for nationals of the third countries are unconsidered short-term solution that in long-term can causes unwanted social, ethnic and economical consequences. Both ministers laid stress that consideration needed on involving of unused labour resources to the labour market from those districts of Latvia, where the level of unemployment is still high and on measures to encourage the return of citizens working in emigration to Latvia<sup>16</sup>.

The researchers of the Centre for Public Policy *Providus*<sup>17</sup> consider, that majority of Latvian inhabitants are worried about the lack of knowledge of Latvian language between foreigners. The researchers have proposed a solution that could clear the concerns of Latvian inhabitants by introducing in legislation the requirements for foreigners to study Latvian, because researchers consider, that it is essential to know, how the Latvian state is operating, what is its history. In other words, the government directly has the power to make such integration policy of immigrants, which would reduce the social isolation and risks of social problems of new inhabitants' groups<sup>18</sup>.

In its turn, Employers' Confederation of Latvia noted, that only the financial impact on the state budget of migration problems' solutions that arises from reducing of separate administrative expenses of employers, which results from involving of labour from third countries is indicated in the draft concept. The concept **mentions the losses** in state budget

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<sup>15</sup> The most actual aspects of the public integration, questioning of the Latvian inhabitants, Marketing and public opinion research centre SKDS, November 2007, see [www.integracija.gov.lv/doc\\_upl/atskaite\\_integracija\\_2\\_07.doc](http://www.integracija.gov.lv/doc_upl/atskaite_integracija_2_07.doc)

<sup>16</sup> The TB/LNNK ministers will vote against the Conceptions on a migration policy on employment context confirmation, see [www.tm.gov.lv/lv/jaunumi/tm\\_info.html?news\\_id=1744](http://www.tm.gov.lv/lv/jaunumi/tm_info.html?news_id=1744)

<sup>17</sup> Centre for public policy Providus, [www.providus.lv](http://www.providus.lv)

<sup>18</sup> D.Akule, Dr.R.Kaša, Recipe for the immigration integration, see [www.politika.lv/index.php?id=14402](http://www.politika.lv/index.php?id=14402)

from separate duties, but does **not projects the income** growth from the payments of state taxes of the potential labour and increase of business activities<sup>19</sup>.

During the year 2007 the concept was repeatedly included into the agenda of the sessions of the Cabinet of Ministers, but its examination has always been postponed, as the questions discussed in the concept partially are covered by the immediate activities of the first 100 days<sup>20</sup> of the newly created government of the President of Ministers I. Godmanis that is why it is to be expected, that the concept will not be moved forward.

## 2.3. Policy and Legislative Developments

### 2.3.1. Refugee Protection and Asylum

In the year 2007 the active work continued on the new *Asylum Law*, which was announced on the Meeting of State Secretaries on September 14, 2006. The draft law "Asylum Law" was adopted in Saeima in first reading on **October 4, 2007**. The new law will ensure the implementation of several directives of the European Union, therefore making the basis for perfection of the conformed, effective and persons' rights' ensuring asylum system in Latvia.

In the new law, which came into being by improving of the Asylum Law in force, the obligatory standards are stipulated for qualifying the nationals of the third countries or stateless persons as refugees or as persons, who in other way needs the international protection, as well as for defining of his status and the content of the imparted protection. The law also introduces the provisions of the European Council on the minimal standards concerning the procedures of Member States, which imparts or deprives the refugee status. It is planned, that in cases, when the decision is made on the acceptance of the asylum application for examination, it can be also examined in shortened terms<sup>21</sup>.

After the examination of the draft law in Saeima in the second reading, that provisionally could happen on **May 30, 2008**, the development of regulations of the Cabinet of Ministers could begin to execute the delegation provided for in the new *Asylum Law*.

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<sup>19</sup> Whether wind of changes blows in a correct direction or how Latvia migration policy will change, see [www.lv.lv/index.php?menu\\_body=DOC&menu\\_left=LAIIDIENS&fp\\_laidiens=5098&fp\\_dala=&fp\\_sadala=&fp\\_rubrika=&id=152358&PHPSESSID=7d82f444214d94ced3226de5f31e3c](http://www.lv.lv/index.php?menu_body=DOC&menu_left=LAIIDIENS&fp_laidiens=5098&fp_dala=&fp_sadala=&fp_rubrika=&id=152358&PHPSESSID=7d82f444214d94ced3226de5f31e3c)

<sup>20</sup> Godmanis pull out more than 100 works as urgent, see [http://www.lv.lv/index.php?fp\\_izdevums=493&mode=TEMA&menu\\_left=TEMA&action=1&id=169661](http://www.lv.lv/index.php?fp_izdevums=493&mode=TEMA&menu_left=TEMA&action=1&id=169661)

<sup>21</sup> A new law on asylum is accepted, see [http://www.pmlp.gov.lv/?\\_p=30&news\\_id=1117&news\\_pos=80&menu\\_id=25](http://www.pmlp.gov.lv/?_p=30&news_id=1117&news_pos=80&menu_id=25)

**On February 24, 2007** the regulations of the Cabinet of Ministers No 134 of February 20, 2007 „Amendments of the regulations of the Cabinet of Ministers No 29 of January 20, 2003 „Procedure of expulsion of the person from the Republic of Latvia, when the decision is made on this person to refuse to grant the status the refugee, as well as the alternative status”” came into force<sup>22</sup>. Amendments are made to replace the name of the institution, which is responsible for examination of complaints on the decisions made by Office of Citizenship and Migration Affairs (1st instance of the asylum procedure) on refusal to grant the status of refugee or the alternative status, accordingly to Amendments of Asylum Law, which were adopted on June 7, 2006. With the abovementioned amendments the functions of the Council of Appellation of Refugee Cases were assigned to Administrative district court.

### **2.3.2. Unaccompanied Minors and Other Vulnerable Groups**

**On July 19, 2007** the *Amendments of Immigration Law*<sup>23</sup> came into force, which supplemented Immigration Law with rules on detained foreign minors and the procedure for their reception.

Other articles of the amendments foresee the procedure of reception and discharge of detained foreigners, as well as the procedure of reception and discharge of detained foreigners, who are from 14 to 18 years old. The financial expenses, which linked to the compulsory expulsion of the foreigner and his/her transfer, are also stipulated in the amendments.

### **2.3.3. Control and Monitoring of Immigration**

When preparing to become the Member State of the Schengen Agreement, Latvia had to make the appropriate amendments in the Immigration Law for fulfilling of Schengen acquis requirements by Latvia.

**On February 17, 2007** the regulations No 107 “Regulations on procedure of verification of available information, when examining the documents of foreigner’s visa or

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<sup>22</sup> The regulations of the Cabinet of Ministers No 134 of February 20, 2007 „Amendments of the regulations of the Cabinet of Ministers No 29 of January 20, 2003 „Procedure of expulsion of the person from the Republic of Latvia, when the decision is made on this person to refuse to grant the status the refugee, as well as the alternative status, Latvia Herald No 33, 23.02.2007.

<sup>23</sup> Amendments to the Immigration Law, Latvia Herald No 107, 05.07.2007.

residence permit requirement”<sup>24</sup> adopted by the Cabinet of Ministers on its meeting on February 13, 2007 came into force. These regulations define the procedure according to which the verification of available information is made on the subject if the entry of the foreigner will not make threat for state security, public order and safety, as well as responsible institutions, who verify this information. The regulations of the Cabinet of Ministers improve the cooperation between the authorities involved into control of migration process and optimize the visa issuance process in general, as well as promote the possibility to prevent entering and staying of terrorism set foreigners in the Republic of Latvia.

**On March 10, 2007** the regulations No 162 “Amendments of the regulations of the Cabinet of Ministers No 217 of April 29, 2003 “Visa regulations””<sup>25</sup> adopted by the Cabinet of Ministers on its meeting on March 6, 2007 came into force. New regulations facilitate visa issuance to foreigners, who enter the Republic of Latvia for business purposes. To facilitate and simplify visa issuance the expiry date of invitation is extended from three to six months. The expiry date of the photography of the visa claimer is extended (expiry dates are differentiated for persons by age groups). In other turn, for those foreigners, who used their previous multiple entry visas according to provisions of legal enactments, next multiple entry visa could be issued with the term till two years.

**On June 16, 2007** the regulations No 383 “Amendments of the regulations of the Cabinet of Ministers No 183 “Procedure of validation of invitations””<sup>26</sup> adopted by the Cabinet of Ministers on its meeting on June 12, 2007 came into force, which supplement the existing regulations with the rule, which serves as the basis not to validate the invitation for entry of the foreigner into Latvia and this is, when the received information does not indicate the sustainable linkage of the foreigner with his country of origin, and there is basis to consider, that a foreigner will create a risk of illegal immigration.

**On July 19, 2007** the *Amendments of Population Register Law* adopted by Saeima on June 21, 2007 came into force. The main task of the register is to ensure the record keeping of citizens of Latvia, non-citizens of Latvia, as well as of persons received the residence permit, registration card or permanent residence permit by entering and actualizing data of these

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<sup>24</sup> The Regulations of the Cabinet of Ministers No 107 “Regulations on procedure of verification of available information, when examining the documents of foreigner’s visa or residence permit requirement”, Latvia Herald No 28, 16.02.2007.

<sup>25</sup> The Regulation of the Cabinet of Ministers No 162 “Amendments of the Regulations of the Cabinet of Ministers No 217 of April 29, 2003 “Visa Regulations””, Latvia Herald No 41, 09.03.2007.

<sup>26</sup> The Regulations of the Cabinet of Ministers No 383 “Amendments of the Regulations of the Cabinet of Ministers No 183 “Procedure of validation of invitations””, Latvia Herald No 96, 15.06.2007.

persons in the Register in the order stated by the law<sup>27</sup>. The Amendments of the Population Register Law are made to technically clarify the law, to conform the terminology used in the law concerning the minors' definition with Protection of the Rights of the Child Law<sup>28</sup>, Administrative Procedure Law<sup>29</sup> and the Civil Law.

**On July 19, 2007** the *Amendments of Immigration Law*<sup>30</sup> came into force, which allows in case of need to introduce the actions, which would restrict the access of citizens of Bulgaria and Romania to the labour market of Latvia.

**On September 1, 2007** *Schengen Information System Processing Law*<sup>31</sup>, which was adopted in Saeima on June 14, 2007 came into force. The objective of the law is to ensure the use of Schengen Information System for the purpose of strengthening of public order and security in the Member States of Schengen Agreement. The law defines the procedure of maintenance and using of Schengen Information System and SIRENE Information System in Latvia, the responsible institutions and authorities responsible for ensuring of their processing, as well as the functions of mentioned institutions and authorities.

**On October 5, 2007** the regulations No 622 "Procedure on request and issuance of information on data subject, which is stored in Schengen Information System and SIRENE Information System"<sup>32</sup> adopted by the Cabinet of Ministers on its meeting on September 11, 2007, which are passed according to part two of the Article 18 of the Schengen Information System Processing Law, came into force. The Regulations define the procedure according to which the person–data subject request information on himself and the receiver of his personal data, which is stored in Schengen Information System and SIRENE Information System and the procedure of issuance of such information.

**On October 5, 2007** the regulations No 639 "Procedure on entering, correcting and extinguishing of the notifications in the Schengen Information System, as well as ensuring the availability of additional information to SIRENE Latvia Bureau, and procedure on how the

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<sup>27</sup> Amendments of Population Register Law, Latvia Herald No 107, 05.07.2007.

<sup>28</sup> Protection of the Rights of the Child Law, Latvia Herald No 199/200, 08.07.1998.

<sup>29</sup> Administrative Procedure Law, Latvia Herald No 164, 14.11.2001.

<sup>30</sup> Amendments of Immigration Law, Latvia Herald No 107, 05.07.2007.

<sup>31</sup> Schengen Information system Processing Law, Latvia Herald No 102, 27.06.2007.

<sup>32</sup> The Regulations of the Cabinet of Ministers No 622 "Procedure on request and issuance of information on data subject, which is stored in Schengen Information System and SIRENE Information System", Latvia Herald No 160, 04.10.2007.

institutions and authorities exchange the additional information”<sup>33</sup> adopted by the Cabinet of Ministers on its meeting on September 18, 2007, which defines the procedure on how the notifications are entered into the system and ensure additional information and exchange, as well as, which information to be included into the notification on person, object and document.

**On November 1, 2007** the draft regulations of the Cabinet of Ministers “Regulations on the procedure on verification of available information, when examining the documents of a foreigner requirement for visa or residence permit”<sup>34</sup> prepared by Ministry of the Interior has been announced on the Meeting of State Secretaries. The draft regulations foresees additional verification procedures and terms, which has to be taken into account, when issuing visas, which are valid in the Republic of Latvia, as well as visas, which will be valid in other Member States of the Schengen Agreement.

**On November 3, 2007** the regulations No 723 “Amendments of the regulations of the Cabinet of Ministers No 149 of February 14, 2006 “Regulations on countries for citizens of which additional verification has to be performed, when issuing visa or residence permit, as well as when visa is necessary to enter the Republic of Latvia in the status of the passenger of the cruise ship”<sup>35</sup> adopted by the Cabinet of Ministers on its meeting on October 30, 2007. The changes are made in the list of countries in the regulations of the Cabinet of Ministers, which citizens should be verified additionally. Additional verifications are defined also for foreigners, who received the status of a stateless person or a refugee status. Additional verification is made by Security Police and Constitution Protection Bureau.

**At the end of the year 2007** the work is began on working out of new regulations of the Cabinet of Ministers „Visa regulations”, which are being developed, according to the requirements of the Schengen acquis on visa issuance procedure.

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<sup>33</sup> The Regulations of the Cabinet of Ministers No 639 “Procedure on entering, correcting and extinguishing of the notifications in the Schengen Information System, as well as ensuring the availability of additional information to SIRENE Latvia Bureau, and procedure on how the institutions and authorities exchange the additional information”, Latvia Herald No 160, 04.10.2007.

<sup>34</sup> The draft regulations of the Cabinet of Ministers “Regulations on the procedure on verification of available information, when examining the documents of a foreigner requirement for visa or residence permit”, see <http://www.mk.gov.lv/lv/mk/tap/?dateFrom=2007-02-07&dateTo=2008-02-07&text=pieejam%C4%81s+inform%C4%81cijas+p%C4%81rbaude&org=0&area=0&type=0>

<sup>35</sup> The Regulations of the Cabinet of Ministers No 723 “Amendments of the regulations of the Cabinet of Ministers No 149 of February 14, 2006 “Regulations on countries for citizens of which additional verification has to be performed, when issuing visa or residence permit, as well as when visa is necessary to enter the Republic of Latvia in the status of the passenger of the cruise ship””, Latvia Herald No 177, 02.11.2007.

#### **2.3.4. Other legal migration**

On September 25, 2006 in Ottawa the Agreement between the Government of the Republic of Latvia and the Government of Canada Concerning Exchange of Young Citizens has been signed, to promote the closer cooperation between Latvia and Canada. The aim of the Agreement is to promote the mobility and exchange of young citizens, cooperation and partnership between both countries, as well as to increase quality of the actions of after secondary school authorities and economic activities, especially in small and medium business, and competitiveness in both countries. The aim of the Agreement is planned to be achieved by enlarging the possibilities of young citizens of both countries to improve the after secondary school education or studies, to have working experience and improve knowledge on the language or languages, culture and society of the second country, therefore improving the mutual understanding between both countries.

To implement the Agreement, on **January 25, 2007** Saeima have adopted the law “On Agreement between the Government of the Republic of Latvia and the Government of Canada Concerning Exchange of Young Citizens”<sup>36</sup>, which came into force on February 15, 2007. The law defines the procedure on how the young citizens of both countries can enter and work in both countries.

#### **2.3.5. Citizenship and naturalization**

**On May 29, 2007** the regulations No 353 “Regulations on the examination of the knowledge of Latvian language skill, basic regulations of the Constitution of the Republic of Latvia and history of Latvia defined in the Citizenship law”<sup>37</sup> adopted by the Cabinet of Ministers on its meeting on May 29, 2007. Regulations came in force on June 2, 2007. Regulations are developed to define the unified examination procedure defined in the Citizenship law of Latvian language skills and knowledge for persons, who wants to receive the citizenship of Latvia through the naturalization procedure and children, who have rights to be recorded as citizens of Latvia.

Regulations foresee some changes for individual group of persons when passing the examination, which were not stipulated in legal enactments before.

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<sup>36</sup> Law “On Agreement between the Government of the Republic of Latvia and the Government of Canada Concerning Exchange of Young Citizens”, Latvia Herald No 26, 14.02.2007.

<sup>37</sup> The Regulations of the Cabinet of Ministers No 353 “Regulations on the examination of the knowledge of Latvian language skill, basic regulations of the Constitution of the Republic of Latvia and history of Latvia defined in the Citizenship law”, Latvia Herald No 88, 01.06.2007.

**On May 29, 2007** the regulations No 354 “Amendments of regulations of the Cabinet of Ministers No 32 of February 2, 1999 “Regulations on how the application on recognition of the child as citizen of Latvia is submitted and examined””<sup>38</sup> where adopted by Cabinet of Ministers on its meeting and came into force on June 2, 2007. Regulations are proclaimed according to part four of the Article 3 of the Citizenship Law. Amendments define the procedure on how the application on recognitions of the child as citizen of Latvia are submitted and examined, as well as the necessary documents for performing of procedure is specified.

The regulations also define which documents the applicant, who received the invalidity, has to submit, if he wants to pass the examination of the Latvian language skill in a specific way. Besides regulations give the opportunity to submit as the document, which testifies the Latvian language skills, the certificate issued by the Education Content and Examination Centre<sup>39</sup>, which according to defined levels of language skills acknowledges the passing of a centralized exam on Latvian language and literature.

Regulations also enlarge the range of cases, when the examination of application is terminated. The decision on this subject is made if the applicant does not appear for examination of state language skills and in two months does not submit documents on his absence on examination with a justified excuse.

### **2.3.6. Integration**

Dual citizenship is pending matter in Latvia, because a lot of Latvian citizens have left for job searching or because of other reasons are permanently residing abroad, where many of them also created families and integrated into society. Especially in this moment, when it is important to make maximum of activities to promote the return of inhabitants and save their connection with ethnical home country, it is necessary to solve the question on the possibilities for children who were born abroad to receive the dual citizenship.

Therefore by initiative of the Secretariat of the Special Assignments Minister for Social Integration Affairs (further - Secretariat) and the order of President of Ministers I.Godmanis the interministerial working group is developed to fulfill the protection of the rights of the child and solve the questions concerning the granting of citizenship for children, as well as to work out the necessary amendments in the corresponding legal enactments. The Citizenship Law, which is currently in force, has legal rules regulating the legal position of

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<sup>38</sup> The Regulations of the Cabinet of Ministers No 354 “Amendments of Regulations of the Cabinet of Ministers No 32 of February 2, 1999 “Regulations on how the Application on Recognition of the Child as Citizen of Latvia is Submitted and Examined””, Latvia Herald No 88, 01.06.2007.

<sup>39</sup> Education Content and Examination Centre, see [www.isec.gov.lv](http://www.isec.gov.lv)

children, which became out of date and create problems with their application. Therefore it is necessary to fulfill the legal regulations in the field of citizenship with regard to children, who were born abroad and in Latvia<sup>40</sup>.

The structure of the working group consists of representatives of the Secretariat, Ministry for Children and Family Affairs, Ministry of Foreign Affairs, Ministry of Justice, Naturalization Board of the Ministry of Justice, Ministry of the Interior and Office of Citizenship and Migration Affairs of the Ministry of the Interior. The working group and the Secretariat were assigned to work out and present to the Cabinet of Ministers the relevant draft legal enactments till **March 20, 2008**. The draft law on amendments of Citizenship Law worked out by working group was announced on the Meeting of the State Secretaries on **March 6, 2008**<sup>41</sup>.

### 2.3.7. Illegal migration

**On February 22, 2007** *Amendments of Immigration Law*<sup>42</sup> came in force, which define that foreigner, who is not the citizen of the European Union and is recognized as a victim of human trafficking, as well as minor accompanied by him, has rights to reside in the Republic of Latvia without visa or residence permit, till the period of waiting will end or will be interrupted or the decision on issuance of terminated residence permit will come in force.

**On July 4, 2007** *Amendments of Border Guard Law*<sup>43</sup> came in force. The amendments of the law are worked out to enlarge the rights of employees of the Immigration structural units of State Border Guard to control the stay and employments provisions of foreigners, as well as gives rights to border-guards to use cold arms and dogs, when executing the official duties.

**On December 13, 2007** *Amendments of Immigration Law*<sup>44</sup> where adopted by Saeima and came in force on January 12, 2008. Amendments stipulate that if the foreigner for commitment of criminal offence has been imposed additional penalty – expulsion from the Republic of Latvia, he has to be expelled by force.

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<sup>40</sup> Law Project „Amendments to the Citizenship Law” annotation, see [www.mk.gov.lv/lv/mk/tap/?pid=30332808](http://www.mk.gov.lv/lv/mk/tap/?pid=30332808)

<sup>41</sup> The Secretariat of the Special Assignment for Social Integration, Dual citizenship working Group, see [www.integracija.gov.lv/doc\\_upl/dubultpilsoniba.doc](http://www.integracija.gov.lv/doc_upl/dubultpilsoniba.doc)

<sup>42</sup> Amendments of Immigration Law, Latvia Herald No 23, 08.02.2007.

<sup>43</sup> Amendments of Border Guard Law, Latvia Herald No 98, 20.06.2007.

<sup>44</sup> Amendments of Immigration Law, Latvia Herald No 208, 29.12.2007.

### **3. IMPLEMENTATION OF THE EUROPEAN UNION LEGISLATIVE ACTS**

In the year 2007 to incorporate the legal rules of the legal act of the European Union into national legal acts the Saeima of the Republic of Latvia and the Cabinet of Ministers have worked out and adopted series of new draft laws, amendments of existing laws, new regulations of the Cabinet of Ministers, as well as amendments of existing regulations of the Cabinet of Ministers.

This section describes those legal acts of the European Union and their implementation process into the Latvian legal system, which supplemented the collection of legal acts of the European Union after the year 2006, as well as progress of those legal acts, which transposition began in the year 2006 and ended or continued in the year 2007 or 2008.

The progress of transposition of legal acts of the European Union, which are published before the year 2006 can be found in the Policy report on the migration and asylum situation in Latvia in the year 2006, which can be downloaded on the external webpage of Office of Citizenship and Migration Affairs - [www.pmlp.gov.lv](http://www.pmlp.gov.lv).

After the year 2006 the collection of legal acts of the European Union was supplemented by nine new legal acts: four regulations and one decision in the field of asylum; one decision and one regulation in the field of migration and two decisions in the field of fight against illegal migration.

First we will examine the transposition of the newest legal acts of the European Union in the field of asylum into Latvian legislation.

- ✓ *Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme “Solidarity and Management of Migration Flows” and repealing Council Decision 2004/904/EC<sup>45</sup>.*

To ensure the implementation of the funds, which are established under the General programme “Solidarity and Management of Migration Flows” supported by Decision of the European Parliament and of the Council, the Cabinet of Ministers by its Order No 384 of June 20, 2007 „On the authorities responsible for General programme “Solidarity and Management

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<sup>45</sup> Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme „Solidarity and Management of Migration Flows” and repealing Council Decision 2004/904/EC, Official Journal L144, 06.06.2007., 1– 21 p

of Migration Flows” for the period 2007 - 2013”<sup>46</sup> have defined the leading certification, payments, delegated authority for External Borders Fund, European Integration Fund, European Return Fund and European Refugee Fund.

The leading authority for European Refugee Fund is Ministry of the Interior, certification authority – the Central Finance and Contracting Agency, revision authority – Ministry of Finance, payments authority – the Treasury and delegated authority - Office of Citizenship and Migration Affairs.

- ✓ ***Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II)***<sup>47</sup>;
- ✓ ***Regulation (EC) No 1986/2006 of the European Parliament and of the Council of 20 December 2006 regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates***<sup>48</sup>.

In order to apply the requirements of the Regulations of the European Parliament and of the Council effectively, **on June 14, 2007** the Parliament adopted *Schengen Information System Operation Law* (in force 01.09.2007.). The goal of the law is to ensure the use of the Schengen Information System in order to strengthen the public order and security in the Member States, the law also defines the order of the maintenance and use of the Schengen Information System and SIRENE Information System in Latvia, the institutions and bodies responsible for their operations, as well as the functions of the mentioned institutions and bodies.

Cabinet Regulation No 639 was adopted on 18 September 2007 „Procedures for the Inclusion, Correction and Deletion of Reports in the Schengen Information System, as well as Ensuring Accessibility of Additional Information to the SIRENE Latvia Bureau and Procedures for the Exchange of Additional Information of Institutions and Authorities (in force from 05.10.2007.) and Cabinet Regulation No 622 were adopted on 11 November 2007 „Procedures for the Request and Issue of Information Regarding a Data Subject that is Kept in

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<sup>46</sup> The Order of the Cabinet of Ministers No 384 “On the authorities responsible for General programme “Solidarity and Management of Migration Flows” for the period 2007 - 2013”, Latvia Herald No 100, 22.07.2007.

<sup>47</sup> Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II), Official Journal L 381, 28.12.2006., 4 – 23 p

<sup>48</sup> Regulation (EC) No 1986/2006 of the European Parliament and of the Council of 20 December 2006 regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates, Official Journal L 381, 28.12.2006., 1-3 p

the Schengen Information System and the SIRENE Information System” (in force from 05.10.2007.).

First regulations define the order in which the reports are included, amended and deleted into the Schengen Information System, the additional information to be made available to SIRENE Latvian bureau, as well as the order, in which the institutions and bodies exchange the additional information. In its turn the latter regulations define the order, in which a person-data subject requests the information about himself/herself and about the recipients of his/her personal data, requests the information, which is stored in the Schengen Information System and *SIRENE* Information System, and the order of the provision of this information.

- ✓ ***Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers***<sup>49</sup>.

The data on migration and international protection, illegal entry and the return in accordance with the requirements of Regulation of the European Parliament and of the Council is collected and processed by the Central Statistics Bureau of the Ministry of Economy<sup>50</sup>, the Office of Citizenship and Migration Affairs of the Ministry of Interior<sup>51</sup> and the State Border Guard<sup>52</sup>.

In order to apply the requirements of the Regulation effectively the Central Statistics Board in addition made the necessary amendments to the Regulations of the Cabinet of Ministers of November 30, 2004 Nr.994 „The Statute of the Central Statistics Bureau”<sup>53</sup> (in force from 24.11.2007.).

In 2007 the active work was continued with those national legal acts, in which the transposition of provisions of the European Union legal acts started in 2006.

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<sup>49</sup> Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers, Official Journal L 199, 31.07.2007., 3– 29 p

<sup>50</sup> The Central Statistics Bureau of the Ministry of Economy, see [www.csb.gov.lv](http://www.csb.gov.lv)

<sup>51</sup> The Office of Citizenship and Migration Affairs of the Ministry of Interior, see [www.pmlp.gov.lv](http://www.pmlp.gov.lv)

<sup>52</sup> The State Border Guard, [www.rs.gov.lv](http://www.rs.gov.lv)

<sup>53</sup> The Regulations of the Cabinet of Ministers of November 30, 2004 No 994 „The Statute of the Central Statistics Bureau”, Latvia Herald No 189, 23.11.2007.

✓ ***Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status***<sup>54</sup>.

The new *Asylum Law*, which transposed the provisions of the mentioned directive, was adopted in 1<sup>st</sup> reading by the Saeima on October 4, 2007. It is expected that the draft law will be examined by the Saeima in the 2<sup>nd</sup> reading on May 30, 2008.

We remind, that in the new law, which was developed by improving the Asylum Law in force, the obligatory standards for the qualification of the third country nationals or the stateless persons as the refugees or the persons, which otherwise are in need of the international protection, as well as their status and the contents of the granted protection are defined. The law implements also the mentioned Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status. Also it provides for the cases, when the application for asylum is to be examined in the shortened duration of time.

In order to ensure the right to the legal aid for an asylum seeker since January 1, 2007 the provisions of *the State Ensured Legal Aid Law*<sup>55</sup> is in force (in force from 01.06. 2005.) which provide that an asylum seeker is guaranteed the legal aid by the state in the course of the appeals procedure of the asylum procedure.

In order to ensure the protection of the rights of the minors, which are not accompanied by the parents, in the course of the asylum procedure, since November, 2007 *Amendments to the Asylum Law*<sup>56</sup> provide for that the interests of the mentioned minors are to be represented by the Orphan' court or by its appointed representative or by the head of the child care institution.

✓ ***Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted***<sup>57</sup>.

A number of the amendments to the laws, which elaboration had been started before, were adopted in 2007. Thus, *the Amendments to the Law on the Protection of the Rights of the*

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<sup>54</sup> Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status, Official Journal L 326, 13.12.2005., 13 – 34 p

<sup>55</sup> The State Ensured Legal Aid Law, Latvia Herald No 52, 01.04.2005.

<sup>56</sup> Amendments to the Asylum Law, Latvia Herald No 179, 07.11.2007.

<sup>57</sup> Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, Official Journal L 304, 30.09.2004., 12 – 23 p

*Child*<sup>58</sup> (in force from 10.04.2007.), *Amendments to the Support for Unemployed Persons and Persons Seeking Employment Law*<sup>59</sup> (in force from 19.07.2007.), *Amendments to the Law On Social Services and Social Assistance*<sup>60</sup> (in force from 19.07.2007.) and *Amendments to the Law on the Regulated professions and recognition of professional qualification*<sup>61</sup> (in force from 12.01.2008.) and *Amendments to the Personal Identification Documents Law*<sup>62</sup> (in force from 04.12.2007.) were adopted.

The provisions of the Directive were transposed also into *the Draft Amendments to the Education Law*, which were submitted to the Parliamentary commission on education and culture and into the *Draft Asylum Law*.

✓ ***Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum*<sup>63</sup>.**

The norms of Directive are practically transposed to all necessary national legal enactments. On November 7, 2007 the draft law “Amendments of Asylum Law”<sup>64</sup> was adopted, which was made to define more precisely the lodgment procedure of the minors unaccompanied by parents, which defines that the abovementioned persons, according to decision of the custody court, can be maintained in the maintenance centre of the asylum seekers, at the guardian place nominated by the custody court or at the child care authority.

✓ ***Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof*<sup>65</sup>.**

The prepared draft law “Asylum Law” foresees detailed legal regulations what ensures the appropriate adoption of the provisions of this directive. New *Asylum Law* what will incorporate the rules what are deriving from mentioned directive, was adopted in Saeima on

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<sup>58</sup> Amendments to the Law on the Protection of the Rights of the Child, Latvia Herald No 51, 27.03.2007.

<sup>59</sup> Amendments to the Support for Unemployed Persons and Persons Seeking Employment Law, Latvia Herald No 107, 05.07.2007.

<sup>60</sup> Amendments to the Law On Social Services and Social Assistance Latvia Herald No 107, 05.07.2007.

<sup>61</sup> Amendments to the Law on the Regulated Professions and Recognition of Professional Qualification, Latvia Herald No 208, 29.12.2007.

<sup>62</sup> Amendments to the Personal Identification Documents Law, Latvia Herald No 186, 20.11.2007.

<sup>63</sup> Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers, Official Journal L 031, 06.02.2003, 18– 25 p

<sup>64</sup> Amendments of Asylum Law, Latvia Herald No 179, 07.11.2007.

<sup>65</sup> Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, Official Journal L 212, 07.08.2001., 12 – 23 p

October 4, 2007 in the first reading. It is expected, that the law will be examined in the second reading on May 30, 2008.

In the year 2007 the incorporation of the norms of this directive continued also in other national legal acts. The amendments of “*Protection of the Rights of Child Law*” (in force 10.04.2007), as well as the amendments of “*Support for Unemployed Persons and Persons Seeking Employment Law*” (in force 19.07.2007.) were adopted in 2007.

The active work in transposition of legal acts of the European Union took place also in the field of migration.

- ✓ ***Council Decision 2007/435/EC of 25 June 2007 establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013 as part of the General programme “Solidarity and Management of Migration Flows”<sup>66</sup>.***

The Cabinet of Ministers by its Order Nr 384 of June 20, 2007 „On the authorities responsible for General programme “Solidarity and Management of Migration Flows” for the period 2007 - 2013” have defined the leading authority - the Secretariat of the Special Assignments Minister for Social Integration Affairs, certification authority – the Central Finance and Contracting Agency, revision authority – Ministry of Finance, payments authority – the Treasury.

- ✓ ***Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research<sup>67</sup> (hereinafter – Directive 2005/71/EC);***
- ✓ ***Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service<sup>68</sup> (hereinafter – Directive 2004/114/EC);***
- ✓ ***Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC,***

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<sup>66</sup> Council Decision 2007/435/EC of 25 June 2007 establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013 as part of the General programme “Solidarity and Management of Migration Flows”, Official Journal L 168, 28.6.2007., 18-36 p

<sup>67</sup> Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research, Official Journal L 289, 3.11.2005., 15-22 p

<sup>68</sup> Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service, Official Journal, L 375, 23.12.2004., 12 -18 p

*73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (Text with EEA relevance)*<sup>69</sup> (hereinafter – *Directive 2004/38/EC*);

- ✓ *Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents*<sup>70</sup> (hereinafter – *Directive 2003/109/EC*);
- ✓ *Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification*<sup>71</sup> (hereinafter – *Directive 2003/86/EC*).

In the year 2007 the development of amendments to *Immigration Law*<sup>72</sup> continued, which incorporates the norms of the Directive 2005/71/EC, Directive 2004/114/EEC, Directive 2004/38/EC, Directive 2003/109/EC and Directive 2003/86/EC.

Amendments to *Support for Unemployed Persons and Persons Seeking Employment Law* (in force 19.07.2007) included the legal norms, which results from Directive 2003/109/EC, Directive 2004/38/EC and Directive 2005/71/EC.

In the year 2007 the draft law *High Education Law* was developed, which incorporates the legal norms from the Directive 2004/114/EEC, and which was submitted for examination to the Cabinet of Ministers on April 14, 2008.

- ✓ *Decision No 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General Programme “Solidarity and Management of Migration Flows”*<sup>73</sup>.

The Cabinet of Ministers by its Order Nr 384 of June 20, 2007 „On the authorities responsible for General programme ‘Solidarity and Management of Migration Flows’ for the period 2007 - 2013” have defined that the leading authority is - Ministry of the Interior, certification authority – the Central Finance and Contracting Agency, revision authority – Ministry of Finance, payments authority – the Treasury.

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<sup>69</sup> Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, Official Journal L 158, 30.04.2004., 46- 61p

<sup>70</sup> Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, Official Journal L 16, 23.01.2004., 272 - 281 p

<sup>71</sup> Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, Official Journal L 251, 03.10.2003., 224 – 230 p

<sup>72</sup> Amendments to Immigration Law, Latvia Herald No 4, 09.01.2008.

<sup>73</sup> Decision No 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General Programme „Solidarity and Management of Migration Flows”, Official Journal L 144, 06.06.2007., 45-65 p

- ✓ ***Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subjects of an action to facilitate illegal immigration, who cooperate with the competent authorities***<sup>74</sup>.

On July 19, 2007 also amendments to the *Social Services and Social Assistance Law* came in force. Amendments enlarge the range of persons on whom the law is referred, defining as well that the persons, who were granted the alternative status and members of their families are guaranteed with the minimal earning level. Orphans and the child, who is left without parental care, who received the alternative status, have rights to receive the social care services and social rehabilitation services defined by this law.

- ✓ ***Council Decision 2007/341/EC of 19 April 2007 on the conclusion of the Agreement between the European Community and the Russian Federation on readmission***<sup>75</sup>;
- ✓ ***Agreement between the European Community and the Russian Federation on readmission***<sup>76</sup>.

During the year 2007 the draft Protocol between the Government of the Republic of Latvia and the Government of the Russian Federation on implementation of *the Agreement of May 25, 2006 between European Community and Russian Federation on Readmission* was developed, which was confirmed from the Russian Federation side and Latvian Republic side, and it is awaited that the Protocol will be signed in June 2008.

The Agreement currently is successfully applied by State Border Guard of the Republic of Latvia

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<sup>74</sup> Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, Official Journal L 261, 06.08.2004., 19 -23 p

<sup>75</sup> Council Decision 2007/341/EC of 19 April 2007 on the conclusion of the Agreement between the European Community and the Russian Federation on readmission, Official Journal L 129, 17.05.2007., 38 – 39 p

<sup>76</sup> Agreement between the European Community and the Russian Federation on readmission, Official Journal L129, 17.05.2007., 40 – 60 p

## METHODOLOGY

Overview on migration and asylum situation in Latvia in the year 2007 is developed according to the specification and structure developed by European Commission and adopted by the national contact point of the European Migration Network.

To display most substantial changes and improvement of policy and legislation in the field of migration and asylum in Latvia, in the development of work were involved those institutions, in whose disposition is the required information: Office of Citizenship and Migration Affairs of the Ministry of the Interior and its experts, as well as experts from the Legal Department of Ministry on the Interior, Higher Education Department on the Ministry of the Ministry of Education and Science, the Secretariat of the Special Assignment Minister of Social Integration and the Naturalization Board of the Ministry of Justice.

To reach the society in political and public debates, as well as in evolution of national legislation in the field of migration and asylum governmental authorities, nongovernmental organizations, academics and media mostly use the web. Therefore in the development of the Report mostly was used web, to oversee and appraise latest articles, opinions and debates on the questions on migration and asylum in Latvia. In the work largely are used news portals [www.apollo.lv](http://www.apollo.lv), [www.delfi.lv](http://www.delfi.lv), [www.tvnet.lv](http://www.tvnet.lv), portal of social policy [www.politika.lv](http://www.politika.lv), as well as the external home pages of all Ministries.

Questions connected with the migration and asylum still are not located in the top end of the Latvia's political and social agenda, therefore every change, development, debate in the field of migration and asylum is considered as significant/essential. When preparing the Report, special criteria were not used to verify significance of article, publication, opinions and debates.

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