

**Network on the Free Movement of Workers  
within the European Union**

**Latvia**

**Report 2006**

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## LATVIA

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## INTRODUCTION

There are a number of issues to be mentioned which illustrate the overall situation of migration.

*First*, migration from Latvia continued. Public opinion surveys show that many residents are considering an option to move. According to a survey 139,000 to 207,000 residents aged 15 to 74 responded that they would accept job offer in another country within next two years. National Bank of Latvia made a study predicting that 200,000 of economically active residents will leave the country gradually over the next ten years. In this case the production output will fall by approx. 15%. Moreover, Latvia has negative demographic projections up until 2015. However, it is expected that for some time Latvia's gross domestic product will increase thanks to emigrants' money transfers to Latvia.<sup>1</sup>

*Second*, the growing numbers of emigrants lead to the situation when immigration shall be facilitated. Employers have an increasing interest to hire workers from Belarus, Russia and Ukraine, especially in construction as well as in other sectors requiring low-skilled workforce. The reason is that most of Latvian residents exercising free movement rights are from these sectors.<sup>2</sup> Other reasons mentioned are that a number of students is increasing and employers are not paying adequate salaries or opt for 'envelope wages' to avoid taxes. The official data on immigration from Third States remain low because employers avoid recruiting workforce officially.<sup>3</sup> Thus the numbers of hidden immigration are rising, although the exact figures are not available. The estimates are in between 14-20%.<sup>4</sup> There are two main reasons for this: (i) strict immigration policy so far: (ii) non-attractive social assistance system in Latvia for Third country nationals (TCN).

*Third*, as a reaction on ongoing trends there are a number of research projects undertaken. For instance, to develop long-term projections for labor market a study on "Labor Market Research" is ongoing with the support of European Social Fund. The first results are expected by June 2007. On 30 May 2006 the Cabinet of Ministers discussed the Report on the Need to Draft Policy Planning Documents on Immigration Issues. As a result government established Working group on migration.<sup>5</sup> The Working group has initiated a number of amendments in existing legislation and in general proposed minimum liberalization.<sup>6</sup> On 25 July 2006 Cabinet of Ministers entrusted Ministry of Economics to be a focal point for coordination the mid and long-term labor market forecasts starting with 1 July 2007. A new department will be established for these purposes.<sup>7</sup>

*Fourth*, on the institutional side OCMA has become a leading institution in relation to migration issues. Although it is placed under Ministry of Interior, OCMA is the center of formulation of immigration policy towards certain liberalization. By transposing EU Directives and being part of European Migration Network it has produced a number of legislative initiatives and informative reports leading towards more progressive immigration policy. In terms of public awareness it should be noted that information provided on the Internet is comprehensive and updated. Moreover, there is interactive discussion forum on the website of OCMA where topical issues related to immigration are discussed as well as contact email

1 National News Agency LETA, 26.03.2006

2 Estimates are that about 75 000 – 90 000 Latvian residents work in low-skilled sectors abroad.

3 The process is expensive: minimum monthly brutto salary is LVL 249. In addition LVL 35 should be paid monthly for every guest worker.

4 Latvia's Central Statistics Bureau says that shadow economy is at 16% of Latvia's GDP, while Ministry of Finance estimated the level of hidden employment is around 14-20%. State Labor Inspectorate says it is 18-20%.

5 The group includes representatives of Ministries of Interior, Economics, Finance, Welfare, Foreign Affairs and Justice, Ministry of Special Assignment on Immigration, trade unions and Confederation of Employers of Latvia. *Working Group to Deal with Immigration Policy Issues Established*, <http://www.mk.gov.lv/lv/aktuali/zinas/2006gads/05/iekslietu30052006-01/> 30.08.2006.

6 <http://www.mk.gov.lv/aktuali/zinas/2007gads/01/iekslietu18012006/?print>, 22.1.2007

7 Cabinet of Ministers Regulations No. 39. 27.07.2006 <http://www.mk.gov.lv/lv/mk/mksedes/saraksts/protokols/?protokols=2006-07-25>, 6.10.2006, Press release of the Ministry of Economics <http://www.em.gov.lv/em/2nd/?cat=621&id=14292> 1.09.2006.

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address where any individual can submit particular question and receive timely and well argued reply on interpretation and application of specific provision.

The same can be said about the Ministry of Welfare who is participating in different projects and expert discussions in relation to immigration. In general the Ministry strongly defends to view that the local labor market shall be fully utilized.<sup>8</sup> According to the Ministry the policy of bringing immigrant workers has to be focused solely on attracting highly-skilled specialists if necessary while those who left Latvia shall be encouraged to re-immigrate.<sup>9</sup>

Secretariat of Special Assignment Minister for Integration of Society has been a minor player so far. However, in December 2006 Secretariat came up with announcement that one of the priorities will be re-emigration, i.e., bringing back those Latvian citizens who have moved to other EU States.

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8 Currently there are 74,000 unemployed in Latvia.

9 What Can the Country Do? *Latvijas Avīze* [daily newspaper *Latvia's Newspaper*] 12.06.2006.

**CHAPTER I: ENTRY, RESIDENCE, DEPARTURE**

Entry, residence and departure are generally regulated by the *Immigration Law*.<sup>10</sup> Articles 69 and 70 of the *Immigration Law* entrust the Cabinet of Ministers to adopt relevant regulations for free movement of the European Union (EU) citizens and citizens of the European Economic Area (EEA) and Swiss Confederation.

On 18 July 2006 new Cabinet of Ministers Regulations No. 586 were adopted *on the Procedure according to which EU citizens, EEA citizens and citizens of Swiss Confederation and their family members enter in the Republic of Latvia* (18 July, 2006, No. 38.1.). The Regulations are in force since 21 July 2006 and implement Directives 96/71/EC and 2004/38. These Regulations replace Regulations No. 914 which regulated these issues previously.

Taking into account that Directive codified the ECJ rulings at least to a certain extent the new Regulations bring the legislation of Latvia in line with the case law.

It is envisaged that the Law on free movement of EU citizens, EEA citizens and citizens of Swiss Confederation will be adopted (Draft law on amendments to *Immigration Law* 28.09.2006 discussed in the Cabinet of Ministers) in the nearest future.

**1. Entry***Text(s) in force**Article 5 of Directive 2004/38*

According to Section 12 of Regulations 586 EU citizen and family member can enter Latvia for 90 days if s/he has valid travel document and s/he does not constitute threat to public security, policy or health. In case if entry is denied according to Section 13 motivation shall be made in writing explaining the reasons except if this is against public security. The decision shall contain information on possibilities to challenge the decision.

Section 14 of the Regulations 586 provides that Union citizen or family member who is not in possession of valid travel documents and has a possibility to acquire those documents once entering Latvia, the official authorized by State Border Guard can take a decision to allow entry in Latvia. In general the documents are valid if they correspond to sample and there are no damages made to it.

EU, EEC and Swiss nationals and their family members will no longer need to show a prearranged work contract if they have decided to migrate to Latvia, this also includes the self-employed.

Regulations No. 691 *on Health Insurance of Foreigners*<sup>11</sup> provide that foreigners when entering Latvia shall possess valid health insurance for the duration of stay in Latvia. Section 11 states that checks on possession of health insurance on the border will be taken only exceptionally in cases there are reasonable doubts on its possession. The consequences of non-possession of insurance at the border are unclear. In addition Section 2 provide for a number of instances when foreigner can enter without insurance subject of possessing diplomatic documents, foreign diplomatic delegation documents, possession. According to interpretation given by OCMA possession of insurance card on the border is not obligatory.

10 Official Gazette (further OG) No.169, 20.11.2002. Number of new amendments, including amendments of the *Immigration Law*, are published on website of OCMA <http://www.pmlp.gov.lv>, accessed on 24.11.2005. All laws and regulations referred to in this report are taken from commercial data base NAIS available at <http://pro.nais.dati.lv>. Translations of some laws are available at <http://www.ttc.lv/?id=59>. However, not all of them include latest amendments and the list is incomplete.

11 OG No. 176 12.12.2003 as amended until Regulations no.504 25.05.2004, OG No. 85 27.05.27.2004.

*Draft legislation, circulars, etc.*

According to the Order of the President of Ministers no. 355 dated 13 July 2006 the working group on issues connected with migration policy was established. One of the tasks for the group was to draft amendments in existing legislation with the aim to improve the business environment in Latvia. This has led to a number of proposed amendments in Immigration law (see Chapter VII). Under this subsection it is relevant to note that draft amendments provide for clarified reference to relevant EU legislation, i.e., replacing directives which are no longer in force with the references to the Directive 2004/38/EC.

*Judicial practice*

Nothing to report

*Miscellaneous (administrative practices, etc.)*

Nothing to report

*Recent legal literature*

Nothing to report

**2. Residence***Text(s) in force**Articles 6-8, 10-11, 14-21*

If the EU citizen is willing to reside for more than 90 days in Latvia s/he shall apply for registration certificate. This is the requirement according to Section 20 which provides that a person can qualify for certificate in case if s/he is employed or self-employed in Latvia, as well as in cases when s/he is service provider or employee in the commercial entity of the EU Member State, EEA State or Swiss Confederation acting as service provider in Latvia.

Section 19 provides that there is no necessity to register at OCMA if s/he has valid travel document and s/he resides in Latvia for up to six months as job-seeker or s/he is working in Latvia while residing in other EU Member State returning there at least once a week.

Paragraphs 4-7 of Section 20 codify existing case-law and provisions of the Directive. Thus:

- Paragraph 4 provides that registration certificate will be issued in case of students who have sufficient resources and who will not become the burden to social assistance schemes as well as who possess valid health insurance or equivalent document. Sufficient resources mean that monthly income is higher than 50% of minimum monthly salary in Latvia, i.e., during 2006 - 90 LVL a month.[130 EUR]<sup>12</sup>
- Paragraph 5 states that s/he should have sufficient resources in order not to become burden to social assistance system and valid health insurance.
- Paragraph 6 envisages that a spouse of Latvian citizen, non-citizen or permanent resident can apply for certificate in cases if s/he does not become a burden on social assistance and has valid health insurance card or alternative.
- Paragraph 7 provides for possibility to get a certificate if a person is under custody or guardianship.

The *Law on Declaration of Residence* has been amended and made simpler (amendments adopted on 23 March 2006). Starting with 1 January 2007 distant declaration is possible, i.e., residence can be declared by post or electronically if person has e-signature. Up till now

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<sup>12</sup> Cabinet of Ministers Regulations No. 790 on minimum monthly salary and minimum hourly tariff



215 people have used the possibility to declare residence by post and 2 – electronically.<sup>13</sup> Declaration forms are available on OCMA's home page.

Section 22 of Regulations No. 586 provides that a person remains to be considered worker or self-employed if (i) s/he is unable to work as a result of illness or accident; (ii) s/he is registered with State Employment Agency as unemployed or jobseeker and until then has been employed for at least a year and period of unemployment started irrespective of his/her fault; (iii) s/he is registered at State Employment Agency (SEA) as unemployed or job-seeker for 12 months after commencement of work relationship. In the latter case the status of worker is kept for 6 months; (iv) s/he started studies connected with previous employment in duly accredited educational establishment.

Section 23 provides for the possibilities to acquire permanent residence if s/he:

- i) has resided in Latvia for up to five years in accordance with previously mentioned rules and conditions;
- ii) has been Latvian citizen or non-citizen before acquiring citizenship of another EU MS, EEA MS or Swiss citizenship and submitted documents within 30 days after decision on the loss of the status of Latvian citizen or non-citizen;
- iii) is minor child of Latvian citizen, Latvian non-citizen or foreigner granted the right of permanent residence permit.

Section 24 provides for exceptions to the general rules when a person can qualify for permanent residence if the residence in Latvia was shorter than 5 years, i.e., (i) in cases when person qualifies for pension and early pension under certain conditions; (ii) worked in Latvia but lost the possibility due to incapacity and is entitled to benefit payments; (iii) worked and resided for three years in Latvia and has become employed or self-employed person in another EU, EEA Member State, or Switzerland but stayed in Latvia returning every day or at least once a week. Article is not applicable if Union citizen is spouse of citizen is or has been Latvian citizen who lost citizenship upon marriage.

*Draft legislation, circulars, etc.*

Nothing to report

*Judicial practice*

Nothing to report

*Miscellaneous (administrative practices, etc.)*

Nothing to report

*Recent legal literature*

Nothing to report

### **3. Departure**

*Text(s) in force*

*Articles 10, 12, 13, 15, 25-33 Directive 2004/38*

According to Section 47 Regulations No. 586 registration certificate or residence permit is not issued if:

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13 Information available on OCMA home page [http://www.pmlp.gov.lv/?p=30&menu\\_id=25&news\\_id=1013&news\\_pos=0](http://www.pmlp.gov.lv/?p=30&menu_id=25&news_id=1013&news_pos=0). See also PMLP: Deklarēšanās pa pastu novērsis iespējas to izdarīt nepatīsi, Latvian National News Agency LETA, 24.03.2006.

- Union citizen cannot submit documents needed to issue registration certificate or permanent registration certificate in accordance with Regulations.
- Family member cannot submit documents needed for registration certificate, permanent registration certificate if s/he is Union citizen and for residence permit or permanent residence permit if family member is not Union citizen.
- Applicant has submitted false information in order to get residence document.
- Applicant has entered into marriage of convenience.
- Competent authorities have established that applicant constitutes threat to public security, public policy or public health. Condition on public health is not applicable if illness is established after three months since applicant entered Latvia.
- Union citizen or his/her family member who applies for permanent residence has resided outside Latvia for more than 6 months within a year. The examples mentioned are military service, pregnancy, child delivery, illness, studies or job appointment. However, according to OCMA the list is not exhaustive and each case is evaluated on individual basis.<sup>14</sup>
- Permanent residence certificate is requested by Union citizen who has been Latvian citizen or non-citizen and there were reasons to deprive person of these statuses.
- Applicant has not complied with conditions for the time of application.

Section 48 provides for conditions on basis of which EU citizen and/or family member loses the right to reside in Latvia and residence documents are annulled:

- Resident has become excessive burden on social assistance system (see further under section VI).
- Grounds for granting residence no longer exist.
- Resident submitted false information.
- Resident concluded marriage of convenience.
- Resident resided outside Latvia for more than 6 months during a year. This condition is applicable only in relation to those family members of Union citizens who are non-EU citizens.
- Permanent resident resided outside Latvia for consecutive two year, except if s/he can prove that absence has valid reasons;
- Resident constitutes threat to public security, public policy or public health.

Section 49 specifies that non-compliance with administrative procedures or expiry of validity of travel document by itself is not sufficient reason for expulsion. Section 50 provides that if Union citizen or family member when residing in Latvia constitutes threat to public security or public policy the decision on expulsion is adopted by the Minister of Interior and s/he orders to leave Latvia within one month. Minister, if necessary, can also deny right to enter in Latvia for three years. Section 51 further clarifies the limitations on expulsion order as required by Article 27 of the Directive, i.e., EU citizen or family member should constitute genuine, present and sufficiently serious threat affecting public security or public order. Previous criminal convictions cannot by themselves constitute grounds for expulsion. Section 52 transposes Article 28 of the Directive and requires the authorities when issuing expulsion order to pay due regard to the length of residence in Latvia, age, health condition, family relationship and economic situation, social and cultural integration in Latvia as well as links with country of origin of the individual.

In case an Union citizen has been issued expulsion order the family member residing with him/her can remain in Latvia. In case of EU citizens that right can be exercised in accordance with Regulations, while in case of non-EU citizens in accordance with Immigration law. Section 54 transposes paragraph 3 of Article 28 of Directive 2004/38 in identical wording. In general there are three possibilities if person constitutes threat to public security or public policy according to Regulations:

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14 See the interpretation of OCMA in forum <http://www.pmlp.gov.lv/phorum/read.php?f=5&i=6888&t=6888>.

- Minister of Interior issues expulsion order requesting to leave Latvia within one month and include person on Blacklist for three years (Section 50).
- In case of serious threat Minister of Interior issues enforced expulsion order. Enforced expulsion is carried out by State Border Guard according to *Immigration law*. In addition person can be included on the Blacklist for three years (Section 55).
- Minister of Interior includes a person on the Blacklist for up to three years (Section 60).

Section 56 is unclear because it provides that Head of State Police and head of state security institution submit opinion on existence of conditions specified in Section 56 to Minister of Interior. However, Section 56 does not provide for any conditions and is limited to one procedural sentence.

Expulsion orders are subject to appeal in Administrative case department of the Senate of Supreme Court in accordance with *Immigration Law*. In case if the expulsion order is appealed to the Court its execution is stopped upon request of the applicant.

On 26 January 2006 Parliament passed amendments to *Immigration law* stipulating the procedure to review the decisions of the Minister of Interior to include persons on the Blacklist and subsequent review of the Supreme Court's Senate. The need for amendments was realized when the Court dealt with *Berezovsky case*.<sup>15</sup> Latest amendments of paragraph 7 of Article 61 state that decision which is taken on basis of the information provided by the state security institutions and which is acquired as a result of activities of intelligence or counterintelligence if confirmed by Public Prosecutor General is not subject to appeal proceedings.<sup>16</sup> The amendments provide that only those judges having access to classified information will be allowed to consider the case. During the first phase non-classified information will be reviewed while during the second phase classified information will be considered. Classified documents shall not be attached to the case materials and the minutes of the court's session should not include the references to this information.<sup>17</sup> In case if applicant is not in Latvia during the court procedures, his/her representative has to attend the session. No appeal is envisaged in cases when the basis for refusal of entry is information submitted by national security institutions or counterintelligence information.

*Draft legislation, circulars, etc.*

Nothing to report

*Judicial practice*

*Miscellaneous (administrative practices, etc.)*

There have been cases when citizens of Estonia (3) and Lithuania (3) were expelled from Latvia on grounds of public security. No further details available.

*Recent legal literature*

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<sup>15</sup> Before amendments lawyers could request access to documents on basis of which Minister of Interior has included person on the Blacklist. In *Berezovsky case* this meant that access shall be granted to documents of secret services.

<sup>16</sup> "Saeima steidzami groza Imigrācijas likumu", National News Agency *LETA*, 26.01.2006.

<sup>17</sup> National News Agency *LETA* 26.01.2006

## CHAPTER II. ACCESS TO EMPLOYMENT

### 1. *Equal treatment in access to employment*

In relation to job-seekers it should be noted that apart from general residence requirements there is a *Law on the Support to Unemployed and Jobseekers*.<sup>18</sup> The Law *inter alia* provides for active employment measures and preventive measures for decreasing unemployment. The services are offered to unemployed. Article 7 in paragraph 2 explains that persons permanently residing in Latvia and willing to study or to be employed can use services of professional orientation.

According to Article 10 unemployed is a person who has registered at Employment Agency and is Latvian citizen, non-citizen, permanent resident or a spouse of Latvian citizen, non-citizen or permanent residence holder, holding temporary residence by himself/herself. Persons with alternative status who have temporary residence permit can also qualify as unemployed. In addition to these requirements a person should not be employed, should seek job, be capable to work, be below pension age, should not be enrolled in full time studies, should not perform commercial activities and should not be subject to State support. More detailed procedures for application for the status of unemployed are stated in the *Cabinet of Ministers Regulations No.24 on Granting the Status of Unemployed*.<sup>19</sup>

According to paragraph 2 of Article 2 persons who are not Latvian citizens or non-citizens, persons who have not received permanent residence permit and persons who have not received terminated residence permit and are not spouses of Latvian citizen, non-citizen or permanent resident can get involved in events provided for unemployed in accordance with Regulation 1408/71.

Article 3 of the Law enumerates different active measures which are offered to unemployed, including courses to raise the skills of person or to change occupation, temporary jobs and alike. The overall co-ordination is the task for the Cabinet of Ministers. Apart from the Cabinet different ministries are involved with different functions, i.e., Ministry of Economy, Ministry of Welfare, Ministry of Science and Education. State Employment Agency implements official strategy. In addition there is State Agency on Choice of Professional Carrier. Both Agencies are working under auspices of the Ministry of Welfare. Certain role in relation to reduction of unemployment is vested also with local governments.

It can be argued that unemployed persons under Latvian legislation are subject to the same obligations as job-seekers in general under the EU law. Article 14 provides that unemployed are obliged to seek job actively and submit specific proposals to Employment Agency to elaborate individual job-seeking plan. They should regularly visit Employment agency and participate in events organized by the Agency. The Law in paragraph 2 of Article 14 defines active job-seeking as purposeful activities of person in order to find remunerated employment – participation in competitions announced as well as other activities with the aim to find a job.

Article 15 defines the status of job seeker. Job seekers *ratione personae* are the same as unemployed. Additional requirements are that a person should not be employed, should seek work, should be able to work and take up employment immediately, is over 15 years of age and is not involved in commercial activities. Opposite to unemployed, job-seekers have no obligations. They have the right to participate in different events in order to become more competitive, to receive information on vacancies and other services.

Article 17 in paragraph 3 provides that in cases when a company or self-employed person registered in another EU Member State is willing to provide services related to assisting persons to find a job, s/he should inform Employment Agency.

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18 OG No.80 29.05.2002, with amendments until 25.05.2006, OG No. 92 14.06.2006.

19 Adopted on 20.01.2003, OG No. 14 28.01.2003 with amendments until Regulations No. 467 of 28.06.2005, OG No.102, 1.07.2005.

## 2. Language requirement (private sector)

The overall system of language requirements has remained as reported in 2004, i.e., apart from certain groups which are exempted from attesting their level of proficiency in Latvian<sup>20</sup> the rest should be guided by requirements set in Annex 2 of the Regulations No. 296 as amended by Regulations 1023 adopted on 19 December 2006.<sup>21</sup> The lowest level of Latvian – 1B is required for guards, 2A for accountants and employees in service sector (such as shop-assistants, taxi drivers and alike). Highest requirements on the levels of 3A and 3B are placed in relation to different doctors, people employed in aviation and lawyers. Altogether 48 professions (in 2000 there were 34 professions) are listed under different categories. In case if profession is not indicated in the list each employer shall have a list with all positions and relevant levels of knowledge of Latvian required. Employer can consult with State language centre when working on the list. Employer bears all responsibility for fulfillment of requirements of State Language law, i.e., that persons employed have sufficient knowledge of Latvian for performance of their duties (Section 10).

Cabinet of Ministers Regulations No.202 on State Language Centre were adopted on 22 March 2005 (minutes No. 15 13).<sup>22</sup> Section 11.3. of the Regulations allows officials of the Centre to request persons who in the performance of their duties should have command and practice Latvian to present language certificate or certified copy of the certificate. Section 11.4 considerably widens the competence of the Centre. It states that Centre should

“in accordance with procedures set in other legal acts to examine whether the use of official language by officials, employees and self-employed persons corresponds to requirements set in legislation”.

On 22 December 2005 Parliament adopted amendments to *Latvian Administrative Offences Code*.<sup>23</sup> In Article 41<sup>1</sup> they provide that in case if contract is concluded with employee who has no proficiency in Latvian on the level required and who has not presented document attesting the knowledge of language, employer has to pay fine 100-250 LVL (145-360EUR). For repeated cases of non-compliance with language requirements the fine can be raised to 200-500 LVL (285-715EUR) in case of individual employer and 500-1000 LVL (715-1430EUR) in case of legal persons. According to Article 201<sup>26</sup> a person can be subject to administrative fine for not using Latvian language in performance of his/her duties. If command of Latvian is not on the level required a fine will be imposed up to 50LVL (70EUR). In case if these offences will take place more than once annually the fine will rise up to 100-200 LVL (140-285EUR).<sup>24</sup>

Right wing party in the Parliament Fatherland and Freedom/LNNK initiated higher fines for insufficient knowledge of Latvian or non-use of Latvian in professions and posts where it is obligatory. Party proposed to replace existing penalty of 100-250 LVL for contracting employee with insufficient level of knowledge of Latvian to be brought up to 200-500 LVL for employers who are private persons and up to 1000-5000 LVL(1430- 7145EUR) for employers who are legal persons. For individuals for non-use of Latvian language in their profession the fine proposed was 50 -200LVL and 200-500 LVL. Party also proposed to strengthen the authority of State Language Center to impose administrative fines.<sup>25</sup> However, the amendments were not adopted.

After the elections in October the new Minister of Justice (Fatherland and Freedom/LNNK) stated that strengthening of Latvian language as well as stricter requirements for naturalization will be among his priorities.<sup>26</sup> There was also an interview published with

20 Exempted are persons who obtained their elementary, secondary or higher education in Latvian; were granted certificate on passing centralized exams; disabled due to sight and hearing problems; I and II category disabled due to general illness.

21 See below under section on public sector.

22 <http://www.likumi.lv/doc.php?id=104521>, accessed on 27.02.2006.

23 22.12.2005 OG No.5, 10.01.2006.

24 “Par valsts valodas nelietošanu piemēros naudassodu”, National News Agency *LETA*, 22.12.2005

25 National News Agency *LETA*, 3.10.2006

26 National News agency *LETA*, 8.11.2006, 20.12.2006

the Head of Control Department of State Language Center Antons Kursītis who complained that Inspectorate is understaffed and salaries are very low. There are only 12 inspectors with the salary lower than the average salary in Latvia. 4 inspectors work in Riga but the rest should cover whole Latvia. He informed that during first half of 2006 351 individuals were fined for violations of State Language law, including 300 for non-use of Latvian language. In total numbers 704 inspections were carried out. However, the number of complaints is raising and Mr.Kursītis argued that the laws are too vague for coping with situation. He also said that the fact that only 70 professions out of 3500 have been included in Regulations requiring certain level of language proficiency is inadequate because most of infringements take place in service sector – supermarkets, shops and alike.<sup>27</sup>

### **3. Recognition of diplomas**

*The Law on Regulated Professions and Recognition of Professional Qualifications*<sup>28</sup> provides for general guidelines for recognition of diplomas and qualifications. The Law was amended on 2 November 2006.<sup>29</sup>

There are no indications on specific initiatives to transpose the Directive 2005/36/EC. However, the references are made to a number of ongoing seminars to familiarize those involved with upcoming changes.

In general there is certain confusion in Latvia itself due to unclear distinction between professional and academic education as well as cumbersome transition to Bologna system in higher education. New Law on higher education is expected by autumn 2007.

The list of regulated professions is available on Internet <http://www.aic.lv/rec>. The fee for service of recognition is 47.20LVL (68EUR) and the answer is given within 4 months or within 3 months for EU doctors, nurses, dentists, midwives, pharmacists, architects, veterinary surgeons. The procedure is the same for EU and non-EU qualifications, but the decisions made by competent bodies may differ for EU and non-EU qualifications. Amendments in a couple of Articles have been made during 2006, i.e., on regulated professions in the medicine, sports and tourism. Those have not lead to significant changes in general system of recognition.

In addition to the Law there are four relevant regulations:

- 1) Regulations No. 350 on recognition of professional qualifications on basis of length of professional experience and its kind in respective spheres of economic activity<sup>30</sup> transposing Directives 1999/42/EC, 74/556/EEC and 74/557/EEC. The Regulations are setting requirements in relation to candidates qualities in general, commercial and professional knowledge. The Regulations set the minimum number of years of experience in respective status and rank.
- 2) Regulations No 397 on additional requirements for recognition of professional qualifications obtained in foreign country in Latvia in regulated professions and on procedure to be followed in order to apply checks on compatibility of qualifications requirement or adaptation period<sup>31</sup> transposing Directives 89/48/EEC, 92/51/EEC, 94/38/EC, 95/43/EC, 97/38/EC, 1992/42/EC, 2000/5/EC, 2001/19/EC which aim at setting up procedures for recognition of diplomas and qualifications in EEA Member States in cases if additional requirements of recognition of qualifications is insufficient. The Regulations also set the conditions for recognition of qualifications in case if those have been acquired outside the EEA and are recognized by the EEA State (Section 3), i.e., 3 years for experience in case of higher education and 2 years in case of professional secondary education. According to Section 18 compatibility test and adaptation period shall be set by taking into account professional experience of the applicant, participa-

27 Valsts pret valsts valodu izturas formāli [State takes a formal position in relation to official language] *Latvijas Avīze*, 4.12.2006

28 OG No. 105 06.07.2001

29 OG No. 183 15.11.2006

30 24.05.2005, OG No.84 27.05.2005

31 07.06.2005, OG No. 92 10.06.2005

tion in continued education and professional education. Section 19 provides that maximum duration of adaptation is three years in case of posts for which higher education is required and two years in case of secondary education as requirement. Section 20 states that test is applicable in cases if professional experience complies with requirements but adaptation period is applied if applicant does not have any or insufficient professional experience.

- 3) Regulations No. 128 on institutions which issue necessary documents for residents of the Republic of Latvia in order to recognize their professional qualification abroad and the procedure for issuing such document<sup>32</sup> transposing Directives 89/48/EC, 92/51/EEC, 99/42/EC, 77/249/EEC, 78/686/EEC, 78/1026/EEC, 80/154/EEC, 85/384/EEC, 85/433/EEC, 93/16/EEC. Regulations describe the competence of Information Centre of Ministry of Interior, Register of Enterprises as well as Academic Information Centre to issue documents acknowledging that applicant has acquired necessary education in order to practice in certain profession in Latvia. In addition they issue documents attesting the right of person to practice in regulated profession on basis of professional qualifications, professional experience in Latvia and documents attesting that person is allowed to practice in the regulated profession and s/he is not limited or denied to do that due to offences or crimes. Regulations also provide for qualification aptitude test and adaptation period.
- 4) Regulations No. 79 on obligatory requirements for civil servant – higher education – procedure for application and deadlines.<sup>33</sup> The Regulations were adopted to comply with transition provision of the Law on Civil Service. At that time there were many sectors which were made subject to the law but people employed did not have higher education. Therefore, the Regulations set deadlines for those servants when they should be enrolled in university studies or present diploma on higher education.

#### *Literature*

Ivars Radisons, Ar ko pūsmācīts dakteris būtu sliktāks par pūsmācītu juristu? Daily newspaper *Diena*, 3 October 2006.

#### **4. Nationality condition for captains of ships**

##### *Text(s) in force*

Free movement of persons in *maritime sector* is regulated by the *Maritime Code*.<sup>34</sup> Article 4 of the Code states that a ship is considered to be Latvian if the owner is Latvian citizen or non-citizen or a legal person registered in Latvia. Article 272 of the Code as amended on 22 December 2005 states that:

“Any person can serve as captain of ship or crew-member if certified in accordance with 1978 International Maritime Organization Convention on Standards of Training, certification and Watch-keeping for Seafarers (with following amendments)”.

According to the Maritime Administration and Marine Safety Law the crew is recruited under responsibility of ship owner with approval from captain. All crew members shall have necessary qualifications (Article 24).

##### *Draft legislation, circulars, etc.*

Nothing to report

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32 14.02.2006, OG No. 29 17.02.2006.

33 20.02.2001, OG No.38 08.03.2001.

34 OG No. 91 18.06.2003 as amended until 2006 OG No.2 03.01.2006.

LATVIA

*Judicial practice*

Nothing to report

*Miscellaneous (administrative practices, etc.)*

Nothing to report

*Recent legal literature*

Nothing to report



## CHAPTER III: EQUALITY OF TREATMENT ON THE BASIS OF NATIONALITY

### **1. Working conditions, social and tax advantages (direct, indirect discrimination)**

*Labour Law*<sup>35</sup> was amended on 21 September 2006 to bring it in line with EC Non-discrimination Directives. After heated debates the reference to non-discrimination on basis of sexual orientation has been included in the law.

The *Law on Social Services and Social Assistance* has been slightly amended in 2006.<sup>36</sup> The Law still provides that Latvian citizens, non-citizens as well as foreigners and stateless persons who have been granted personal identity code can be entitled to social services and assistance. The Law does not apply to persons with temporary residence permit. Further procedures to be followed are set by both Cabinet of Ministers and local governments.

On 21 November 2006 new Regulations No.946 *on Procedure for Receiving Social services and Social assistance* were adopted.<sup>37</sup> In addition the Cabinet has adopted two new regulations, i.e., Regulations No. 889 *on Procedure for victims of human trafficking to be granted rehabilitation services and criteria for acknowledging person to be victim of human trafficking*<sup>38</sup> and Regulations No. 914 *on Procedure for persons dependent psychoactive substances to be granted social rehabilitation services*.<sup>39</sup>

Since Regulations are adopted on basis of the *Law on Social Services and Social Assistance* their scope *ratione personae* is limited to persons enumerated in Article 3 of the Law. Thus, even if Latvia does differentiate persons on basis of the place of residence explicitly, it makes differentiation on basis of possession of personal identity number which can be acquired either by being citizen or non-citizen or permanent resident in Latvia.

### **2. Other obstacles to free movement of workers**

Nothing to report.

### **3. Specific issue: frontier workers**

*Text(s) in force*

There is no special treatment of frontier workers. However, important amendments have been made in tax law. The *Law on Income Tax of Residents* has been amended in 2006 in order to bring it in line with requirements of EU law.<sup>40</sup> Amendments aim to abolish discrimination in relation to free movement of capital (payments to private pension funds and insurance companies which are established in other EU or EEA States as well as in relation to promissory notes issued in other EU Member States, dividends). In relation to free movement of persons the amendments provide that right to minimum income not subject to taxes, tax advantages and justified expenses is applicable in relation to EU and EEA citizens if more than 75% of total income is acquired in Latvia and if EU/EEA citizen or his/her spouse have not used analogous benefits to those envisaged in this Law in their country of residence (Article 9 paragraph 3).

35 OG No.105 06.07.2001 as amended until 21.09.2006 OG No.162 11.10.2006.

36 OG No. 168 19.12.2002 as amended until 25.05.2006, OG No.92 14.05.2006.

37 OG No.190 24.11.2006.

38 31.10.2006 OG No. 176 3.11.2006.

39 6.11.2006 OG No. 180 9.11.2006.

40 29.12.2006, OG No.207, 29.12.2006, Annotation available on [http://www.saeima.lv/saeima9/lasa?dd=LPO113\\_0](http://www.saeima.lv/saeima9/lasa?dd=LPO113_0). See also Grozījumi likumā „Par iedzīvotāju ienākuma nodokli” (VID Galvenās nodokļu pārvaldes 17.01.2007. vēstule Nr.15.1.1-9/2332) <http://www.valka.lv/faili/1355840105.doc>.

LATVIA

*Draft legislation, circulars, etc.*

Nothing to report

*Judicial practice*

Nothing to report

*Miscellaneous (administrative practices, etc.)*

Nothing to report

*Recent legal literature*

Nothing to report

## CHAPTER IV: EMPLOYMENT IN THE PUBLIC SECTOR

### 1. Access to public sector

#### 1.1. Nationality condition for access to positions in the public sector)

*Law on Civil Service* was amended during 2006 twice.<sup>41</sup> According to amendments servants in specialized civil service employed in State Police, Security Police, Center of Communications and Center of Information of the Ministry of Interior, State Border Guard, Firefighting and Rescue Service and the Board on Places of Imprisonment have been excluded from civil service. They are now considered to be officials with special rank grade.

Definition of civil servant has been amended as well. It will now include also those who are employed in State agencies. There are specific provisions in relation to obligation to acquire higher education for those working in agencies.

#### 1.2. Language requirement

There are no changes in the general system of language requirements since 2004. Section 4 of the Regulations 296 *on the level of knowledge of the state language necessary for performance of professional duties and duties of position and procedure for verification of state language proficiency*<sup>42</sup> provide that for those employed in the State and local government institutions, courts and court system institutions, State and local government enterprises as well as enterprises where State or local government holds most of capital shares the level of command of Latvian is set in the annex to Regulations. Each profession as defined in Classifier of Occupations is assigned to particular grade. The list drawn is deliberate and sometimes includes professions which can hardly ever be considered belonging to public sector. Those professions which are assigned to highest grade of language proficiency include captain of ship, judges, lawyer, diplomats, civil servants and alike.

On 19 December 2006 the Government adopted amendments to Regulations No. 296. The amendments were proposed by the State police and Border Guard, which asked for higher level of state language knowledge for their employees. According to amendments employees in different branches of the Ministry of Interior shall be fluent in Latvian according to highest grade, i.e. 3B.<sup>43</sup>

The amendments caused significant problems for fire-fighters where 545 employees or 1/5 of fire-fighters did not have corresponding level of knowledge of state language. The Head of State Fire-fighting and Rescue Service protested against the amendments. New amendments are expected in the Regulations.<sup>44</sup>

#### 1.3. Recruitment procedures: follow-up of *Burbaud case*

There is no comparable system as the one at issue in *Burbaud case* in Latvia. According to the *Law on Civil Service* the Latvian School of Public Administration was established. According to Regulations No. 537 the School is responsible for organizing different courses and seminars for servants who are already part of civil service. The School shall ensure that civil servants have the possibility to upgrade their qualifications in accordance with strategies of State Chancellery adopted for development of civil service in Latvia.<sup>45</sup>

41 14.09.2006, OG No.65, 26.04.2006 and 02.11.2006, OG No.180, 9.11.2006.

42 OG No.302, 29.08.2000 as amended by Regulations No.404 (OG No.435/437, 01.12.2000) and Regulations No. 1023, 19.12.2006 (OG No. 204 22.12.2006).

43 1A is the lowest and 3B the highest grade

44 Prasību maiņas dēļ piektdaļai ugunsdzēsēju valsts valodas zināšanas atzītas par nepietiekamām.

45 19.07.2005, available at <http://www.vas.gov.lv/lv/vas%20olikums.doc>

#### 1.4. Recognition of diplomas

There are two systems of recognition: academic recognition and recognition of qualifications in regulated professions.

According to paragraph 7 of Article 2 of the *Law on Regulated Professions and Recognition of Professional Qualifications* it is not applicable in cases when work in regulated profession is related to service in public administration or performance of functions in the courts sector. It is also not applicable in cases when according to law or regulations of the Cabinet of Ministers candidate is subject to requirements of oath, respect for code of ethics, reputation, not having criminal record, health condition, insurance, language proficiency, regular certification, license and alike but documents attesting education or qualifications are not required.

In relation to public sector – public administration and courts academic recognition is sufficient. In addition, judges are subject to specific qualification exam (Article 52 of the *Law on Judicial Power*). Academic recognition means that individual shall submit to Academic information centre (AIC) established under auspices of the Ministry of Education originals or certified copies of educational document and diploma supplement (transcript of records). AIC evaluates a level of qualifications compared to Latvian system and issues its statement. The evaluation is free of charge. The procedure of recognition and documents needed is further set in Article 11.1 of *Education Law* and Articles 84 and 85 of the *Law on Higher Education*.

## 2. Equality of treatment

### 2.1. Recognition of professional experience for access to the public sector

In relation to remuneration Government has undertaken a reform and adopted a number of new Regulations as was reported last year. The posts in public service are divided into a number of categories according to Cabinet Regulations No. 310 *on classification system of posts and order of classification of posts in institutions of state direct administration*.<sup>46</sup> Government has further adopted new Regulations No. 1031 *on budgetary expenditure classification according to economic categories*<sup>47</sup> which became effective on 1 January 2007. Those provide for classification to be applied for state budget, local government budget institutions in order to plan their budget, records and preparations of reports, i.e., special codes for salaries, premiums, social security payments and alike.

### 2.2. Recognition of professional experience for the purpose of determining the professional advantages

#### *Text(s) in force*

The rules and criteria on basis of which the salaries are calculated depend on previously mentioned system which are brought into comprehensive system on basis of Regulations No. 995 *on remuneration and qualification grades for workers, servants and officials in direct administration institutions and Central election commission as well as benefits and compensations for servants* which came into force on 1 January 2006 with transition provisions up until 1 January 2007.<sup>48</sup> The system is complicated and there are many criteria to be taken into account to calculate the salary of officials and servants. In short there are categories of posts and respective levels within these categories. These are assigned to groups of monthly salaries. When the respective group is identified the qualification grade of servant shall be taken into account. This allows to establish the diapason of available monthly salary within the range of which specific sum is agreed between the head of institution and

<sup>46</sup> OG 75 3.05.2005 as amended until 28.02.2006, OG No.39 08.03.2006

<sup>47</sup> OG No. 210 30.12.2005 as amended until Regulations No. 935 14.11.2006, OG No.193 5.12.2006

<sup>48</sup> OG No.210 30.12.2005. Regulations were amended during 2006 three times, the latest on 19.12.2006 Regulations No. 1034, OG No.206, 28.12.2006

servant. There are six qualification grades identified on basis of individual evaluation. This evaluation shall take into account performance of the servant, worker and official as well as length of service (Section 8). These criteria are then put into formula. In addition there are also a number of exceptions which can be applied. However, according to State Civil Service Board public service performed in another Member State will not be taken into account when calculating remuneration for the public service in Latvia. Qualification grade is reviewed at least once a year (Section 13). Additional payment up to 20% is allowed in cases of working in intensified work conditions. Servants of special civil service can get extra payment up to 25%. There are also possibilities to get extra payment for replacing other servants. However, it can never exceed 40%. Section 25 provides for exception in case of servants who work during night and special conditions (50-75%). Special bonus can be granted up to 120% of monthly salary once a year according to results of the work.

There is a special system in civil service offering servants 'special management agreement'. The system has been introduced in 1997 by Regulation on management agreements.<sup>49</sup> It provides that in addition to regular salary envisaged for particular post additional agreement on special management is concluded. The amount of salary to be paid under additional agreement is discretionary and has led to the practice that civil servants are earning more under additional salary than it would be with the regular salary calculated in accordance with the law. For instance, Head of the Bureau of the Prime Minister has a fixed salary of 1098 LVL while after conclusion of special agreement the total sum is LVL 3000. State Secretary of the Ministry of Health has remuneration of LVL 3500 a month. The system has inherent discretion if, for instance, one compares the salary of State secretary of the Ministry of Welfare who is granted salary of LVL 1479 while the Head of the Electronic management secretariat is granted LVL 1900.<sup>50</sup> The system is chaotic and lacks any reasonable explanation based on expertise, responsibility, duties, and experience in the field.

*Draft legislation, circulars, etc.*

#### *Judicial practice*

On 6 November the Constitutional Court accepted the application in the case where the requirement to have higher education in order to become civil servant was challenged. When the Law on Civil Service was adopted it included Transition provisions when civil servants could take a post without having higher education. A person challenging the application of higher education requirement is inspector of fish protection who has worked as inspector for 30 years and who has lost his position because of the lack of higher education.<sup>51</sup> Case is pending and decisions expected in coming months.

*Miscellaneous (administrative practices, etc.)*

#### *Recent legal literature*

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49 Regulations No.46, 21.01.1997, OG No. 27, 24.01.1997

50 L. Pakalnina, Mūsu dārgie [Our valued], daily newspaper Diena, 23.02.2007

51 Case No. 2006-29-0103. ST vērtēs augstākās izglītības prasību ierēdņiem [Constitutional Court will deal with requirement of higher education for civil servants], [www.DELFI.lv](http://www.DELFI.lv), 6.11.2006

## CHAPTER V. MEMBERS OF THE FAMILY

### *General provisions on family members*

The term 'family members' is defined in Section 3 of Regulations No.586 which transposes Articles 2.2 and 3 of the Directive 2004/38, i.e.,:

- Spouse of the EU citizen<sup>52</sup>;
- Relative of the EU citizen or a spouse in descending line under age of 21 or is dependent on EU citizen or a spouse;
- Relative of the EU citizen or spouse in ascending line who is dependent;
- Person who is dependent of EU citizen or a spouse and which had common household with EU citizen in previous host State;

If a family member has entered working relationship or is self-employed s/he does not need work-permit.

According to Sections 5 and 6 of Regulations 586 EU citizen or family member who is EU citizen and resides in Latvia for a certain period of time will receive registration certificate. It can be either temporary or permanent. It is only in case of non-EU citizens who are family members that residence permit shall be issued.

According to Section 13 in case if spouse of EU citizen appears on the Blacklist s/he may be refused the right to enter on grounds of public security, public policy or public health. Decision shall be communicated in writing providing reasons, except in cases of threats to state security, as well as explaining the possibilities to appeal. According to Section 48.4 registration certificate, permanent residence certificate or residence permit and permanent residence permit will be annulled if there will be basis to consider that person has entered into marriage of convenience to acquire rights to reside in Latvia.

In relation to *Acrich*, it should be mentioned that in order to get married in Latvia third country national needs valid visa or residence permit. In relation to right to enter of spouses of Latvian citizens it should be noted that there are proposed amendments to *Immigration Law* (28.09.2006). Amendments provide to ease entry of family members of Latvian citizens who are third country nationals. According to amendments spouse will not be required visa if s/he (third country national) has resided together with Latvian citizen in another EU Member State and has received residence permit there. Amendments also provide that it is not necessary to submit invitation if a person requesting visa is spouse of Latvian citizen or minor child. Finally the amendments provide for possibility to enter Latvia with a travel document without residence permit if a person has received new passport and upon crossing border can present previous travel document with valid residence permit.<sup>53</sup>

According to Section 14 in case if family member does not have necessary documents for crossing the border but there is a possibility to receive such documents in Latvia the authorized official can take decision allowing the right to enter. In general, as provided in Section 15, a non-EU citizen family member can enter and reside in Latvia up to 90 days in case if s/he has valid residence permit issued by another EU Member State or s/he can reside in the EU according to Regulation 539/2001. No formal invitation letter is needed in case if documents are submitted attesting the family relationship (Section16). According to Section 17 visa can be obtained on the border.

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52 The term used in Latvian cannot be read to entail same-sex marriages either registered in church or otherwise.

53 Izsludināti grozījumi Imigrācijas likumā [Amendments proposed to Immigration law], Ministry of Interior, 28.09.2006, <http://www.mk.gov.lv/aktuali/zinas/2006gads/09/ieklietu28092006-01/?print>.

### **1. Residence rights**

According to Section 29 of Regulations 586 family member has a right to reside permanently after five years of continuous residence in Latvia. Section 31 provides that family members can request residence for 5 or 10 years depending on the length of residence of EU citizen. In case of departure, death, divorce or recognition of marriage as invalid the residence rights of family member will depend on the fact whether s/he can request the right of residence independently on basis of Regulations 586. In case if family member is not EU citizen additional requirements are set: (i) before divorce or invalidity of marriage was married for 3 years with EU citizen and resided in Latvia for 1 year; (ii) child remains in custody of non-EU citizen; (iii) non-EU citizen has a right to meet minor child in Latvia; (iv) serious circumstances as violence in family is established; (v) resided in Latvia for year before death of EU citizen; (vi) s/he is a child of Union citizen who has died or departed from Latvia and is enrolled in educational system of Latvia. S/he is entitled to residence until the education is acquired. Parent who is taking care of a child retains the right to reside.

In case of death of EU citizen who has been worker or self employed before acquiring right of permanent residence in Latvia, family members acquire the right of residence if Union citizen has resided in Latvia for two years, the cause of death is accident in work or professional illness or spouse has lost Latvian citizenship by marriage.

### **2. Access to work**

Although it is not specified neither in Regulations 586 nor Regulations 44 on *Work Permits*<sup>54</sup> it seems that family members have to inform OCMA in case if they have been granted either residence certificate or residence permit as family members of EU or EEA citizen and they will be employed.<sup>55</sup> It is important especially for family members who are not EU citizens because Regulations No. 813 on *Residence permits* strictly enumerate the documents to be submitted in each case depending on the grounds of residence in Latvia. There are no explicit exceptions mentioned in legislation to the requirement that third country nationals shall obtain work-permit in order to be employed. In case if the basis for residence change and third country national is employed point 6 of paragraph 1 of Article 23 of the *Immigration Law* will be applicable. Access to employment is cumbersome and expensive from the point of view of employers. (See section VII) In case of employment of EU citizens none of procedures is applicable.<sup>56</sup>

### **3. Access to education (study grants)**

See part on Students. No specific provisions are applicable in case of family members.

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54 20.01.2004 OG No. 12 23.01.2004, as amended until Regulations No.998 OG No. 200 15.12.2006

55 OCMA has informed that in case if employer in Latvia is willing to employ EU citizen s/he shall submit valid travel document, application and proof of employment relationship. Registration is free of charge. <http://www.pmlp.gov.lv/phorum/read.php?f=5&i=6791&t=6791>.

56 Explanation provided by Migration Policy Division, OCMA. Available at <http://www.pmlp.gov.lv/phorum/read.php?f=5&i=6175&t=6175>, accessed 1.12.2006.

#### **4. Other issues concerning equal treatment (social and tax advantages)**

*Text(s) in force*

*Draft legislation, circulars, etc.*

*Judicial practice*

*Miscellaneous (administrative practices, etc.)*

There is ongoing dispute between a non-married couple and Latvian authorities in relation to registration of the child and his birth-certificate. Child was born on 16 September 2006 to Latvian citizen and Danish citizen who live in non-registered partnership. They applied for registration of their child as Latvian citizen and birth certificate on 21 September. The documents were transferred to OCMA who registered child as Latvian citizen and provided him with personal identity code. However, parents have not received the birth certificate which is needed *inter alia* for travel or registering in a queue for kinder-garden. Official of the Registry Office refused to enter the personal code of Danish citizen which consists of 10 numbers instead of 11 as for Latvian citizens. The proposed solution was to enter a code of invalid temporary residence permit which was granted to Danish citizen before Latvia joined the EU. Parents refused to accept this solution because it would make the identification of father with a child impossible. Moreover, the name of the father in the birth certificate would appear only in Latvian transcription. The issue is still pending and parents claim that officials act contrary to the rights of the child and also violate rule of non-discrimination in relation to EU citizens.

There is also ongoing dispute between a couple of German and Latvian citizen when Latvian authorities refused to register German citizen as unemployed and to grant him unemployment benefit. He lost a job in Germany and after a while moved to Latvia to settle with his wife. He was willing to register as unemployed. Latvian officials asked him to produce evidence that before he moved to Latvia he was visiting Latvia on regular basis. The reasons for these requirements the officials refused to explain.

The author of the report has got a number of complaints on difficulties EU citizens are facing with declaration of residence and registration of children born in mixed marriages. They also argue that information registered is not always necessarily correct, there are difficulties to communicate in English with OCMA and difficulties to get necessary information on residence certificates and alike by phone. It should be noted, however, that forum established on the website of OCMA (<http://www.pmlp.gov.lv/phorum/list.php?f=5>) works efficiently – thorough information is provided timely (usually the same day) and extensively.



## CHAPTER VI: RELEVANCE/INFLUENCE/FOLLOW-UP OF RECENT COURT OF JUSTICE JUDGMENTS

In particular follow-up of cases: *Trojani, Collins, Ioannidis, van Lent* (C-232/01), *Commission v. Denmark* (C-464/02)

According to Section 39 of Regulations No. 586 if Union citizen or his/her family member has applied for social assistance respective local government shall inform OCMA within 10 days. Section 48.1 of the same Regulations provides that residence permit is annulled in case if the EU citizen and his/her family member places excessive burden on social assistance system. This condition is not applicable in relation to EU citizen who is employed or self-employed person in Latvia and his/her family member. Regulations require that in order to establish whether person creates excessive burden on social assistance system length of residence in Latvia, amount of assistance, regularity of seeking access to assistance as well as reasons for request shall be taken into account.

According to Ministry of Welfare Latvian social security system is based on the principle of insurance, i.e., if a person has paid social insurance contributions, s/he is entitled to receive service. Therefore, judgments like *Collins* are not relevant.<sup>57</sup>

In relation to cases *Van Lent* and *Commission v. Denmark* the situation has slightly changed. According to Article 47 of *Road Traffic Law*<sup>58</sup> a driver can drive a car if he has drivers license issued by EU Member State, EFTA Member State or license indicating categories of drivers in accordance with 1968 Convention on Road Traffic. In case if license does not indicate category a person is allowed to drive vehicle corresponding to category B. In case if drivers license is written with different letters than Latin alphabet a person shall present translation in Latvian confirmed by notary. A foreigner entering Latvia and residing for more than one year shall change drivers license. This requirement does not apply to citizens of EU and EFTA Member States.

Paragraph 3 of Article 47 provides that foreigners and stateless persons shall register vehicles in case they reside in Latvia for more than three months. The application of this requirement to EU citizens is unclear. As explained by officials of Directorate of Road Traffic Safety this requirement does not apply to EU citizens. However, the text of the Law does not support this view because no exceptions are mentioned in relation to this group.

### *Existence of national quotas (Bosman, Kolpak and Simutenkov rulings)*

Basic principles of regulation in the sports sector are set in the *Law on Sports*.<sup>59</sup> In relation to professional sportsmen, subject to special provisions of the contract, the principle of non-discrimination applies as provided in *Labour Law*.

Responsible governmental institution for implementation of policies and coordination of sports sector is Ministry of Education and Science and Sports Administration established under auspices of the Ministry. In addition, partial responsibility lies with five other ministries for specific aspects of sports that fall in their sphere of competence.

The overall responsibility for State's sport's policies is the National Sport's Council. The Council holds a pivotal position between the governmental and non-governmental organizations. National Sports Council also sets criteria for sport federations to be entrusted with leadership and co-ordination of the relevant sport sector and the right to represent Latvia internationally. Thus, there is relationship of delegation of functions from the government to non-governmental sector.

Activities of sport federations are coordinated by the Council of Sport Federations of Latvia (CSF). Only those Sports Federations that comply with the criteria of the Cabinet of Ministers can be recognised and can represent themselves internationally. For a federation to be recognised in Latvia, it has to comply with all the acts of the legislation of Latvia and to

57 Information provided by Dace Zabinako, Head of Unit, Ministry of Welfare.

58 OG 274/276 21.10.1997 as amended until 1.03.2007 OG No.36 01.03.2007.

59 OG 165 13.11.2002, as amended until OG No. 180, 09.11.2006.

be conformable not only with the rules of international sports federations but also with international law.

It was noted already last year that free movement of sportsmen from the EU in Latvia is minor. A number of reasons can be mentioned. First, Latvia is not attractive for sportsmen due to relatively low level of competitiveness. Sports industry is not yet well-developed. Second, Latvian clubs cannot afford to contract successful professional sportsmen. Third, due to Latvia's geopolitical situation it is more attractive for sportsmen outside the EU coming, *inter alia*, from Belarus, Russia and alike.

The practice of sports federations varies but has improved in comparison to 2005.

In Ice-Hockey the Regulations of Samsung Supreme League provide that each club can register 3 foreign players who are not EU citizens and unlimited number of EU hockey-players for competition.<sup>60</sup> All foreign players shall have registered transfer cards. The Regulations also provide that only 5 foreign players can be registered for each game. In addition Regulations set the prices for licences: for players older than 18 the price is 750 LVL while for players aged 16-17 250LVL (360EUR).

Latvian Basketball League Regular Championship regulations provide that for the team to be registered maximum 20 players can be included.<sup>61</sup> In among those 20 the number of foreign players is not limited. Foreign players in this context mean foreigners who have no passport of Latvian citizen or non-citizen. The number of players registered for each game shall be minimum 8 and maximum 12. There are no limits for registering Estonian and Lithuanian citizens for the game. However, the number of other foreign players is limited to 4. The composition of teams is important also in the context of SEB Baltic Basketball League because only the teams registered for Latvian Championship in the order described above can participate in the Baltic League.

In Basketball the quota for foreigners has been increased. In Latvian Women Basketball league teams can register unlimited number of foreign players. However, only 4 foreign players, except for Estonian and Lithuanian citizens, can be registered for a game.

In relation to football situation has not changed. Latvian Football Championship Regulations provide that each club can register unlimited number of foreign players but only 5 foreign players can be on the field at the same time.<sup>62</sup> Foreign players in this context are those who have passport of another state. If such player acquired Latvian citizenship he is not regarded as foreign player. It should be noted, however, that during 2005 acquisition of permanent residence permit was sufficient for a player not to be considered as foreigner.

Similarly in the Volleyball Championship the situation has not changed. Foreign players are allowed to take part in championship as soon as they present transfer cards. Only those players who have registered for National championship can play for the Checker League (Estonian and Latvian league).

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60 [http://www.lhf.lv/public/?id=142&ln=lv&std\\_id=543](http://www.lhf.lv/public/?id=142&ln=lv&std_id=543).

61 [http://www.basket.lv/lb/faili/lbl\\_int.pdf](http://www.basket.lv/lb/faili/lbl_int.pdf).

62 <http://www.lff.lv/lv/virsliga/reglaments/virs-reg/>.

## CHAPTER VII: POLICIES, TEXTS AND/OR PRACTICES OF A GENERAL NATURE WITH REPERCUSSIONS ON FREE MOVEMENT OF WORKERS

On 22 June 2006 Parliament adopted the *Law on EC Long-term Resident Status*. The Law aims at transposition of Directive 2003/109.<sup>63</sup> Paragraph 2 of Article 2 provides that the Law sets the conditions for acquisition and loss of the status. Other issues connected with obligations of the 2<sup>nd</sup> Member State to admit long-term residents are dealt by *Immigration law* which has also been slightly amended. The only integration requirement for acquisition of the status which is included in the Law is knowledge of Latvian language. The specific requirements of proficiency in Latvian are set by the Cabinet of Ministers Regulations. Article 9 of the Law provides that long-term resident shall enjoy all human rights and obligations as provided in the Constitution as well rights of non-citizens and permanent residents as specified in other Latvian laws.<sup>64</sup>

On 4 April 2006 the Cabinet of Ministers Regulation No. 252 were adopted on the necessary level of knowledge of official language and the procedure for verification of command of language proficiency, as well as verification procedure of the documents attesting state language proficiency for foreigners, which are entitled to request permanent residence permit.<sup>65</sup> Regulations are applicable in case of spouses of Latvian citizen, Latvian non-citizen and permanent residence holder as well as their minor children and parents who apply for permanent residence permit. The Regulations are also applicable in cases of foreigners who by themselves or at least one of their parents were citizens of Latvia on date of occupation in 1940 if he moves for permanent life to Latvia as well as in cases when any holder of temporary residence applies for permanent residence. According to Section 2 of the Regulations are not applicable in cases when a person has graduated from educational establishments intended for persons with mental disabilities, I group of disabled with total aphasia<sup>66</sup> and II group of disabled with total deafness or deaf-and-dumbness which has resulted in mental disorder.

In order to qualify for permanent residence permit foreigner shall demonstrate proficiency in Latvian corresponding to level 1B in accordance with Regulations of the Cabinet of Ministers No. 252 and No. 296 on the necessary knowledge of Latvian for the performance of professional duties (quoted under Chapter IV 1.2.) State duty to be paid for examination is 10 LVL.<sup>67</sup>

In addition the Regulations provide that certificate on primary or secondary education attesting that centralized exam on Latvian language in level E is adequate to prove the proficiency in Latvian in required lowest B level (Section 24). In addition certificate on knowledge of Latvian on respective level issued in another country will be considered as valid. This brings Latvian legislation in line with ECJ ruling in Case C-281/98 Angonese. Foreigner taking the exam shall submit valid travel document and check on payment State duty.<sup>68</sup> In-

63 OG No.107 07.07.2006. The Law was adopted already on 25 May 2006. However, President refused to sign the law because non-citizens were not singled out as specific group. According to the Law they will have to prove continuous and legal residence in Latvia as well as to pass the language test. See Prezidente liek pārskatīt EK pastāvīgā iedzīvotāja statusa likumu [President requests to review EC long term resident status law] [www.apollo.lv](http://www.apollo.lv) 31 May 2006. After repeated consideration the Parliament adopted the law without amendments proposed by the President and left-wing parties. See Saeima nemaina likumu par Eiropas Kopienas pastāvīgā iedzīvotāja statusu Latvijā [Parliament does not change the Law on EC long term resident status in Latvia] [www.apollo.lv](http://www.apollo.lv) 22 June 2006

64 In this context the question arises whether Latvia considers long-term residents equal to non-citizens on behalf of which Latvia can extend diplomatic protection. However, taking into account that diplomatic protection is the right of the State rather than individual, the question should be answered in negative.

65 OG No. 57 07.04.2006 with amendments until Regulations No. 995 12.12.2006, OG No. 200, 15.12.2006.

66 Persons who are unable to speak or have lost the ability to speak due to brain damage.

67 See also Regulations No 109 on *State duty for examination of proficiency in State language for foreigner and procedure for payment of State duty*, 13.02.2007, OG No. 28, 16.02. 2007.

68 Information submitted to the Cabinet of Ministers 20.10.2006.

stitutions involved in evaluating adequacy of the language proficiency are OCMA and Center of Contents of Education and Examinations. Exam consists of both written and oral part.

In relation to adopted Regulation No.539/2001 which provides for visa-free regime for free movement of non-citizens,<sup>69</sup> there was public debate on its repercussions to naturalization process. It has been argued that motivation to naturalize is brought to zero. However, this statement might be too bold. Apart from travel it can be career considerations or willingness to acquire political rights which can motivate people to naturalize. It has been argued that there are no up to date statistics as to how many non-citizens are actually residing in Latvia. Although after elections right wing party Farther-land and Freedom/LNNK proposed to freeze naturalization and bring other changes to naturalization those proposals have not materialized.<sup>70</sup>

The system of work-invitations and work permits for foreigners has been simplified. The amendments in Regulations No.44 on Work Permits for Foreigners<sup>71</sup> foresee reduction of documents to be submitted for work permit as well as extends the group of persons who are granted work permit by OCMA without having registered work invitation. Thus one stop agency principle was introduced with respect to legal residence and employment of foreign nationals in Latvia.<sup>72</sup> Regulations transpose Directives 2001/55/EC, 2003/9/EC, 2003/109/EC, 2004/81/EC, 2004/83/EC, 2004/114/EC. Although the Ministry of Welfare acknowledges that priority lies with exploring local workforce, in spheres where foreign experts have to be invited it should be done in most efficient way by reducing administrative obstacles to employers and simplifying procedures.<sup>73</sup>

According to amended Regulations No.44 employers will no longer have to submit to the State Employment Agency the notice about their tax liabilities, given by the State Revenue Service (SRS). It determines that employers must indicate in the application the reason for employing a foreigner, and state that they have not received tax liabilities, administered by the SRS. Work permits to victims of human trafficking, EU long term residents and their family members as well as alternative status holders will be issued on basis of temporary residence permit.<sup>74</sup> According to Section 5<sup>1</sup> work-permit to full time students can be issued only in cases if the job contract does not exceed 20 hours per week or if s/he is self-employed residing in Latvia for no less than one year.

State Labor Inspection, State Border Guard, Employment Agency and OCMA according to Section 13 are responsible for supervision and control of residence and employment in Latvia.

Job-invitation should be confirmed by employer or authorized representative in State Employment Agency by motivating necessity to employ foreigner. In case if needed documents on professional qualifications of employee invited shall be submitted. In addition the copy of the contract, relevant documents for identification of employer and other documents shall be submitted. According to Section 20 Agency may refuse application inter alia on grounds of Community preference principle. The fee for reviewing documents submitted and confirmation of invitation under ordinary procedure (within 10 working days) is 3 LVL, under expedient procedure (5 working days) is 5 LVL. Then employer shall proceed with paying administrative fees for invitation and residence permit (State fee LVL 70 + LVL30 for consular services for each person (143EUR). Moreover, according to Section 23 if decision is

69 Latvijas nepilsoņi ES valstīs varēs ceļot bez vīzas [Latvian non-citizens will be allowed to travel in the EU without visa] [www.DELFLI.lv](http://www.DELFLI.lv), 4.12.2006.

70 Askolds Rodins, Pārmaiņas nepilsoņu dzīvē [Changes for non-citizens] Daily newspaper Diena, 8.12.2006

71 20.01.2004, OG No.12 23.01.2004 as amended until Regulations No. 998 12.12.2006 OG No. 200, 15.12.2006.

72 Fridriksone, M., Proposals to Ease Entry for Immigrant Workforce, Dienas Bizness (Daily Business), 24.08.2006.

73 Vienkāršos darba atļauju saņemšanu ārzemniekiem [The procedure for granting work-permits to foreigners will be simplified] [www.DELFLI.lv](http://www.DELFLI.lv), 12.12.2006. Labklājības ministrija: Latvijā nav nepieciešams ievest viesstrādniekus (Ministry of Welfare: there is no need to bring guest workers to Latvia) National News Agency LETA, 11.12.2006.

74 National News Agency LETA 13.07.2006.

positive another 35 LVL (50EUR) shall be paid for work permit for each month. Section 24, however, provides for a number of exceptions in cases of:

- asylum seekers;
- workers for up to 90 days within 6 months who are foreigners employed in science, cultural institution financed from State budget or local government budget; teachers, experts in evaluation and accreditation of laboratories or similar institutions, stagiaires or students who came to practice, consultants to State or local government institutions, local business related persons according to Commercial law, owner of company, scientist, sportsmen, lecturer at educational establishment, self-employed businessman, citizen of Latvia of 17.06.1940, spouse of citizen, non-citizen or permanent residence holder or their child, family member or child of Latvian citizen, person with alternative status or his/her family member, temporary residence holder, foreigner whose job-invitation has been confirmed in relation to special economic zone, full-time student, victim of human trafficking, Long-term resident status holders, residence holder in accordance with court ruling on divorce and custody over child, person under temporary protection or a person who qualified for residence under *Immigration Law* Article 23 part 1 22 point as well as dependants of persons employed by diplomatic and consular agencies.

OCMA issues work permit for the duration of visa or temporary residence permit.

Guest workers from third countries must be paid at least the average salary of LVL 246 (350 EUR). Additionally, the vacancy must be announced at least a month before a guest worker from a third country is invited in order to follow Community preference principle.

The Government has transposed provisions of Directive 2003/110/EC by adopting Regulations No. 337 *on Procedure according to which Republic of Latvia receives and assists EU Member States and States of Schengen Agreement in relation to forced expulsion by air, extent of this assistance and procedure according to which common flights to be organized through EU Member States and States of Schengen Agreement*<sup>75</sup>.

Government has adopted new Regulations No. 813 *on Residence permits* and amended them in order to transpose Directive 2004/81/EC.<sup>76</sup>

#### *Draft legislation*

There are a number of amendments proposed in *Immigration Law* in general provide improvement of business environment and simplification of administrative procedures, i.e.<sup>77</sup>:

- individual can enter Latvia with travel document without valid residence permit if s/he has received new passport and when entering Latvia can present previous travel document with valid residence permit;
- individual should not possess work-permit if the duration of employment in Latvia does not exceed 14 days, if person is crew member on the vessel registered in Latvia and carrying international shipment or if an individual is residing in Latvia during appeal of decision of annulment or refusal of residence permit;
- scope of persons who are not required to submit invitation for visa is extended, to include spouses of Latvian citizens and Latvians as well as their minor children;
- businessman visa for multiple entry will not be annulled if they have applied for residence permit;
- individual entering Latvia for medical treatment will be allowed to reside only if s/he has medical treatment agreement with respective medical establishment;
- residence permit will not be annulled in case of absence of inviter if there is a child in the family;

<sup>75</sup> 25.04.2006, OG No. 171 09.05.2006 with amendments until Regulations No. 997 12.12.2006 OG No. 200 15.12.2006.

<sup>76</sup> 03.10.2006, OG 26.10.2006.

<sup>77</sup> Amendments to the Immigration Law, [http://www.pmlp.gov.lv/?p=30&menu\\_id=25&news\\_id=966&news\\_pos=0](http://www.pmlp.gov.lv/?p=30&menu_id=25&news_id=966&news_pos=0), 6.10.2006.

- starting point will be determined for the term of prohibition to enter in cases when prohibition has been set while foreigner is outside Latvia, as well as Head of OCMA will be granted the right to decrease the term for prohibition of entry only if he has taken decision by himself in relation to prohibition of entry.

Amendments will add the reference to Directive 2004/114/EC *on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service* and Directive 2005/71/EC *on a specific procedure for admitting third-country nationals for the purposes of scientific research* the provisions of which are already transposed in Law.

During 2006 certain liberalization was made in relation to employment of non-citizens, i.e., on 12 October 2006 Parliament passed amendments in the *Law on State Revenue Service* (SRS) which provide that non-citizens can be employed in SRS. However, they cannot become civil servants as Latvian citizens employed in SRS. The amendments were made upon the initiative of State Human Rights Bureau.<sup>78</sup>

On 18 January 2007 policy paper “*Strategy on migration policy in the context of employment*” was presented in the meeting of Secretaries of State. It envisages to decrease by 60% the expenses of bringing foreign workforce and to simplify bureaucratic procedures. This would ease the influx of thousands of workers most of them coming from Russia, Ukraine, Belarus and Moldova. Latvian Employers Confederation has argued that proposed Strategy will not make it easier to attract the workforce from third countries and will not facilitate sustainable economic development in the future. They also said that the strategy is not providing for solutions to emigration problem. It is focused on consequences to the budget rather than possible increase of income from growing business activities once the workforce is recruited in the third countries.<sup>79</sup>

On 1 March 2007 the Parliament refused (in favor 18, against – 64, abstention -1) to consider draft amendments to the *Law on Long Term Residents*. The draft provided for exemption of non-citizens from State duty, obligation to prove continuous and legal residence in Latvia as well as obligation to study Latvian. In addition the draft Law provided equal treatment of long-term residents in comparison to Latvian citizen in relation to employment, self-employment, education and vocational training, recognition of diplomas and qualifications, social insurance, assistance and protection, freedom of assembly, membership in organizations and participation in elections of local governments and European Parliament.<sup>80</sup>

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78 National News Agency LETA, 12.10.2006.

79 Darba devēji kritizē koncepcijas par migrācijas politiku projektu [Employers criticize draft strategy on migration policy] National News Agency LETA 20.01.2007.

80 Neatvieglos nepilsoņiem Eiropas Kopienas iedzīvotāja statusa iegūšanu [The acquisition of EC resident status will not be made easier for non-citizens], [www.DELFI.lv](http://www.DELFI.lv) 1.03.2007.

**CHAPTER VIII. EU ENLARGEMENT*****Information on transitional arrangements regarding EU 8***

Article 70 of *Immigration Law* provides that for introduction of such measures the analysis of labor market shall take place. The procedure set for evaluation of situation in the labor market includes reports from Ministries of Interior and Welfare to the Cabinet of Ministers. Draft amendments to the *Immigration Law* provide to delete Article 70 altogether. Thus, the possibility to apply transitional measures will be excluded as soon as amendments are adopted.

In previous report it was stated that Ministry of Welfare does not consider it necessary to introduce restrictions for free movement because workforce from the EU Member States does not threaten Latvian labor market. There are no changes this year in this position.

*Changes in position with regard to the second phase of the transitional arrangements*

Not applicable.

*Details of the legal regime, including relevant legislation, applicable for the second phase*

Not applicable.

*Practical problems, individual cases and national case law pertaining to the transitional arrangements*

Not applicable.

***2. Transitional measures for workers from Bulgaria and Romania***

Upon accession of Bulgaria and Romania there was low-profile debate on possible transitional measures because political support for non-introduction of any measures has been constantly upheld. It was argued that accession of Bulgaria and Romania does not jeopardize Latvian labor market. The risks remain only in relation to third countries in the East. According to Latvian Prime Minister there is no reason to worry about workforce migration from Bulgaria and Romania to Latvia. If this would have been the case than also citizens of other East European countries would have found Latvia as their country of destination. Instead they are choosing Ireland and the UK.<sup>81</sup> According to the Ministry of Welfare upon the accession of Romania and Bulgaria employers in Latvia will be able to find potential workforce in these countries. The Ministry, however, is not expecting large movements from these countries to Latvia.

In the report submitted to the Government the Ministry noted that according to OCMA during the period 1.05.2004-1.05.2006 only 19 work permits have been issued to Romanian citizens and 8 work-permits were issued to citizens of Bulgaria. Ministry also conducted a survey on views of governmental agencies and social partners in relation to possibility to apply restrictions for citizens of Bulgaria and Romania. Governmental agencies and Latvian Employers Confederation supported the view that there is no necessity to introduce limitations while Free Trade Union Confederation of Latvia supported certain restrictions.<sup>82</sup>

The government supported the proposal from the Ministry of Welfare not to apply transition measures in relation to new Member States and support was granted also by the Parliament.

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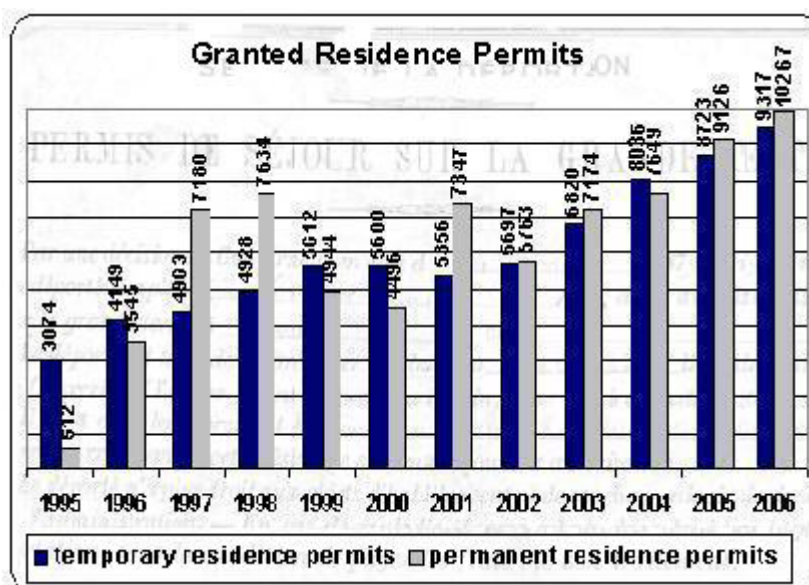
81 National News Agency LETA, 19.12.2006, 20.12. 2006.

82 Informatīvais ziņojums "Par ierobežojumu noteikšanu Bulgārijas un Rumānijas pilsoņu pieejai Latvijas darba tirgum līdz ar šo valstu pievienošanos Eiropas Savienībai 2007.gada 1.janvārī", 02.01.2007.

## CHAPTER IX. STATISTICS

*Duration of mobility*

Foreign nationals presently comprise 1.6 per cent of Latvia's population, which is a rather small percentage in comparison with other European countries. According to official data, the number of foreign nationals residing in Latvia is slowly increasing. Most of permanent residents were from the Russian Federation, Ukraine, Belarus, and the United States (US). Citizens of CIS countries are arriving in Latvia – they are able to work and live in Latvia as Russian is a commonly spoken language in Latvia.

*Granted Residence Permits*

Source: Office for Citizenship and Migration Affairs

*General information*

The number of foreigners who have entered Latvia since joining the EU has not changed significantly – it has risen only by approximately 1,000 permits. The tendencies are the same in comparison with statistics from 2003 and 2006. Most often residence permits have been issued in cases of family reunification, study, and work.

*Basis for issuing temporary residence permits*

Basis	Number
Spouses of Latvian citizens	1,884
Spouses of Latvian non-citizens	976
Parents of Latvian non-citizens	515
Students	563
Business	788
Work	1,499
Other	1,344
Total	7,659

Source: Office for Citizenship and Migration Affairs



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*Citizenship of applicants for temporary residence permit*

<b>Country</b>	<b>Number</b>
Russian Federation	2,433
Ukraine	937
Lithuania	699
Belarus	499
Germany	294
US	293
Estonia	236
Israel	179
United Kingdom	153
Finland	149

Source: Office for Citizenship and Migration Affairs

*Basis for acquisition of permanent residence permit*

<b>Basis</b>	<b>Number</b>
Repatriates	1,369
Family members of repatriates	337
Spouses of Latvian citizens	3,046
Spouses of Latvian non-citizens	1,270
Spouses of foreigners	105
Children	1,827
Foreigners who were Latvian non-citizens	19,944
Other	308
<b>Total</b>	<b>28,206</b>

Source: Office for Citizenship and Migration Affairs

*Citizenship of permanent residence permit holders*

<b>Country</b>	<b>Number</b>
Russian Federation	21,777
Lithuania	1,773
Ukraine	1,602
Belarus	1,130
Estonia	466
US	171
Germany	120
Poland	118
Armenia	117
Israel	100

Source: Office for Citizenship and Migration Affairs

In 2006, the State Employment Agency (SEA) approved only 629 invitations for workers from third countries and the total number of guest workers has also decreased considerably. According to the Employment Agency, invitations for 1,790 guest workers were approved in 2002, the figure in 2003 was 1,409, and only 448 in 2004. Out of 629 invitations according to nationality, welders, who are the most invited category of workers in shipyard sector, are most often from Ukraine while cooks come from China and India.

A total of 6,374 job-invitations were certified at the State Employment Agency branches during the time period from 2001 to 2006.

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*Offers of Employment Certified at State Employment Agency Branches, 2001-2006*<sup>83</sup>

	2001	2002	2003	2004	2005	2006	Total
<b>Offers of Employment</b>	1,892	1,790	1,409	448	505	629	<b>6,673</b>

*Offers of Employment Certified at State Employment Agency Branches By Country, 2000 to 2006*<sup>84</sup>

Country	2001	%	2002	%	2003	%	2004	%	2005	%	2006	%
USA	76	4.0	56	3.1	55	3.9	17	3.8	17	3.4	6	1.8
Belarus	35	1.8	25	1.4	22	1.6	11	2.5	15	2.9	38	5.5
India	36	1.9	46	2.6	52	3.7	28	6.3	66	13.1	29	8.8
China	55	2.9	42	2.3	32	2.3	21	4.7	30	5.9	10	3.0
Russia	248	13.1	226	12.6	126	8.9	49	10.9	99	19.6	103	16.1
Ukraine	372	19.7	304	17.0	313	22.2	184	41.1	210	41.6	308	32.7
Moldova									1	0.2	47	8.2
Uzbekistan									4	0.8	36	10.9
Turkey									3	0.6	25	4.8
Other	1,070	56.6	1,091	61.0	809	57.4	138	30.7	60	11.9	27	8.2
<b>Total:</b>	<b>1,892</b>	<b>100</b>	<b>1,790</b>	<b>100</b>	<b>1,409</b>	<b>100</b>	<b>448</b>	<b>100</b>	<b>505</b>	<b>100</b>	<b>629</b>	<b>100</b>

A foreign national can be employed based on either an employment contract or service agreement. 61% of the offers of employment from 2000 to 2006 were issued based on the employment contracts.

*Offers of Employment Certified at State Employment Agency Branches on Basis of Employment, 2000 to 1<sup>st</sup> half of 2006*<sup>85</sup>

Basis for Employment	2000	2001	2002	2003	2004	2005	2006	Total
International Agreements	89	45	49	37	0	0		220
Employment Contracts	909	1090	1120	851	251	295	464	6780
Service Agreements	475	757	621	521	197	210	165	2847
<b>Total:</b>	<b>1473</b>	<b>1892</b>	<b>1790</b>	<b>1409</b>	<b>448</b>	<b>505</b>	<b>629</b>	<b>8547</b>

*Offers of Employment Certified at State Employment Agency Branches, By Industry 2001-2006*<sup>86</sup>

Industry	2001	2002	2003	2004	2005	2006	Total	%
Agriculture and Forestry	75	108	56	2	0	0	<b>241</b>	<b>3.78</b>
Manufacturing	555	436	415	208	242	310	<b>1966</b>	<b>30.84</b>
Construction	161	176	101	22	33	197	<b>590</b>	<b>9.26</b>
Trade	316	285	166	30	24	8	<b>829</b>	<b>13.01</b>
Hotels and Restaurants	88	81	86	56	64	74	<b>420</b>	<b>6.59</b>
Transportation and Communications	94	108	70	30	30	18	<b>350</b>	<b>5.49</b>
Real Estate and Commerce Operations	0	0	0	0	54	22	<b>76</b>	<b>1.19</b>
Education	180	167	165	18	7	0	<b>537</b>	<b>8.42</b>
Culture, Sports	223	166	188	30	24	10	<b>641</b>	<b>10.06</b>
Other industries	200	263	162	52	27	20	<b>724</b>	<b>11.36</b>
<b>Total</b>	<b>1,892</b>	<b>1,790</b>	<b>1,409</b>	<b>448</b>	<b>505</b>	<b>629</b>	<b>6673</b>	<b>100</b>

83 State Employment Agency data.

84 State Employment Agency data.

85 State Employment Agency data.

86 State Employment Agency data.

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By gender, most offers of employment authorized by the State Employment Agency in 2006 were issued to males (83%) aged 25 to 34 (41%).

Following Latvia's accession to the European Union, a total of 1,700 citizens of the European Union and the European Economic Area and a total of 2,640 third country citizens came to Latvia for employment in the time period from 1 May 2004 to 30 June 2006.

*Number of Foreign Nationals Arriving in Latvia for Employment*<sup>87</sup>

<b>Citizenship</b>	<b>1 May 2004 to 31 Dec. 2004</b>	<b>1 Jan. 2005 to 31 Dec. 2005</b>	<b>1 Jan. 2006 to 30 Jun. 2006</b>	<b>Total</b>
<b>European Union and European Economic Area</b>	607	838	255	1700
<b>Third Country</b>	647	1237	756	2640
<b>Total</b>	<b>1254</b>	<b>2075</b>	<b>1011</b>	<b>4340</b>

*Number of Third Country Citizens Arriving in Latvia, By Industry*<sup>88</sup>

<b>Industry</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>Total</b>	<b>%</b>
Agriculture, Hunting and Forestry	14	27	11	52	1.97
Fisheries	2	9	6	17	0.64
Mining and Extraction	1	2	1	4	0.15
Processing	201	299	144	644	24.40
Utilities (power, gas and water supply)	4	3	1	8	0.30
Construction	16	44	62	122	4.62
Wholesale and Retail; Repairs of Automotive and Consumer Products and Appliances	75	163	78	316	11.97
Hotels and Restaurants	70	97	68	235	8.90
Transportation, Storage and Communications	27	84	68	179	6.78
Financial Services	22	37	24	83	3.14
Real Estate, Leasing and Commerce Opera- tions	74	162	118	354	13.41
Government Services and Defense; Social Security	0	9	14	23	0.87
Education	53	57	18	128	4.85
Health Care and Social Work	6	14	10	30	1.14
Other Municipal, Social and Individual Ser- vices	81	228	133	442	16.74
Extra Territorial Organizations and Institu- tions	0	1	0	1	0.04
Household Activities	1	1	0	2	0.07

87 Data of Office of Citizenship and Migration Affairs.

88 Office of Citizenship and Migration Affairs data.

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<b>Total</b>	<b>647</b>	<b>1237</b>	<b>756</b>	<b>2640</b>	<b>100</b>
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By citizenship, in the time period from 1 May 2004 to 2006, most foreign nationals arrived in Latvia for employment from Russia (33.75%), Ukraine (21.17%), the USA (8.52%), India (5.72%) and Belarus (5.68%). Citizens of other countries did not reach the 5% threshold.

*Largest Third Country Citizen Groups Arriving for Employment, 2004-2006*

<b>No.</b>	<b>Citizenship</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>Total</b>	<b>%</b>
1	Russia	173	446	272	<b>891</b>	33.75
2	Ukraine	191	242	126	<b>559</b>	21.17
3	USA	66	110	49	<b>225</b>	8.52
4	India	34	75	42	<b>151</b>	5.72
5	Belarus	26	87	37	<b>150</b>	5.68
6	Israel	33	41	36	<b>110</b>	4.17
7	China	25	42	20	<b>87</b>	3.30
8	Turkey	11	16	24	<b>51</b>	1.93
9	Canada	11	17	10	<b>38</b>	1.44
10	Other	77	161	140	<b>378</b>	14.32
	<b>Total</b>	<b>647</b>	<b>1,237</b>	<b>756</b>	<b>2,640</b>	<b>100</b>

### **Trends**

The number of employers employing foreign workforce will increase. Currently 3% of Latvian companies have foreign workforce on the management level.<sup>89</sup> Total number of third country nationals is not available because many foreigners, for instance, spouses, do not register at the Agency. According to SEA restrictions on free movement can be introduced only if the number of foreign workers will increase up to 5000-10 000.<sup>90</sup>

After visiting 3893 enterprises State Labour Inspectorate (SLI) in 2006 has established 1802 cases of illegal employment, mostly in Riga and around the city, which is twice as much as in 2005. As noted by director of SLI the cases of illegal employment still take place notwithstanding the joint efforts of SLI, State Border Guard and State Revenue Service. Most of illegal migrants are employed in construction (23%), wood-processing (24%), trade sector (14%), forestry (13%) and service-sector, especially in hotels and restaurants. The fine envisaged by the law is 2000-10 000 LVL but workers could be imposed fined 100-500LVL.<sup>91</sup> Dealing with relatively high rates of illegal employment has been mentioned as priority for SLI during 2006.<sup>92</sup> During one inspection 19 Bulgarians were caught working without work-permits.

According to State Border Guard there are 4 persons who reside in Latvia for a long time without established citizenship. Those persons are not registered in OCMA. There is also one Estonian citizen residing without the residence permit and three foreigners with undetermined status. There are 34 foreigners who have resided illegally in Latvia in December - 11 coming from Moldova, 9 from Russia, 4 from Ukraine, 3 Belarus, and 1 from Lithuania, Finland and Georgia. State Border Guard manage to find 21 foreigners working without work permit – 20 from Bulgaria and 1 from Russia. State Border guard has also caught 159 stateless persons.

This year altogether 226 foreigners violated the relevant rules on residence and visas. According to State Border Guard during 2006 in total 131 persons were caught working without work permit. Those were citizens of Bulgaria (79), Russia (11), Uzbekistan (9), USA

89 National News Agency LETA, 2.01.2007.

90 Zane Atlāce "Dabaspēka problēmu risina viesstrādnieki" (The problem of workforce is solved by guest workers), evening newspaper Rigas Balss, 12.12.2006.

91 Reida laikā par strādāšanu bez darba atļaujām aiztur 19 Bulgārijas pilsoņus [During a raid 19 Bulgarian citizens caught for working without work-permits] National News Agency LETA 7.12.2006.

92 Šogad atklāti 1346 nelegāli nodarbinātie, [www.DELFI.lv](http://www.DELFI.lv), 11.10.2006.

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(4), Israel (4), Ukraine (3). In the same context 153 employers have been held responsible for employing foreigners illegally.<sup>93</sup> Stricter controls are envisaged starting from 1 January 2007.<sup>94</sup>

The number of illegal immigrants has decreased. While in 2005 it was 190 persons, this year the figure is only 139 citizens of Russia (39), Ukraine (20), Moldova (42) and others.

In relation to declaration of residence the cases when persons residing in Latvia do not register have decreased: while in 2005 the number was 1280, in 2006 it dropped to 847.

### ***Naturalization***

In 2006 altogether 10 581 applicants applied for Latvian citizenship. The figure is lower than during 2005 when the number of applicants was 19 807. However, while during 2005 citizenship was granted to 19 169 applicants, during 2006 the number is 16 439.<sup>95</sup>

Since the beginning of naturalization, 2401 persons renounced Latvian citizenship including 709 minors.<sup>96</sup>

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93 Press release "Work of immigration authorities in 2006", prepared by State Border Guard, 20.02.2007.

94 National News Agency LETA, 7.01.2007.

95 See the home page of the Naturalisation Board [http://www.np.gov.lv/lv/faili\\_lv/stat\\_latv.xls](http://www.np.gov.lv/lv/faili_lv/stat_latv.xls).

96 National News Agency LETA, 7.01.2007.

## CHAPTER X. SOCIAL SECURITY

According to the Ministry of Welfare there are no problems to determine whether benefit belongs to Regulation 1408/71 or 1612/68. In general there are very few benefits to be paid at all, especially those which can be considered as 'social advantages' or non-contributory payments.

The *Law on Social Insurance*<sup>97</sup> provides for five modes of insurance: state pension insurance, social insurance in cases of unemployment, social insurance in cases of accidents at work and occupational disease, disability, maternity and health insurance. According to Article 5 all persons under 15 years of age employed in Latvia are subjects of the Law. Article 6 identifies categories of persons which shall be subject to specific kind of insurance.

According to amendments the new category of beneficiaries has been introduced in Article 1: person who is employed by employer of another EU or EEA Member State and who in accordance with Articles 13-17 of the Regulation 1408/71 is subject to Latvian laws. Article 6 has been supplemented and provides that employer of another Member State and a person to whom in accordance with Articles 13-17 of the Regulation 1408/71 Latvian laws apply can agree on the status of employee on basis of which s/he will pay obligatory contributions. It can be done in the status of either as employee or in status of internal employee for external employer. The information on choice shall be provided for State Revenue Service. The choice will result in differences for entitlement to benefits, for instance, accident at work benefit. The procedure for social insurance payments is set in Regulations No 397 of the Cabinet of Ministers *On registration of those making state social insurance obligatory payments and reports on state social insurance obligatory payments and income tax of individuals*.<sup>98</sup> These payments constitute contribution to future benefits, if needed, in the proportions set by the Cabinet of Ministers.<sup>99</sup>

Article 4 of *Law on State Social Benefits*<sup>100</sup> provides that persons who can qualify for benefits are Latvian citizens, non-citizens, as well as foreigners and stateless persons granted personal identity code and residing permanently in Latvia. Paragraph 2 of the same Article provides that such rights are not accorded to temporary residents. Moreover, the residence requirement is applicable also to Latvian citizens and non-citizens. Respective institutions will be guided by declaration of residence which should be submitted to OCMA. In practice, however, the system might not be efficient because of lack of effective control. In addition 15 March 2005 Cabinet of Ministers adopted Regulations No. 180 *on Procedure according to which Ministry for Children and Family Affairs provides State Social Insurance Agency with information which is necessary for implementation of tasks envisaged in Council Regulation 1408/71 and procedure for Ministry's cooperation with Ministry of Welfare for solving cross-border situations in application of the Regulation mentioned*.<sup>101</sup> Ministry for Children and Family Affairs provides Ministry of Welfare upon the request with necessary information.

Paragraph 5 of Article 4 to the *Law on Social Benefits* was challenged as to its constitutionality in Constitutional Court.<sup>102</sup> It provides that social insurance benefit is provided in case of disability or old age if citizens, non-citizens, foreigners and stateless persons with permanent residence rights have resided in Latvia for at least 60 months including 12 months consecutively. The case was initiated by widow in the name of her son who lost his father while he was conducting business in Russia. According to authorities they were not obliged to provide for social benefit in case of loss of supporter if residence of supporter for 12 months before death has not been in Latvia. The Constitutional Court referred to Article

97 OG No.274-276 21.10.1997 with amendments until OG No.207 29.12.2006.

98 OG No. 413/417, 17,11,2000 with amendments until OG No. 206, 23.12.2006.

99 Regulations No.1029 on Division of Rate of State Social Insurance contributions among state social insurance modes, OG No.204, 22.12.2006.

100 OG No. 168 19.11 2002 as amended until 02.03.2006 OG No.38 7.03.2006. Lately two judgments of the Constitutional Court require further amendments OG No. 177 7.11.2006 and OG No.34 27.02.2007.

101 OG No. 46 18.03.2005.

102 Case No. 2005-19-01, 22.12.2005.

110 of the Constitution which provides for protection of marriage, family, parents and children. It also provides for protection of children left without parents. The Court referred to the judgment of the ECtHR in case *James and Others v. The UK* (21.02.1986) in order to establish whether this limitation corresponds to the interests of society and to establish the link with a person and Latvia. The Court has also referred to the Convention on rights of the Child. According to the Court the norm challenged sets different treatment in cases of children who have lost their supporter. Thus, the Court declared as unfounded the difference made on basis of length or residence of the supporter in Latvia.

Constitutional Court had to deal also with a case when child-care benefit was differentiated on basis of the fact whether mother continues to work full-time or part time. According to the Court mothers qualifying for child-care benefit until child reaches 1 year of age and working on full time basis are in a different position as mothers working on part time basis.<sup>103</sup>

Finally *Law on Social services and social assistance*<sup>104</sup> should be mentioned. This law is also applicable only in relation to citizens, non-citizens, foreigners with personal identity code in Latvia. The law is not applicable in relation to persons holding temporary residence. The procedure is further set by Cabinet of Ministers and local governments. The Law sets general framework for application for social services and assistance. In order to apply for assistance the income of person should be below minimum subsistence level.

The issues related to supplementary pension schemes are regulated in the Law on Private Pension Funds<sup>105</sup> which transposes Directives 98/49/EC, 2001/107/EC, 85/611/EEC, and 2003/41/EC. According to the Ministry of Welfare currently there are very few cases when the Law is applicable. Therefore, at present no apparent problems appear in this regard.

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103 OG No.177, 07.11.2006.

104 OG No.168 19.11.2002, as amended until 21.06.2007 OG No.107, 05.07.2007.

105 OG No.150, 20.06.1997, as amended until 10.11.2005, OG No. 189, 25.11.2005.

## CHAPTER XI. ESTABLISHMENT, PROVISION OF SERVICES, STUDENTS

### *Establishment and Services*

According to Section 20 of Regulations 586 EU citizen can enter and reside in Latvia if s/he is self-employed person or service provider. Person shall register at State Revenue Service and pay individual income tax according to the Law on Individual Income Tax.<sup>106</sup>

During 2005 there were discussions on the need to make easier registration of self-employed persons and companies. The amendments in *Commercial Law* were adopted on 16 March 2006.<sup>107</sup> The amendments provide that not only notary can certify the signature but also Register of Enterprises. Thus, Register will have access to the Register of Residents and to the database of invalid identity documents. The amendments also rationalize information to be submitted for the registration.<sup>108</sup> Reference to EU Directives transposed with *Commercial law* has been amended and now includes references to Directives 68/151/EEC, 77/91/EEC, 78/855/EEC, 82/891/EEC, 89/666/EEC, 89/667/EEC and 86/653/EEC.

Currently there are five EU practicing sworn advocates in Latvia – four from Germany, two from the UK.<sup>109</sup>

The Commission has initiated infringement procedure No.2006/2233 in relation to requirement that only Latvian citizens can work as notaries. Latvian Government has prepared response where arguments of the Commission are not accepted. According to government notaries play a special role in Latvia and requirements set in national legislation are strict. Notaries belong to court system and exercise public power in performing their duties. Notaries are considered to belong to State officials. Acts of notaries have special legal force. Notaries enjoy wide competencies in inheritance issues, protests of bills of exchange, entries into Land register, enforcement procedures in under Law on Civil Procedure, paternity issues, and alike. Therefore, the Government is of the opinion that notaries in Latvia are covered by exception clause in paragraph 4 of Article 39 of EC Treaty and Article 45 EC Treaty. The Government has also made reference to Directive 2005/36 and exceptions mentioned there and concluded that Directive 89/48/EEC is not applicable in relation notaries.<sup>110</sup>

### *Students*

Students (especially the introduction of foreign students' quotas in some countries and the issue of private institutions' diplomas which have to be recognised by universities)

Amendments to the *Law on Institutions Higher Education* were adopted on 2 March 2006.<sup>111</sup> The amendments aim at bringing the legal status of institutions of higher education in line with *Commercial Law* and the *Law on State Public Service*. The amendments provide that foreigners without permanent residence permit can be admitted to universities and other institutions of higher education without having permanent residence permit. There is no quota set for foreign students to be admitted. If international agreements concluded by Latvia do not provide otherwise foreigners can be admitted if:

- documents of secondary education correspond to Latvian standards and have been verified in accordance with procedure of academic recognition of diplomas;
- knowledge corresponds to entry requirements of respective educational institution;
- knowledge of language of instruction is sufficient;
- study fee shall be paid according to agreement with respective institution and it should not be below the expenses for education;

106 <http://www.vid.gov.lv/default.aspx?tabid=8&id=23&hl=2>.

107 OG No. 158/160 04.05.2000 as amended until 16.03.2006 OG No. 53 31.03.2006

108 "Atvieglos komersantu un amatpersonu reģistrāciju UR", news portal *www.DELFI.lv*, 16.03.2006.

109 Leonards Pāvils "Advokātu skaits tuvojas tūkstošim" [interview with Chairman of the Council of Sworn Advocates, Mr. Janis Grinbergs]. legal weekly journal *Jurista Vārds*, 10 (413), 7.03.2006.

110 Letter prepared by Ministry of Justice on 6.12.2006.

111 OG No.1 11.01.1996 with amendments until 02.03.2006, OG No.48 23. 03.2006.



- study fee for EU citizens and their children who acquire education in Latvia is set and covered under the same conditions as for Latvian citizens.

It shall be noted that Article 83 of *Law on Institutions of Higher Education* does not contain references to family members who are third country nationals.

According to Article 52 of the Law there are a number of places determined by State which are financed from budget. The procedure for that is set by the Cabinet of Ministers. Once student has been admitted and is financed from the budget, the student is eligible for monthly stipend. The procedure is further set by the Cabinet of Ministers.

Regulations No.220 on the *Procedure according to which study credit and student loan from credit authority with State guarantee is granted, returned and discharged*.<sup>112</sup> According to Section 3 credit and loan is available to students who are citizens, non-citizens as well as EU citizens possessing permanent or temporary residence permit. Credit is available for obtaining one program and is granted for the duration of the studies without taking into account the periods of interrupted studies. In case if a student is applying for another credit previous credits shall be returned. Student loan is available for full-time students. Study credit is available to full-time and part-time students. Study credit according to Section 17 covers the tuition fee. In case if student requests a credit for studies outside Latvia, the commission of the Ministry of Education and Science sets the amount of credit and loan by taking into account tuition fee and residence expenses. According to Section 18 maximum total sum of credit and loan for studies abroad shall not exceed 15 000-20 000 LVL for studies in one or several programs. Student loan shall not exceed 120 LVL a month. During studies percents of study credit are charged from budget. In case if percentage charged by respective bank exceeds 5% the difference shall be paid from State budget. Student shall pay only 5%.

Cabinet of Ministers Regulations No. 740 on *stipends*<sup>113</sup> set the minimum amount of stipends and the procedure for granting stipends. According to Regulations those who study in institutions of higher education, professional programs of primary and secondary education can be entitled to stipends from State budget or the budget of local governments on competitive terms. Section 3 is nationality-neutral and provides for only two conditions for a student to be entitled to a stipend: (i) successful and timely passing of the exams; (ii) sufficient amount of course credits during academic year. According to Section 5 it is for each institution of higher education to adopt regulations on stipends and to establish a commission reviewing applications. Commission shall consist of representatives of administration, academic personnel as well as student representatives. The Regulations also provide for procedures to be followed in order to establish Stipend Fund. According to Section 8 minimum monthly stipends are 70 LVL for first degree, professional degree and master degree programs. In case of doctoral students stipends are 80LVL for studies and 60 LVL for obtaining a degree. Students enrolled in professional studies on the level of primary or secondary education are entitled to stipend approximately 20 LVL a month.

The new Law on Higher education is expected to be adopted by autumn 2007.

In order for private educational institutions they have to get accreditation for both institution and program. The procedure for establishing private educational institutions of higher education is set in Law on Institutions of Higher Education.<sup>114</sup> Once the Council of the Higher Education confirms that institution corresponds to the requirements of the law, the Ministry issues accreditation act.

In order to run a program, institution shall apply first, for licence for the program, and second, for accreditation. If the program is accredited the diploma is recognized in Latvia as diploma of higher education and no further recognition is needed. The same procedure is applicable also in relation to branches of foreign universities.

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112 OG No. 97 22.06.2001 with amendments until 31.10.2006, OG No. 176 3.11.2006. Regulations contain informative reference on transposition of Directive 93/96/EEC and Directive 2004/38/EC.

113 Adopted on 24.08.2004 OG No.21, 11.11.2004 with amendments until Regulations No.1067 28.12.2006 OG No. 208, 30.12.2006.

114 OG.No.175 17.11.1995, as amended until OG No.72 5.05.2007.

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The number of foreign students in Latvia remains very low since language of instruction is Latvian in all institutions of higher education, with a few very specific exceptions.

## CHAPTER XII. MISCELLANEOUS

There are several amendments proposed in Regulations related to naturalization. The amendments aim at simplifying procedure on granting citizenship to children and disabled persons. Amendments will add to grounds on basis of which the process of naturalization will be stopped, i.e., if there are not legal grounds, if applicant so wishes, in case of death of applicant or in case if minor has already acquired citizenship. New Regulations will provide that naturalization process will be stopped in case if applicant will not show up for language exam and does not submit any excuses for two months. In addition Ministry of Justice has submitted amendments in Regulations on language and knowledge exam. The reason for amendments is to set the procedure according to which applicants who are 15 years old pass language exam.<sup>115</sup>

**Conferences and seminars**

- 1) *Research and conference: Latvia and Free movement of labor: The Case of Ireland.* Latvia's Commission of Strategic Analysis under the Auspices of the President of the Republic of Latvia 10.01.2006. ([http://www.president.lv/images/modules/items/PDF/item\\_489\\_Irijas\\_piemers\\_zinojums.pdf](http://www.president.lv/images/modules/items/PDF/item_489_Irijas_piemers_zinojums.pdf))
- 2) *Conference "Does Latvia Follow Ireland's Path: Migration of Workforce?"*, Latvia's Foreign Ministry 18.01.2006. <http://www.am.gov.lv/en/news/press-releases/2006/January/16-2/> <http://209.85.129.104/search?q=cache:7nRVU1t7c-wJ:www.policy.lv/index.php%3Fid%3D103059%26lang%3Den+ivars+ind%C4%81ns&hl=lv&ct=clnk&cd=74&gl=lv>
- 3) *Conference "Latvian labor force: skilled and cheap?"*, EU Information Agency 23.03.2006.
- 4) *Research and conference "Does Latvia need immigration?"*, Hansabanka, 15.06. 2006. <http://www.hansabanka.lv/docs/materiali.php?nmid=0&naid=2>
- 5) *Research and conference "Latvian immigration policy: problems and perspectives"* K. Adenauer Foundation and Latvian Institute of International Affairs 20.06.2006 (<http://www.politika.lv/index.php?id=10021>)
- 6) *Conference "Latvia on its way to welfare: potential for development and perspectives"* Bank of Latvia 18.10.2006. <http://www.bank.lv/lat/print/?43980>
- 7) *Conference „Unclear transformations – new challenges on national and international level”*, University of Latvia, Strategic Analysis Commission, 10. 11.2006. <http://209.85.129.104/search?q=cache:1H3OtX8nVDgJ:www.lu.lv/laikraksts/zinas/614/index.html+ivars+ind%C4%81ns&hl=lv&ct=clnk&cd=13&gl=lv>
- 8) *Seminar "Labor force deficit and labor policy: problem issues and suggestions"* 24.11.2006, Latvian Institute of International Affairs [http://www.fes-baltic.lv/cms/upload/dokumente/Arbeitsmarktpolitik\\_Indans\\_lett..pdf](http://www.fes-baltic.lv/cms/upload/dokumente/Arbeitsmarktpolitik_Indans_lett..pdf)
- 9) Different studies available at the home page of the Ministry of Welfare, including those made by financial support of European Social Fund: <http://www.darbatirgus.gov.lv/index.php?id=100&sa=&top=33&projGr=9&projId=28&projId=27&projId=29>
- 10) *Public discussion forum "Who will work in Latvia?"* (representatives of all political parties participated) State Employment Agency, 29.09.06

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115 Nedaudz vienkāršos bērnu atzīšanu par pilsoņiem [Recognition of children as citizens will be slightly simpler], [www.DELFI.lv](http://www.DELFI.lv) 19.10.2006. Izstrādāta vienota pilsonības iegūšanas kārtība [Unified procedure for acquiring citizenship has been elaborated] Ministry of Justice 19.10.2006, available at <http://www.mk.gov.lv/aktuali/zinas/2006gads/10/tieslietu19102006-01/?print>.

- 11) Conference “Latvia: new Ireland? Emigration – shortage of workforce- immigration ...”, 23 November 2006, Goethe Institute in Riga, European Movement in Latvia, EC Delegation in Latvia

### **Studies and Articles**

- 1) K. Kruma, Third country national status directive: test for migration policies of Member States, *Latvia in the European Union*, EU Information Agency, No.1, February 2006, p. 28-30 (in Latvian)
- 2) K. Kruma, I. Indans, *Free Movement of Workers and Immigration. EU regulative framework, in Latvian immigration policy: problems and perspectives*, Latvian Foreign Policy Institute and Konrad Adenauer Foundation, 2006, p. 29-46 (in Latvian). Available at <http://www.politika.lv/index.php?id=10021>
- 3) K. Kruma, The Ruling of the European Court of Justice on Migration: European Community Competence is Getting Shape (case review C-540/03), monthly legal journal *Likums un Tiesības* [Law and Justice], September 2006, Vol. 8, No. 9 (85), p. 282-288 (in Latvian)
- 4) K. Dupate, Are there “women” jobs and “men” jobs?, weekly legal magazine *Jurista vārds* [Lawyer’s word], 31 January 2006, No. 5 (408) (in Latvian)
- 5) K. Dupate, Limitations on dismissal of pregnant women, weekly legal magazine *Jurista vārds* [Lawyer’s word], 5 December 2006, No. 48 (451) (in Latvian)